

Public Law 100-17
100th Congress

An Act

Apr. 2, 1987

[H.R. 2]

Surface
Transportation
and Uniform
Relocation
Assistance Act of
1987.
State and local
governments.
23 USC 101 note.

To authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Surface Transportation and Uniform Relocation Assistance Act of 1987”.

(b) TABLE OF CONTENTS.—

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TITLE I—FEDERAL-AID HIGHWAY ACT OF 1987

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Sec. 103. Approval of cost estimate and authorization of appropriations for interstate substitute projects.

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23 USC 101 note. **SEC. 2. SECRETARY DEFINED.**

As used in this Act, the term "Secretary" means the Secretary of Transportation.

Federal-Aid
Highway Act of
1987.

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1987

23 USC 101 note. **SEC. 101. SHORT TITLE.**

This title may be cited as the "Federal-Aid Highway Act of 1987".

SEC. 102. APPROVAL OF INTERSTATE COST ESTIMATE AND EXTENSION OF INTERSTATE PROGRAM.

(a) FISCAL YEAR 1988.—The Secretary shall apportion for fiscal year 1988 the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956 for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the Committee Print Numbered 100-5 of the Committee on Public Works and Transportation of the House of Representatives.

23 USC 104 note.

23 USC 101 note.

(b) EXTENSION OF INTERSTATE PROGRAM THROUGH FISCAL YEAR 1993.—

(1) EXTENSION OF ICE APPROVAL PROCESS.—Section 104(b)(5)(A) of title 23, United States Code, is amended by inserting after “September 30, 1990.” the following: “The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1989. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years 1991 and 1992. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1991. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year 1993.”.

(2) ADMINISTRATIVE ADJUSTMENT OF ICE; EXCESS APPORTIONMENTS.—Such section 104(b)(5)(A) is further amended by adding at the end the following: “On October 1 of each of fiscal years 1988, 1989, 1990, and 1991, whenever Congress has not approved a cost estimate under this subparagraph, the Secretary shall make the apportionment required by this subparagraph using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds. If, before apportionment of funds under this subparagraph for any fiscal year, the Secretary and a State highway department agree that a portion of the apportionment to such State is not needed for such fiscal year, the amount of such portion shall be made available under section 118(b)(2) of this title.”.

(3) CONFORMING AMENDMENT.—The second paragraph of section 101(b) of such title is amended—

(A) by striking out “thirty-four years’ ” and inserting in lieu thereof “thirty-seven years’ ”; and

(B) by striking out “1990” and inserting in lieu thereof “1993”.

(c) MINIMUM APPORTIONMENT.—For any fiscal year beginning after September 30, 1987, no State, including the State of Alaska,

Alaska.

23 USC 104 note.

shall receive less than $\frac{1}{2}$ of 1 percent of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended and shall also be available for expenditure to carry out section 152 of title 23, United States Code.

SEC. 103. APPROVAL OF COST ESTIMATE AND AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SUBSTITUTE PROJECTS.

23 USC 103 note.

(a) **FISCAL YEAR 1987.**—The Secretary shall apportion for fiscal year 1987 the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the Committee Print Numbered 100-6 of the Committee on Public Works and Transportation of the House of Representatives.

(b) **AUTHORIZATION OF APPROPRIATIONS; PERIOD OF AVAILABILITY OF APPORTIONED FUNDS; EXTENSION OF SUBSTITUTE ICE APPROVAL PROCESS.**—Section 103(e)(4) of title 23, United States Code, is amended to read as follows:

“(4) **INTERSTATE SUBSTITUTE PROGRAM.**—

“(A) **WITHDRAWAL OF APPROVAL.**—Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw approval of any route or portion thereof on the Interstate System which was selected and approved in accordance with this title, if the Secretary determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if the Secretary receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof.

“(B) **SUBSTITUTE PROJECTS.**—When the Secretary withdraws approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, or up to and including the 1983 interstate cost estimate, whichever is earlier, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of approval of each substitute project under this paragraph, or the date of approval of the 1983 interstate cost estimate, whichever is earlier, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or highway construction projects on any public road, or both, which will serve the area or areas from which the interstate route or portion thereof was with-

drawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located. Each project constructed under this paragraph on a Federal-aid system shall be subject to the provisions of this title applicable to such system. Each project constructed under this paragraph not on a Federal-aid system shall be subject to the provisions of this title applicable to projects on the Federal-aid secondary system.

“(C) DEADLINE FOR WITHDRAWAL.—The Secretary shall not approve any withdrawal of a route under this paragraph after September 30, 1983—

“(i) except that with respect to any route which on November 6, 1978, is under judicial injunction prohibiting its construction the Secretary may approve withdrawals until September 30, 1986, and

“(ii) except that with respect to any route which on May 12, 1982, is under judicial injunction prohibiting its construction, the Secretary may approve withdrawals on such route until September 30, 1985.

“(D) PROJECT APPROVAL; FEDERAL SHARE.—Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of each substitute project shall not exceed 85 percent of the cost thereof.

“(E) AVAILABILITY OF FUNDS FOR SUBSTITUTE PROJECTS.—

“(i) TIME PERIOD.—The sums apportioned and the sums allocated under this paragraph for public mass transit projects and for highway construction projects in a State shall remain available for obligation in such State for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year.

“(ii) REAPPORTIONMENT OR REALLOCATION.—Any sums which are apportioned or allocated to a State and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of the period of availability established by clause (i) shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them. Such reapportionments shall be in accordance with the latest approved or adjusted estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.

“(F) ADMINISTRATION OF TRANSIT FUNDS.—The sums obligated for mass transit projects under this paragraph shall

become part of, and be administered through, the Urban Mass Transportation Fund.

“(G) AUTHORIZATION OF APPROPRIATIONS FOR HIGHWAY PROJECTS.—For the fiscal year ending September 30, 1983, \$257,000,000 shall be available out of the Highway Trust Fund for expenditure at the discretion of the Secretary for projects under highway assistance programs. There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for expenditure under this paragraph for projects under highway assistance programs \$700,000,000 per fiscal year for each of fiscal years 1984 and 1985, \$693,825,000 for fiscal year 1986, and \$740,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

“(H) DISTRIBUTION OF SUBSTITUTE HIGHWAY FUNDS.—

“(i) BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.—Subject to section 149(d) of the Federal-Aid Highway Act of 1987, 25 percent of the funds made available by subparagraph (G) for each of fiscal years 1984, 1985, 1986, 1987, 1988, 1989, 1990, and 1991 for substitute highway projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 75 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress or adjusted by the Secretary.

“(ii) FISCAL YEARS 1985, 1986, AND 1987 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal years 1985, 1986, and 1987.

“(iii) FISCAL YEARS 1988, 1989, 1990, AND 1991 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal year 1988. If such estimate is not approved by Congress by September 30, 1987, the Secretary shall adjust such estimate in accordance with this clause and use the Federal share of the adjusted estimate in making apportionments for fiscal year 1988. The Secretary shall adjust such estimate annually thereafter in accordance with this clause and shall use the Federal share of such adjusted estimate in making apportionments for substitute highway projects for fiscal years 1989, 1990, and 1991. The adjustments required by this clause shall reflect previous withdrawals of interstate segments, changes in State estimates in the division of funds between sub-

stitute highway and transit projects, amounts made available in prior fiscal years, and the availability and reapportionment of funds under subparagraph (E).

“(I) AUTHORIZATION OF APPROPRIATIONS FOR TRANSIT PROJECTS.—There are authorized to be appropriated for liquidation of obligations incurred for substitute transit projects under this paragraph the sums provided in section 4(g) of the Urban Mass Transportation Act of 1964.

49 USC app.
1603.

“(J) DISTRIBUTION OF SUBSTITUTE TRANSIT FUNDS.—

“(i) BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.—Fifty percent of the funds appropriated for each fiscal year beginning after September 30, 1983, for carrying out substitute transit projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 50 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress or adjusted by the Secretary.

“(ii) FISCAL YEARS 1985, 1986, AND 1987 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal years 1985, 1986, and 1987.

“(iii) FISCAL YEARS 1988, 1989, 1990, AND 1991 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal year 1988. If such estimate is not approved by Congress by September 30, 1987, the Secretary shall adjust such estimate in accordance with this clause and use the Federal share of the adjusted estimate in making apportionments for fiscal year 1988. The Secretary shall adjust such estimate annually thereafter in accordance with this clause and shall use the Federal share of such adjusted estimate in making apportionments for substitute transit projects for fiscal years 1989, 1990, and 1991. The adjustments required by this clause shall reflect previous withdrawals of Interstate segments, changes in State estimates in the division of funds between substitute highway and transit projects, amounts made available in prior fiscal years, and the availability and reapportionment of funds under subparagraph (E).

“(K) REDUCTION OF INTERSTATE APPORTIONMENT.—

“(i) IN GENERAL.—Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the

Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all interstate routes in that State as reflected in the latest cost estimate approved by the Congress.

23 USC 101 note.

“(ii) EXCEPTION.—In any State where the withdrawal of an interstate route or portion thereof has been approved under this section prior to the date of the enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on such date of enactment shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown in the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all interstate routes in that State, as shown in such cost estimate; except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph before such date of enactment.

“(L) APPLICABILITY OF UMTA.—

49 USC app. 1601
note.
49 USC app.
1602.

“(i) SUPPLEMENTARY FUNDS.—Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964.

“(ii) LABOR PROTECTION.—The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964 shall apply in carrying out this paragraph.

23 USC 101 note.

“(M) LIMITATION ON INTERSTATE DESIGNATIONS.—After the date of the enactment of the Federal-Aid Highway Act of 1978, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law. The preceding sentence shall not apply to a designation made under section 139 of this title.

“(N) OPEN TO TRAFFIC REQUIREMENT.—After September 30, 1979, the Secretary shall not withdraw his approval under this paragraph of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal. Any withdrawal of approval of any such route or portion thereof before September 30, 1979, is hereby determined to be authorized by this paragraph.

“(O) LIMITATION ON SUBSTITUTION FOR STATUTORILY DESIGNATED ROUTES.—Any route or segment which was statutorily designated after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.

“(P) RIGHT-OF-WAY PAYBACK.—

“(i) ENFORCEMENT.—Of sums apportioned or allocated under this paragraph to a State, the Secretary shall not obligate for projects in such State an amount equal to the amount of Federal funds expended to purchase the right-of-way for any withdrawn route or portion thereof if the right-of-way is not first disposed

of (or applied to a project in accordance with paragraph (5)(B), (6)(B), or (7)) by the State.

“(ii) LIMITATION ON APPLICABILITY.—Clause (i) shall not apply to sums apportioned or allocated under this paragraph to a State for a fiscal year if the projected total amount of funds to be apportioned and allocated under this paragraph to such State in succeeding fiscal years exceeds the amount of Federal funds expended to purchase the right-of-way.

“(iii) RELEASE OF FUNDS.—The Secretary may obligate for projects in a State under this paragraph any funds withheld from obligation in such State if the State repays an equivalent amount in accordance with paragraph (5)(B), (6)(B), or (7), as the case may be, or if the Secretary determines that such repayment is not required under such paragraph.”.

(c) SUBSTITUTE TRANSIT PROJECTS.—

23 USC 103 note.

(1) INCREASE IN COST TO COMPLETE.—The cost of completing substitute transit projects under section 103(e)(4)(B) of title 23, United States Code, is increased by \$100,000,000.

(2) APPORTIONMENT FACTORS.—Notwithstanding section 103(e)(4) of such title, funds appropriated to carry out projects as a result of enactment of paragraph (1) shall be made available in accordance with the apportionment factors contained in the Committee Print Numbered 100-2 of the Committee on Public Works and Transportation of the House of Representatives.

(d) CONTRACT DEADLINE FOR SUBSTITUTE PROJECTS.—

(1) ELIMINATION.—Subsection (e) of section 107 of the Federal-Aid Highway Act of 1978 (23 U.S.C. 103 note) is amended—

(A) in the first sentence by striking out “and all Interstate substitute projects pursuant to subsection (e)(4) of section 103 of title 23, United States Code (for which the Secretary finds that sufficient Federal funds are available)”;

(B) in the second sentence by striking out “and in the case” and all that follows through the period at the end of such subsection and inserting in lieu thereof a period.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect September 29, 1986.

23 USC 103 note.

(e) INCLUSION OF CERTAIN COSTS AS NON-FEDERAL SHARE.—If the State of Oregon completes construction of a segment of an east-west highway which segment connects 158th Avenue and Cornelius Pass Road in Washington County, Oregon, with funds made available under section 103(e)(4) of title 23, United States Code, the Secretary shall include as part of the non-Federal share of the cost of construction of such segment all funds expended by private land developers after January 1, 1980, on construction of such segment.

Oregon.

(f) CONFORMING AMENDMENTS.—(1) Section 103(e) of title 23, United States Code, is amended—

(A) by inserting “INTERSTATE SYSTEM.—” before “(1) The Interstate”;

(B) in paragraph (1) by inserting “DESIGNATION; MILEAGE LIMITATION.—” before “The Interstate”;

(C) in paragraph (2) by inserting “MODIFICATIONS.—” before “In addition”;

(D) in paragraph (3) by inserting “ADDITIONAL MILEAGE FOR IMPROVED EFFICIENCY.—” before “In addition”;

(E) in paragraph (5) by inserting "LIMITATION ON REFUNDS FOR WITHDRAWALS BEFORE NOVEMBER 6, 1978.—" before "Notwithstanding" and by striking out "; and" at the end of such paragraph and inserting in lieu thereof a period;

(F) in paragraph (6) by inserting "LIMITATION ON REFUNDS FOR WITHDRAWALS ON AND AFTER NOVEMBER 6, 1978.—" before "Notwithstanding" and by striking out the semicolon at the end of such paragraph and inserting in lieu thereof a period;

(G) in paragraph (7) by inserting "ADDITIONAL LIMITATION ON REFUNDS.—" before "In any" and by striking out "; and" at the end of such paragraph and inserting in lieu thereof a period;

(H) in paragraph (8) by inserting "PROTECTION OF PROPERTY RIGHTS.—" before "Nothing";

(I) in paragraph (9) by inserting "LIMITATION ON FUNDING OF MODIFIED MILEAGE PROJECTS.—" before "Interstate mileage";

(J) by indenting paragraph (1) and aligning such paragraph and paragraphs (2), (3), (5), (6), (7), (8), and (9) with paragraph (4) of such section, as amended by subsection (b) of this section; and

(K) by aligning subparagraphs (A) and (B) of paragraphs (5) and (6) with subparagraph (A) of such paragraph (4).

(2) Section 107(c)(2) of the Highway Improvement Act of 1982 (23 U.S.C. 103 note) is amended—

(A) by striking out "the second sentence" and inserting in lieu thereof "subparagraph (B)"; and

(B) by striking out "such sentence" and inserting in lieu thereof "such subparagraph".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM CONSTRUCTION.

23 USC 101 note.

The first sentence of subsection (b) of section 108 of the Federal-Aid Highway Act of 1956 is amended by striking out "and" after "September 30, 1987," and all that follows through the period at the end of such sentence and inserting in lieu thereof the following: "the additional sum of \$3,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1989, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1990, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1991, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1992, and the additional sum of \$1,400,000,000 for the fiscal year ending September 30, 1993."

23 USC 104 note.

SEC. 105. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law (other than subsection (f) of this section), the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

- (1) \$12,350,000,000 for fiscal year 1987;
- (2) \$12,350,000,000 for fiscal year 1988;
- (3) \$12,350,000,000 for fiscal year 1989;
- (4) \$12,350,000,000 for fiscal year 1990; and
- (5) \$12,350,000,000 for fiscal year 1991.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

- (1) under section 125 of title 23, United States Code;
- (2) under section 157 of such title;
- (3) under section 320 of such title;

(4) under section 147 of the Surface Transportation Assistance Act of 1978;

23 USC 144 note.

(5) under section 9 of the Federal-Aid Highway Act of 1981;

95 Stat. 1701.

(6) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

96 Stat. 2119.

(7) under section 118 of the National Visitor Center Facilities Act of 1968; and

40 USC 801 note.

(8) under section 404 of the Surface Transportation Assistance Act of 1982.

49 USC app.
2304.

Such limitations shall also not apply to obligations of funds made available by subsections (b) and (c) of section 149 of this Act.

(c) **DISTRIBUTION OF OBLIGATION AUTHORITY.**—For each of fiscal years 1987, 1988, 1989, 1990, and 1991 the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(d) **LIMITATION ON OBLIGATION AUTHORITY.**—During the period October 1 through December 31 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, no State shall obligate more than 35 percent of the amount distributed to such State under subsection (c) for such fiscal year, and the total of all State obligations during such period shall not exceed 25 percent of the total amount distributed to all States under such subsection for such fiscal year.

(e) **REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.**—Notwithstanding subsections (c) and (d), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, revise a distribution of the funds made available under subsection (c) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

23 USC 101 note.

23 USC 101 note.

(3) not distribute amounts authorized for administrative expenses, studies under sections 159, 164, 165, and 167 of this Act, Federal lands highways programs, and the strategic highway research program and amounts made available under section 149(d) of this Act.

(f) **ADDITIONAL OBLIGATION AUTHORITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), a State which after August 1 and on or before September 30 of fiscal year 1987, 1988, 1989, 1990, or 1991 obligates the amount distributed to

such State in such fiscal year under subsections (c) and (e) may obligate for Federal-aid highways and highway safety construction on or before September 30 of such fiscal year an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(A) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title, which are not obligated on the date such State completes obligation of the amount so distributed.

(2) **LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.**—During the period August 2 through September 30 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, the aggregate amount which may be obligated by all States pursuant to paragraph (1) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(A) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title, which would not be obligated in such fiscal year if the total amount of obligational authority provided by subsection (a) for such fiscal year were utilized.

(3) **LIMITATION ON APPLICABILITY.**—Paragraph (1) shall not apply to any State which on or after August 1 of fiscal year 1987, 1988, 1989, 1990, or 1991, as the case may be, has the amount distributed to such State under subsection (c) for such fiscal year reduced under subsection (e)(2).

(g) **OBLIGATION CEILING FOR HIGHWAY SAFETY PROGRAMS.**—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed \$10,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(h) **CONFORMING AMENDMENT.**—Section 157(b) of title 23, United States Code, is amended by striking out the period at the end of the last sentence and inserting in lieu thereof “and section 105(c) of the Federal-Aid Highway Act of 1987.”

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) **FROM THE HIGHWAY TRUST FUND.**—For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) **INTERSTATE 4R PROGRAM.**—For resurfacing, restoring, rehabilitating, and reconstructing the National System of Interstate and Defense Highways \$2,815,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, 1991, and 1992.

(2) **FEDERAL-AID PRIMARY SYSTEM.**—For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes \$2,325,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(3) **FEDERAL-AID SECONDARY SYSTEM.**—For the Federal-aid secondary system in rural areas \$600,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(4) **FEDERAL-AID URBAN SYSTEM.**—For the Federal-aid urban system \$750,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(5) **BRIDGE REPLACEMENT AND REHABILITATION.**—For bridge replacement and rehabilitation under section 144, \$1,630,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(6) **ELIMINATION OF HAZARDS.**—For projects for elimination of hazards under section 152, \$170,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(7) **INDIAN RESERVATION ROADS.**—For Indian reservation roads \$80,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(8) **FOREST HIGHWAYS.**—For forest highways \$55,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(9) **PUBLIC LANDS HIGHWAYS.**—For public lands highways \$40,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(10) **PARKWAYS AND PARK HIGHWAYS.**—For parkways and park highways \$60,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(11) **FHWA HIGHWAY SAFETY PROGRAMS.**—For carrying out section 402 by the Federal Highway Administration \$10,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(12) **FHWA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—For carrying out sections 307(a) and 403 by the Federal Highway Administration \$10,000,000 per fiscal year for fiscal years 1987, 1988, 1989, 1990, and 1991.

(13) **RAILROAD-HIGHWAY CROSSINGS.**—For carrying out projects for the elimination of railway-highway crossings on any public road, \$160,000,000 for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(b) **TRANSPORTATION OF CERTAIN NUCLEAR WASTE.**—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, \$58,000,000, to remain available until expended, for the upgrading of certain highways in the State of New Mexico for the transportation of nuclear waste generated during defense-related activities.

(c) **DISADVANTAGED BUSINESS ENTERPRISES.**—

(1) **GENERAL RULE.**—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under titles I and III of this Act or obligated under titles I, II, and III (other than section 203) of the Surface Transportation Assistance Act of 1982 after the date of the enactment of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) **DEFINITIONS.**—For purposes of this subsection—

(A) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$14,000,000, as adjusted by the Secretary for inflation.

23 USC 101, 401;
49 USC app. 1601
note; 96 Stat.
2138.

(B) **SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.**—The term “socially and economically disadvantaged individuals” has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) **ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.**—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State.

(4) **UNIFORM CERTIFICATION.**—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, résumé of principal owners, financial capacity, and type of work preferred.

(5) **APPLICABILITY.**—Section 105(f) of the Surface Transportation Assistance Act of 1982 shall not apply to amounts authorized under such Act and obligated after the date of the enactment of this Act.

96 Stat. 2100.

SEC. 107. FEDERAL-AID PRIMARY FORMULA.

Section 108 of the Highway Improvement Act of 1982 (23 U.S.C. 104 note) is amended by striking out “and 1986” each place it appears and inserting in lieu thereof “1986, 1987, 1988, 1989, 1990, and 1991”.

SEC. 108. ELIMINATION OF ROADSIDE OBSTACLES.

The second undesignated paragraph of section 101(a) of title 23, United States Code, relating to the definition of construction, is amended by inserting after “grade crossings,” the following: “elimination of roadside obstacles,”.

SEC. 109. EMERGENCY CALL BOXES.

The tenth undesignated paragraph of section 101(a) of title 23, United States Code, relating to the definition of highway safety improvement project, is amended by inserting after “pavement marking,” the following: “installs or replaces emergency motorist-aid call boxes,”.

SEC. 110. VENDING MACHINES AND STATE POLICE BARRACKS.

(a) **VENDING MACHINES.**—Section 111 of title 23, United States Code, is amended by inserting “(a) IN GENERAL.—” before “All agreements” and by adding at the end thereof the following new subsection:

“(b) **VENDING MACHINES.**—Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State

shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title."

(b) STATE POLICE BARRACKS.—Notwithstanding any provision of section 111 of title 23, United States Code, the Commonwealth of Massachusetts is authorized to construct a State Police Barracks, including customary access and egress, on State owned property at the intersection of I-93 and Route 3, in Quincy, Massachusetts.

SEC. 111. CONTRACTS.

(a) LETTING OF CONTRACTS.—Section 112(b) of title 23, United States Code, is amended by inserting "or that an emergency exists" before the period at the end of the first sentence.

(b) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b) of such title is further amended by striking out "Construction" and inserting in lieu thereof "(1) IN GENERAL.—Subject to paragraph (2), construction" and by adding at the end thereof the following new paragraph:

"(2) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—

"(A) GENERAL RULE.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services with respect to a project subject to the provisions of subsection (a) of this section shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirements.

40 USC 541.

"(B) APPLICABILITY.—

"(i) IN A COMPLYING STATE.—If, on the date of the enactment of this paragraph, the services described in subparagraph (A) may be awarded in a State in the manner described in subparagraph (A), subparagraph (A) shall apply in such State beginning on such date of enactment, except to the extent that such State adopts by statute a formal procedure for the procurement of such services.

"(ii) IN A NONCOMPLYING STATE.—In the case of any other State, subparagraph (A) shall apply in such State beginning on the earlier of (I) August 1, 1989, or (II) the 10th day following the close of the 1st regular session of the legislature of a State which begins after the date of the enactment of this paragraph, except to the extent that such State adopts or has adopted by statute a formal procedure for the procurement of the services described in subparagraph (A)."

(c) STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS.—Section 112 of such title is amended by redesignating subsection (e), and any references thereto, as subsection (f), and by inserting after subsection (d) the following new subsection:

"(e) STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS.—

Regulations.

23 USC 106.

"(1) **GENERAL RULE.**—The Secretary shall issue regulations establishing and requiring, for inclusion in each contract entered into with respect to any project approved under section 106 of this title a contract clause, developed in accordance with guidelines established by the Secretary, which equitably addresses each of the following:

"(A) Site conditions.

"(B) Suspensions of work ordered by the State (other than a suspension of work caused by the fault of the contractor or by weather).

"(C) Material changes in the scope of work specified in the contract.

The guidelines established by the Secretary shall not require arbitration.

"(2) **LIMITATION ON APPLICABILITY.**—Paragraph (1) shall apply in a State except to the extent that such State adopts or has adopted by statute a formal procedure for the development of a contract clause described in paragraph (1) or adopts or has adopted a statute which does not permit inclusion of such a contract clause."

(d) **CONFORMING AMENDMENTS.**—Section 112(b) of such title is further amended—

(1) by inserting "BIDDING REQUIREMENTS.—" after "(b)"; and

(2) by indenting paragraph (1), as designated by subsection (a) of this section, and aligning such paragraph with paragraph (2), as added by such subsection.

SEC. 112. CONVICT PRODUCED MATERIALS.

(a) **IN GENERAL.**—Subsection (b) of section 114 of title 23, United States Code, is amended to read as follows:

"(b) **CONVICT LABOR AND CONVICT PRODUCED MATERIALS.**—

"(1) **LIMITATION ON CONVICT LABOR.**—Convict labor shall not be used in construction of highways or portions of highways located on a Federal-aid system unless it is labor performed by convicts who are on parole, supervised release, or probation.

"(2) **LIMITATION ON CONVICT PRODUCED MATERIALS.**—Materials produced by convict labor may only be used in such construction—

"(A) if such materials are produced by convicts who are on parole, supervised release, or probation from a prison; or

"(B) if such materials are produced by convicts in a qualified prison facility and the amount of such materials produced in such facility for use in such construction during any 12-month period does not exceed the amount of such materials produced in such facility for use in such construction during the 12-month period ending July 1, 1987.

"(3) **QUALIFIED PRISON FACILITY DEFINED.**—As used in this subsection, 'qualified prison facility' means any prison facility in which convicts, during the 12-month period ending July 1, 1987, produced materials for use in construction of highways or portions of highways located on a Federal-aid system."

(b) **CONFORMING AMENDMENTS.**—(1) Subsection (a) of such section is amended by inserting "CONSTRUCTION WORK IN GENERAL.—" before "The construction of".

(2) Section 202 of the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriation Act, 1985 is repealed. 23 USC 114 note.

(3) Section 1761(d) of title 18, United States Code, is repealed.

SEC. 113. ADVANCE CONSTRUCTION.

(a) **SUBSTITUTE, URBAN, SECONDARY, BRIDGE, PLANNING, RESEARCH, AND SAFETY CONSTRUCTION PROJECTS.**—Subsection (a) of section 115 of title 23, United States Code, is amended to read as follows:

“(a) **SUBSTITUTE, URBAN, SECONDARY, BRIDGE, PLANNING, RESEARCH, AND SAFETY CONSTRUCTION PROJECTS.**—

“(1) **GENERAL RULE.**—Subject to paragraph (2), when a State—

“(A)(i) has obligated all funds apportioned or allocated to it under section 103(e)(4)(H), section 104(b)(2), section 104(b)(6), section 104(f), section 130, section 144, section 152, or section 307 of this title, or

“(ii) has used or demonstrates that it will use all obligation authority allocated to it for Federal-aid highways and highway safety construction, and

“(B) proceeds with a project funded under such an apportionment or allocation without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit the State to implementation of projects with the aid of Federal funds previously apportioned or allocated to it or limit a State to implementation of a project with obligation authority previously allocated to it for Federal-aid highways and highway safety construction,

the Secretary, upon approval of an application of the State, is authorized to pay to the State the Federal share of the cost of the project when additional funds are apportioned or allocated to the State under such section or when additional obligation authority is allocated to it.

“(2) **PLANS, SPECIFICATIONS, AND APPLICABLE STANDARDS.**—The Secretary may only make payments to a State with respect to a project if—

“(A) prior to commencement of the project the Secretary approves the plans and specifications therefor in the same manner as other projects, and

“(B) the project conforms to the applicable standards under this title.

“(3) **LIMITATION WITH RESPECT TO CURRENTLY AUTHORIZED FUNDS.**—The Secretary may not approve an application under this section unless an authorization for section 103(e)(4), 104, 130, 144, 152, or 307 of this title, as the case may be, is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State. No application may be approved which will exceed the State's expected apportionment of such authorizations. This paragraph shall have no effect during the period beginning January 1, 1987, and ending September 30, 1990.”

(b) **PRIMARY PROJECTS.**—Subsection (b)(1) of such section is amended to read as follows:

“(b) **INTERSTATE AND PRIMARY PROJECTS.**—

“(1) **IN GENERAL.**—When a State proceeds to construct any project on the Federal-aid primary system or the Interstate

23 USC 104.

System without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon approval of application of the State, is authorized to pay to the State the Federal share of the cost of construction of the project when additional funds are apportioned to the State under section 104(b)(1) or 104(b)(5), as the case may be, if—

“(A) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects, and

“(B) the project conforms to the applicable standards under section 109 of this title.”

(c) **LIMITATION FOR FISCAL YEARS 1987-1990.**—Such section 115 is further amended by adding at the end the following new subsection:

“(d) **LIMITATION ON ADVANCED FUNDING FOR FISCAL YEARS 1987-1990.**—The Secretary may not approve an application of a State under this section with respect to a project with funds apportioned, or currently authorized to be apportioned, under section 103(e)(4)(H), 104, 130, 144, 152, or 307 if the amount of approved applications with respect to such projects exceeds the total of unobligated funds apportioned or allocated to the State under such section, plus such State's expected apportionment under such section from existing authorizations plus an amount equal to such State's expected apportionment under such section (other than section 104(b)(5)(A)) for one additional fiscal year. This subsection shall only be effective during the period beginning January 1, 1987, and ending September 30, 1990.”

Effective date.

(d) **CONFORMING AMENDMENTS.**—(1) Such section 115 is amended—

(A) by striking out the heading for such section and inserting in lieu thereof the following:

“§ 115. Advance construction”;

(B) in subsection (b)(2) by inserting “**BOND INTEREST FOR PROJECTS UNDER CONSTRUCTION ON JANUARY 1, 1983.—**” after “(2)”; and

(C) in subsection (b)(3) by inserting “**BOND INTEREST.—**” after “(3)”; and

(D) in subsection (b) by aligning paragraphs (2) and (3) with paragraph (1), as amended by subsection (b) of this section;

(E) in subsection (c) by inserting “**COMPLETION OF PROJECTS.—**” after “(c)”; and

(F) in subsection (c) by striking out “or 144” and inserting in lieu thereof “134, 144, 152, or 307”.

(2) The analysis for chapter 1 of such title 23 is amended by striking out the item relating to section 115 and inserting in lieu thereof the following:

“115. Advance construction.”

SEC. 114. INTERSTATE DISCRETIONARY FUNDS.

(a) **CONSTRUCTION FUNDS; ADDITIONAL PRIORITY PROJECT.**—Paragraph (2) of section 118(b) of title 23, United States Code, is amended to read as follows:

“(2) **INTERSTATE CONSTRUCTION FUNDS.—**

“(A) **PERIOD OF AVAILABILITY.—**

"(i) APPORTIONMENTS BEFORE OCTOBER 1, 1989.—Except as otherwise provided in this subsection, sums apportioned before October 1, 1989, for the Interstate System in any State shall remain available for expenditure in the State until the end of the fiscal year for which authorized. Upon request of the State, the Secretary shall reduce the period of availability of such sums by 1 fiscal year.

"(ii) APPORTIONMENTS THEREAFTER.—Sums apportioned on or after October 1, 1989, for the Interstate System in any State shall remain available for expenditure in the State until expended.

"(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A)(i) shall lapse and, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be made available by the Secretary for projects on the Interstate System (other than projects for which sums are apportioned under section 104(b)(5)(B)) in accordance with the following priorities:

23 USC 104.

"(i) First, for—

"(I) high cost projects which directly contribute to the completion of a segment of the Interstate System which is not open to traffic; and

California.

"(II) high cost projects for construction of high occupancy vehicle lanes and other lanes on any highway in Los Angeles County, California, designated as a part of the Interstate System by section 140 of the Federal-Aid Highway Act of 1978 and the costs of construction of which are included in the interstate cost estimate for 1985.

92 Stat. 2711.

"(ii) Second, for projects of high cost in relation to a State's apportionment.

"(iii) Third, for projects with respect to which the Secretary may make payments under section 115 of this title.

"(C) LIMITATION ON STATES ELIGIBLE FOR DISCRETIONARY FUNDS.—Sums may only be made available under this paragraph in any State in a fiscal year if—

"(i)(I) the Secretary determines that the State has obligated all of its apportionments under section 104(b)(5)(A) of this title other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by the State to the Secretary for approval; or

"(II) the State certifies to the Secretary that the State will obligate before August 1 of the fiscal year all of its apportionments under section 104(b)(5)(A) other than such an insufficient amount; and

"(ii) the applicant for a project with respect to which the Secretary may not make payments under section 115 of this title is willing and able to—

"(I) apply the funds to a ready-to-commence project, and

"(II) in the case of construction work, begin work within 90 days of obligation.

"(D) EXCEPTION TO LIMITATION.—The Secretary may make funds available to the State of California for construction of

California.

high occupancy vehicle and other lanes described in subparagraph (B)(i)(II) whether or not such State has met the requirements of clause (i) of subparagraph (C). Nothing in this subparagraph shall be construed to give construction of such lanes priority over projects described in subparagraph (B)(i)(I).

“(E) LIMITATION ON SECRETARY’S DISCRETION.—If, within 365 days after any sums become available for obligation under this paragraph, the Secretary does not make such sums available for first priority projects under subparagraph (B)(i) of this paragraph, the Secretary shall make such sums available for carrying out second and third priority projects under subparagraph (B).

“(F) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.”.

23 USC 118.

(b) SET ASIDE OF 4R FUNDS FOR 4R DISCRETIONARY PROJECTS.—Section 118(c) of such title is amended by inserting “SET ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—” after “(c)”, by inserting “(1) SET ASIDE FOR CONSTRUCTION PROJECTS.—” before “Before”, and by adding at the end thereof the following new paragraph:

“(2) SET ASIDE FOR 4R PROJECTS.—Before any apportionment is made under section 104(b)(5)(B) of this title, the Secretary shall set aside \$200,000,000 for obligation by the Secretary in accordance with subsection (b)(3) of this section and subject to section 149(d) of the Federal-Aid Highway Act of 1987.”.

(c) LIMITATIONS ON STATES AND PROJECTS ELIGIBLE FOR 4R DISCRETIONARY FUNDS.—Paragraph (3) of section 118(b) of such title is amended to read as follows:

“(3) INTERSTATE 4R FUNDS.—

“(A) PERIOD OF AVAILABILITY.—Any amount apportioned to a State for the Interstate System under section 104(b)(5)(B) of this title shall continue to be available for expenditure in the State for a period of 1 year after the close of the fiscal year for which such sums are authorized.

23 USC 139.

“(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A) shall lapse and, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be made available by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 119(e) of this title). Such funds shall be made available by the Secretary to any other State applying for such funds, if the Secretary determines that—

23 USC 104.

“(i) the State has obligated all of its apportionments under section 104(b)(5)(B) other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by such State to the Secretary for approval; and

“(ii) the applicant is willing and able to (I) obligate the funds within 1 year of the date the funds are made available, (II) apply them to a ready-to-commence

project, and (III) in the case of construction work, begin work within 90 days of obligation.

“(C) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In selecting projects to fund under subparagraph (B), the Secretary shall give priority consideration to any project the cost of which exceeds \$10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

Urban areas.

“(D) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.”

(d) CREDIT FOR CERTAIN UNUSED RIGHT-OF-WAY.—Notwithstanding any other provision of law, the value of unused right-of-way acquired under section 104(b)(5)(A) of title 23, United States Code, or section 118(b)(2) of such title in the State of Arizona may be credited to the unobligated balance of funds apportioned to the State under section 104(b)(5)(B) of such title if requested by the State and approved by the Secretary.

Arizona.

(e) CONFORMING AMENDMENTS.—(1) The matter preceding the first colon in section 104(b) of title 23, United States Code, is amended by inserting after “subsection (a) of this section” the following: “and the set asides authorized by subsection (f) of this section and sections 118(c) and 307(d) of this title”.

Ante, p. 152; post, p. 167.

(2) Section 118 of such title is amended by striking out the heading for such section and inserting in lieu thereof the following:

“§ 118. Availability of funds”.

(3) Section 118(b) of such title is amended—

(A) in paragraph (1) by inserting “PERIODS OF AVAILABILITY OF FUNDS; DISCRETIONARY PROJECTS.—” before “(1)”;

(B) in paragraph (1) by inserting “PERIOD OF AVAILABILITY OF NON-INTERSTATE FUNDS.—” before “Sums”;

(C) in paragraph (4) by inserting “OBLIGATION AS EQUIVALENT TO EXPENDITURES; EFFECT OF RELEASE OF FUNDS.—” before “Sums”; and

(D) by indenting paragraph (1) and aligning such paragraph and paragraph (4) with paragraph (2), as amended by subsection (a) of this section.

(4) Section 118(c) of such title is further amended—

(A) by indenting paragraph (1), as designated by subsection (b) of this section, and aligning such paragraph with paragraph (2), as added by such subsection (b); and

(B) by striking out “Such amount” and inserting in lieu thereof “Subject to section 149(d) of the Federal-Aid Highway Act of 1987, such amount”.

(5) The analysis for chapter 1 of such title is amended by striking out the item relating to section 118 and inserting in lieu thereof the following:

“118. Availability of funds.”.

SEC. 115. FLEXIBILITY OF USE OF HIGHWAY FUNDS.

Section 118(f) of title 23, United States Code, relating to availability of sums apportioned to the State of Alaska, is amended by inserting “and the Commonwealth of Puerto Rico” after “the State of Alaska”.

Puerto Rico.

SEC. 116. INTERSTATE 4R PROGRAM.

(a) TRANSFER OF INTERSTATE CONSTRUCTION APPORTIONMENTS.—Section 119(d) of title 23, United States Code, is amended to read as follows:

Massachusetts.
Motor vehicles.

23 USC 104.

“(d) TRANSFER OF INTERSTATE CONSTRUCTION APPORTIONMENTS.—Upon application by a State (other than the State of Massachusetts) and approval by the Secretary, the Secretary may transfer to the apportionments to such State under section 104(b)(1) or 104(b)(5)(B) any amount of the funds apportioned to such State for any fiscal year under section 104(b)(5)(A) if such amount does not exceed the Federal share of the costs of construction of segments of the Interstate System open to traffic in such State (other than high occupancy vehicle lanes) included in the most recent interstate cost estimate. Upon transfer of such amount, the construction on which such amount is based on open-to-traffic segments of the Interstate System in such State as included in the latest interstate cost estimate shall be ineligible and shall not be included in future interstate cost estimates approved or adjusted under section 104(b)(5)(A).”

(b) TOLL ROAD AGREEMENTS.—Section 119 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

“(e) TOLL ROAD AGREEMENTS.—

“(1) REQUIREMENT.—The Secretary may approve a project pursuant to subsection (a) on a toll road only if an agreement satisfactory to the Secretary has been reached with the State highway department and each public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections.

“(2) TERMS.—An agreement under this subsection shall contain—

“(A) a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls as specified in paragraph (1) of this subsection, Federal funds used for projects on such toll road pursuant to this subsection shall be repaid to the Federal Treasury, and

“(B) a provision requiring that if such repayment does not equal or exceed Federal funds apportioned to a State by reason of including mileage on such toll road in an apportionment formula, the apportionment to the State shall be reduced by the amount needed to make the repayment equal the amount of such Federal apportionment.

“(3) TREATMENT OF SECTION 105 AGREEMENTS.—Any agreement entered into under section 105 of the Federal-Aid Highway Act of 1978 before the date of the enactment of this subsection shall be treated as an agreement entered into under this subsection.

“(f) TRANSFER OF FUNDS FOR PRIMARY SYSTEM PROJECTS.—

“(1) UPON CERTIFICATION ACCEPTANCE.—If a State certifies to the Secretary that any part of the sums apportioned to the State under section 104(b)(5)(B) of this title are in excess of the needs of the State for resurfacing, restoring, rehabilitating, or re-

constructing Interstate System routes and the Secretary accepts such certification, the State may transfer such excess part to its apportionment under section 104(b)(1).

23 USC 104.

"(2) UNCONDITIONAL.—Notwithstanding paragraph (1), a State may transfer to its apportionment under section 104(b)(1) of this title—

"(A) in fiscal year 1987, an amount not to exceed 20 percent of the funds apportioned to the State under section 104(b)(5)(B) which are not obligated at the time of the transfer; and

"(B) in any fiscal year thereafter, an amount equal to 20 percent of the funds apportioned to the State under section 104(b)(5)(B) for such fiscal year."

(c) CONFORMING AMENDMENTS.—(1) Section 119(a) of such title is amended by striking out "section 105 of the Federal-Aid Highway Act of 1978" and inserting in lieu thereof "subsection (e)".

Ante, p. 154.

(2) Section 105 of the Federal-Aid Highway Act of 1978 is amended by striking out all that follows the first sentence.

92 Stat. 2692.

SEC. 117. FEDERAL SHARE.

(a) CERTAIN HIGHWAY SAFETY CONSTRUCTION PROJECTS.—Section 120(d) of title 23, United States Code, is amended by inserting after "vanpooling" the following: "or for installation of traffic signs, highway lights, guardrails, or impact attenuators".

(b) PRIORITY PRIMARY PROJECTS.—Section 120 of such title is amended by redesignating the second subsection (i) and subsections (j) and (k) (and any reference thereto) as subsections (j), (k), and (l), respectively, and in subsection (k) as so redesignated by striking out "97-61" and inserting in lieu thereof "100-3".

(c) EMERGENCY RELIEF.—

(1) IN GENERAL.—The first sentence of subsection (f) of such section is amended to read as follows: "EMERGENCY RELIEF.—The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title on account of any project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable on a project on such system as provided in subsections (a) and (c) of this section; except that (1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within 90 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the costs thereof; and (2) the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 percent of the cost thereof."

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to all natural disasters and catastrophic failures which occur after the date of the enactment of this Act.

23 USC 120 note.

(d) GREAT RIVER ROAD.—Such section 120 is amended—

(1) in subsection (k), as redesignated by subsection (b), by striking out ", 148, and 155," and inserting in lieu thereof "and 155"; and

(2) by adding at the end thereof the following new subsection:

23 USC 148.

"(m) GREAT RIVER ROAD PROJECTS.—Notwithstanding any other provision of this section, this title, or any other law, in any case where a State elects to use funds apportioned to it for any Federal-aid system for any project under section 148 of this title, the Federal share payable on account of such project shall be 95 percent of the cost thereof; except that if a State requests that the Federal share payable on account of such project be a percentage of the cost of such project which is less than 95 percent but not less than 75 percent, such percentage shall be the Federal share payable on account of such project."

(e) INCREASED NON-FEDERAL SHARE.—Such section 120 is further amended by adding at the end the following new subsection:

23 USC 120 note.
Bridges.

"(n) INCREASED NON-FEDERAL SHARE.—Notwithstanding any other provision of this title and subject to such criteria as the Secretary may establish, a State may contribute an amount in excess of the non-Federal share of a project under this title so as to decrease the Federal share payable on such project."

(f) INCENTIVE PROGRAM FOR THE USE OF COAL ASH.—Notwithstanding sections 119, 120, and 144 of title 23, United States Code, in each of fiscal years 1987, 1988, 1989, 1990, and 1991, the percentage specified in such sections as the Federal share of the cost payable on account of any highway or bridge construction project in which materials produced from coal ash are used in significant amounts shall be increased by adding 5 percent to such percentage; except that in no case shall the Federal share payable on account of any project exceed 95 percent of the cost of such project as a result of increasing such Federal share under this subsection.

SEC. 118. EMERGENCY RELIEF.

(a) OBLIGATION CEILING.—

23 USC 125 note.

(1) GENERAL RULE.—Section 125(b) of title 23, United States Code, is amended by striking out "shall not exceed \$30,000,000" and all that follows through "1985) in any State." and inserting in lieu thereof "in a State shall not exceed \$100,000,000."

(2) RETROACTIVE APPLICABILITY.—The amendment made by paragraph (1) shall apply with respect to natural disasters and catastrophic failures occurring after December 31, 1985.

(b) TERRITORIES.—

Virgin Islands.
Guam.
American
Samoa.
Northern
Mariana Islands.

(1) TREATED AS STATES.—Section 125 of such title is amended by adding at the end thereof the following new subsection:

"(d) TREATMENT OF TERRITORIES.—For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State."

(2) LIMITATION ON OBLIGATIONS.—The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting before the period at the end the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed \$5,000,000".

23 USC 125 note.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act.

SEC. 119. VEHICLE WEIGHT.

(a) **EXCEPTION TO GENERAL VEHICLE WEIGHT RULE.**—The second sentence of subsection (a) of section 127 of title 23, United States Code (relating to vehicle weight limitations for the Interstate System), is amended—

(1) by inserting “(1)” before “is 36 feet or more”;

(2) by inserting after “36 feet or more” the following: “, or (2) in the case of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container before September 1, 1988, is 30 feet or more”; and

(3) by inserting after “except in the case of the overall gross weight of any group of two or more consecutive axles” the following: “on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container on or after September 1, 1988)”.

(b) **WITHHOLDING OF FUNDS.**—Subsection (a) of such section 127 is amended by striking out “lapse.” and inserting in lieu thereof the following: “lapse if not released and obligated within the availability period specified in section 118(b)(1) of this title.”.

(c) **OCEAN TRANSPORT CONTAINER DEFINED.**—Such section 127 is amended by adding at the end thereof the following new subsection:

“(c) **OCEAN TRANSPORT CONTAINER DEFINED.**—For purposes of this section, the term ‘ocean transport container’ has the meaning given the term ‘freight container’ by the International Standards Organization in Series 1, Freight Containers, 3rd Edition (reference number ISO668-1979(E)) as in effect on the date of the enactment of this subsection.”.

(d) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsection (a) by inserting “IN GENERAL.—” before “No funds”; and

(2) in subsection (b) by inserting “REASONABLE ACCESS.—” before “No State”.

SEC. 120. TOLL FACILITIES.

(a) **PILOT PROGRAM.**—Section 129 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

“(j) **PILOT PROGRAM.**—

“(1) **AUTHORIZATION FOR FEDERAL PARTICIPATION.**—Subject to the provisions of this subsection, the Secretary shall establish a pilot program which permits Federal participation in 7 toll facilities on the same basis and in the same manner as in the construction of free highways under this chapter.

“(2) **LIMITATION ON TYPES OF FACILITIES.**—The Secretary may only permit Federal participation under this subsection in the following type of facilities:

“(A) The construction of a new toll highway, bridge, or tunnel (other than a highway on the Interstate System).

Bridges.

“(B) The reconstruction of an existing highway, bridge, or tunnel to expand its capacity (other than a highway, bridge, or tunnel on the Interstate System).

“(3) **LIMITATION ON NUMBER OF FACILITIES.**—The Secretary may only permit Federal participation under this subsection in 7 facilities. One of such facilities shall be carried out in each of the following: Orange County, California, the State of Texas, the State of Pennsylvania, the State of Florida, and the State of South Carolina. The locations of the other 2 facilities shall be at

California.
Texas.
Pennsylvania.
Florida.
South Carolina.

the discretion of the Secretary; except that not more than 2 facilities carried out under this subsection may be located in a State. The Governor of the State of Pennsylvania shall select the facility to be carried out in such State.

Bridges.

"(4) LIMITATION ON FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share payable for the construction or reconstruction of a toll highway, bridge, or tunnel under this subsection shall not exceed 35 percent.

Bridges.

"(5) PUBLIC OWNERSHIP REQUIREMENT.—Each highway, bridge, tunnel, or approach thereto under this subsection must be publicly owned and operated; except that, under this subsection, Federal funds may participate in the approaches to a toll highway, toll bridge, or toll tunnel whether the highway, bridge, or tunnel is to be or has been constructed by a State or other public authority.

"(6) LIMITATIONS ON USE OF REVENUES.—Before the Secretary may permit Federal participation under this subsection in a State, the State highway department must enter into an agreement with the Secretary which provides that all toll revenues received from operation of the tolled facility constructed or reconstructed under this subsection will be used only on the tolled facility, and only for construction or reconstruction costs, or for the costs necessary for the proper operation, maintenance, and debt service of the tolled facility, including resurfacing, reconstruction, rehabilitation, and restoration.

"(7) LIMITATION ON FEDERAL PARTICIPATION TO ORIGINAL CONSTRUCTION.—Except for reconstruction to expand capacity, toll facilities may receive Federal participation under this chapter only once for the original construction or reconstruction of the facility.

"(8) EFFECT ON APPORTIONMENT.—Toll mileage constructed or reconstructed under this subsection shall not be used to increase a State's apportionment under any apportionment formula.

"(9) NEW TOLL HIGHWAY DEFINED.—For purposes of this subsection, the term 'new toll highway, bridge, or tunnel' shall mean initial construction of a highway, bridge, or tunnel on a new location at any time before it is open to traffic and shall not include any improvements to a toll highway, bridge, or tunnel after it is open to traffic."

(b) BIENNIAL CERTIFICATION.—Such section 129 is amended by adding at the end the following new subsection:

"(k) BIENNIAL CERTIFICATION.—

Bridges.

"(1) TO GOVERNOR.—Each operator of toll roads, toll tunnels, toll ferries, and toll bridges (other than an international toll facility or toll facility subject to an agreement under this section or section 119(e) of this title) on a Federal-aid system in a State shall biennially certify to the Governor of the State that such facilities are adequately maintained and that the operator of such toll facility has the ability to fund the replacement or repair of any such facilities that are not adequately maintained without using Federal-aid highway funds. Failure to certify shall preclude Federal funding out of the Highway Trust Fund of any facilities owned or operated by the operator of such toll facility.

Ante, p. 154.

"(2) REPORT TO SECRETARY.—The Governor of each State shall report biennially to the Secretary on the toll facilities subject to

paragraph (1) of this subsection with respect to which a certification has been made in accordance with paragraph (1) and those with respect to which such a certification has not been made. If funds from the Highway Trust Fund are used to repair or replace toll facilities with respect to which such a certification has or has not been made, the apportionments to such State for the following fiscal year under section 104 of this title shall be reduced by the amount of Highway Trust Fund moneys expended on such facilities; except that such reduction shall not be made if the State has executed under this section or section 119(e) of this title an agreement with the Secretary covering such toll facilities.”

23 USC 104.

Ante, p. 154.

(c) VOIDING OF CERTAIN AGREEMENTS.—

(1) WEST VIRGINIA AND KANSAS TURNPIKES AND FORT MC HENRY TUNNEL.—Upon the request of the appropriate State highway department of the West Virginia Turnpike (I-77 in the State of West Virginia), the Fort McHenry Tunnel, Maryland, and the Kansas Turnpike, Kansas, and upon such department entering into an agreement with the Secretary that toll revenues from operation of the tolled facility will be used only on such facility for construction and reconstruction costs and for the costs necessary for the proper operation and debt service of such facility (including resurfacing, reconstruction, rehabilitation, and restoration), the Secretary may void any agreement entered into with such department with respect to such facility before the date of the enactment of this subsection under section 129(a), 129(d), or 129(e) of title 23, United States Code.

Maryland.

(2) NEWBURGH-BEACON BRIDGE.—Upon the request of the New York State Bridge Authority with respect to the Newburgh-Beacon Bridge and upon such Authority entering into an agreement with the Secretary that toll revenues from operation of such bridge will be used only on facilities subject to the jurisdiction of such Authority for construction and reconstruction costs and the costs necessary for the proper operation and debt service of such bridge (including resurfacing, reconstruction, rehabilitation, and restoration), the Secretary may void any agreement entered into with such operator with respect to such bridge before the date of the enactment of this subsection under section 129(a), 129(d), or 129(e) of title 23, United States Code.

New York.

(d) EXTENSION OF TOLLS TO FINANCE CERTAIN INELIGIBLE CONSTRUCTION EXPENSES.—Notwithstanding section 129(e) of title 23, United States Code, upon request of the State of Florida, the Secretary shall modify the agreement entered into with the highway department of such State under such section to permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of a project on the toll road which is subject to such agreement if such feature is a feature which the Secretary does not permit Federal participation with funds apportioned under section 104(b)(5)(A) of such title and which is recommended to be included as a part of the project by the final environmental impact statement with respect to such project.

Florida.

SEC. 121. RAILWAY-HIGHWAY CROSSINGS.

(a) IN GENERAL.—Section 130 of title 23, United States Code, is amended by adding at the end the following new subsections:

“(d) SURVEY AND SCHEDULE OF PROJECTS.—Each State shall conduct and systematically maintain a survey of all highways to

identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railway-highway crossings.

23 USC 104. "(e) FUNDS FOR PROTECTIVE DEVICES.—At least ½ of the funds authorized for and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated to carry out this section shall be available for obligation in the same manner as funds apportioned under section 104(b)(1) of this title.

"(f) APPORTIONMENT.—Twenty-five percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in the same manner as sums are apportioned under section 104(b)(2) of this title, 25 percent of such funds shall be apportioned to the States in the same manner as sums are apportioned under section 104(b)(6) of this title, and 50 percent of such funds shall be apportioned to the States in the ratio that total railway-highway crossings in each State bears to the total of such crossings in all States. The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.

"(g) ANNUAL REPORT.—Each State shall report to the Secretary not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than April 1 of each year, on the progress being made by the State in implementing projects to improve railway-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and include recommendations for future implementation of the railroad highway crossings program.

"(h) USE OF FUNDS FOR MATCHING.—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings."

23 USC 130 note. (b) CONFORMING AMENDMENT.—Section 203 of the Highway Safety Act of 1973 is repealed.

SEC. 122. INDIAN EMPLOYMENT AND CONTRACTING.

Section 140 of title 23, United States Code, is amended by adding at the end the following:

"(d) INDIAN EMPLOYMENT AND CONTRACTING.—Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. The Secretary shall cooperate with

Indian tribal governments and the States to implement this subsection.”.

SEC. 123. BRIDGE PROGRAM.

(a) **DISCRETIONARY PROGRAM.**—Section 144(g) of title 23, United States Code, is amended to read as follows:

“(g) **SET ASIDES.**—

“(1) **DISCRETIONARY BRIDGE PROGRAM.**—Of the amount authorized per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 by section 106(a)(5) of the Federal-Aid Highway Act of 1987, all but \$225,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. \$225,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such \$225,000,000 shall, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be at the discretion of the Secretary.

“(2) **ELIGIBLE DISCRETIONARY PROJECTS.**—Subject to section 149(d) of the Federal-Aid Highway Act of 1987, amounts made available by paragraph (1) for obligation at the discretion of the Secretary may be obligated only—

“(A) for a project for a highway bridge the replacement or rehabilitation cost of which is more than \$10,000,000, and

“(B) for a project for a highway bridge the replacement or rehabilitation cost of which is less than \$10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) for the fiscal year in which application is made for a grant for such bridge.

“(3) **OFF-SYSTEM BRIDGES.**—Not less than 15 percent nor more than 35 percent of the amount apportioned to each State in each of fiscal years 1987, 1988, 1989, 1990, and 1991, shall be expended for projects to replace or rehabilitate highway bridges located on public roads, other than those on a Federal-aid system. The Secretary, after consultation with State and local officials, may, with respect to such State, reduce the requirement for expenditure for bridges not on a Federal-aid system when the Secretary determines that such State has inadequate needs to justify such expenditure.”.

(b) **APPLICABILITY OF THE GENERAL BRIDGE ACT OF 1948.**—Section 144(h) of such title is amended—

(1) by striking out “which are not subject to the ebb and flow of the tide, and” and inserting in lieu thereof “(1)”; and

(2) by striking out the period at the end thereof and inserting in lieu thereof “, and (2) which are (a) not tidal, or (b) if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet in length.”.

Fish and fishing.
Maritime
affairs.

(c) **INVENTORIES AND REPORTS.**—Section 144(i) of such title is amended to read as follows:

“(i) **INVENTORIES AND REPORTS.**—The Secretary shall—

“(1) report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on projects approved under this section;

“(2) annually revise the current inventories authorized by subsections (b) and (c) of this section;

"(3) report to such committees on such inventories; and

"(4) report to such committees such recommendations as the Secretary may have for improvements of the program authorized by this section.

Post, p. 167.

Such reports shall be submitted to such committees biennially at the same time as the report required by section 307(e) of this title is submitted to Congress."

(d) BRIDGES TO REPLACE DESTROYED BRIDGES AND FERRYBOAT SERVICE.—

(1) **IN GENERAL.**—Section 144 of such title is amended by redesignating subsection (m), and any references thereto, as subsection (p) and by inserting after subsection (l) the following new subsection:

"(m) REPLACEMENT OF DESTROYED BRIDGES AND FERRYBOAT SERVICE.—

"(1) **GENERAL RULE.**—Notwithstanding any other provision of this section or of any other provision of law, a State may utilize any of the funds provided under this section to construct any bridge which—

"(A) replaces any low water crossing (regardless of the length of such low water crossing),

"(B) replaces any bridge which was destroyed prior to 1965,

"(C) replaces any ferry which was in existence on January 1, 1984, or

"(D) replaces any road bridges rendered obsolete as a result of United States Corps of Engineers flood control or channelization projects and not rebuilt with funds from the United States Corps of Engineers.

"(2) **FEDERAL SHARE.**—The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of such construction."

23 USC 144 note.

(2) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to funds apportioned to the States under section 144 of title 23, United States Code, after September 30, 1986.

(3) **CONFORMING MODIFICATION OF APPORTIONMENT FORMULA.**—Subsection (e) of such section is amended by inserting after the third sentence the following new sentence: "For purposes of the preceding sentence, the total cost of deficient bridges in a State and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services."

(e) OFF-SYSTEM BRIDGE PROGRAM.—Such section 144 is further amended by inserting after subsection (l) the following new subsection:

"(n) OFF-SYSTEM BRIDGE PROGRAM.—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid system for the replacement of a bridge or rehabilitation of a bridge which is wholly funded from State and local sources, is eligible for Federal funds under this section, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge, any amount expended after the date of the enactment of this subsection from State and local sources for such project in excess of 20 percent of the cost of construction thereof may be credited to the

non-Federal share of the cost of the projects in such State which are eligible for Federal funds under this section. Such crediting shall be in accordance with such procedures as the Secretary may establish.”

(f) HISTORIC BRIDGES.—

23 USC 144 note.

(1) FINDINGS.—Congress hereby finds and declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture. Historic bridges are important links to our past, serve as safe and vital transportation routes in the present, and can represent significant resources for the future.

(2) PROGRAM.—Such section 144 is further amended by inserting after subsection (l) the following new subsection:

23 USC 144.

“(o) HISTORIC BRIDGE PROGRAM.—

“(1) COORDINATION.—The Secretary shall, in cooperation with the States, implement the programs described in this section in a manner that encourages the inventory, retention, rehabilitation, adaptive reuse, and future study of historic bridges.

“(2) STATE INVENTORY.—The Secretary shall require each State to complete an inventory of all bridges on and off the Federal-aid system to determine their historic significance.

“(3) ELIGIBILITY.—Reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of historic bridges shall be eligible as reimbursable project costs under this title (including this section) if the load capacity and safety features of the bridge are adequate to serve the intended use for the life of the bridge; except that in the case of a bridge which is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this subsection shall not exceed the estimated cost of demolition of such bridge.

“(4) PRESERVATION.—Any State which proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the bridge available for donation to a State, locality, or responsible private entity if such State, locality, or responsible entity enters into an agreement to—

“(A) maintain the bridge and the features that give it its historic significance; and

“(B) assume all future legal and financial responsibility for the bridge, which may include an agreement to hold the State highway agency harmless in any liability action. Costs incurred by the State to preserve the historic bridge, including funds made available to the State, locality, or private entity to enable it to accept the bridge, shall be eligible as reimbursable project costs under this chapter up to an amount not to exceed the cost of demolition. Any bridge preserved pursuant to this paragraph shall thereafter not be eligible for any other funds authorized pursuant to this title.

“(5) HISTORIC BRIDGE DEFINED.—As used in this subsection, ‘historic bridge’ means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.”

(3) STUDY.—

(A) TRANSPORTATION RESEARCH BOARD.—The Secretary shall make appropriate arrangements with the Transportation Research Board of the National Academy of Sciences

23 USC 144 note.

to carry out a study on the effects of the bridge program conducted under section 144 of title 23, United States Code, on the preservation and rehabilitation of historic bridges. The Transportation Research Board shall also develop recommendations of specific standards which shall apply only to the rehabilitation of historic bridges, and shall provide an analysis of any other factors which would serve to enhance the rehabilitation of historic bridges.

(B) REPORT.—Not later than 1 year after entering into appropriate arrangements under subparagraph (A), the Transportation Research Board shall submit to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subparagraph (A) and on the recommendations developed pursuant to subparagraph (A).

(g) STATE MATCHING SHARE.—The State or local governmental matching share for the Calder bridge project being constructed under title 23, United States Code, across the Saint Joe River, 19 miles east of Saint Maries, Idaho, including approaches—

(1) may be credited by the fair market value of land incorporated into the project if the land is in addition to existing public right-of-way and is donated to the State or local government;

(2) may be credited by the fair market value of construction on the project performed by or donated to the State or local government; and

(3) may be credited by the fair market value of preliminary engineering and the preparation of an environmental impact statement performed by or donated to the State or local government;

before, on, or after the date of the enactment of this Act.

(h) DISCRETIONARY BRIDGE CRITERIA.—Section 161 of the Highway Improvement Act of 1982 (23 U.S.C. 144 note) is amended by inserting before the period at the end of the second sentence “, including a bridge replacement of which was partially funded under the Supplemental Appropriations Act, 1983 (97 Stat. 341)”.

(i) JAMESTOWN BRIDGE.—Federal-aid highway funds may be expended on the Jamestown Bridge project connecting the mainland of Rhode Island with the Island of Jamestown only—

(1) if the bridge meets all requirements and standards of title 23, United States Code, and any other applicable Federal law; and

(2) if the railing of the bridge—

(A) is designed to provide motorists with a view of the surrounding natural areas comparable to the view provided by the Newport Bridge in Rhode Island; and

(B) has been proven to be crash worthy through full scale testing in accordance with currently accepted test criteria.

SEC. 124. MINIMUM ALLOCATION.

(a) PLANNING AS A FUNDABLE ITEM; TREATMENT OF WITHHELD APPORTIONMENTS.—Section 157 of title 23, United States Code, is amended by redesignating subsection (c), and any references thereto, as subsection (e) and by inserting after subsection (b) the following new subsections:

Idaho.
Gifts and
property.

Rhode Island.

"(c) LIMITATION ON PLANNING EXPENDITURES.—One-half of 1 percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of this title (relating to transportation planning). 1½ percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of this title (relating to transportation planning and research).

23 USC 134.

"(d) TREATMENT OF WITHHELD APPORTIONMENTS.—For purposes of subsection (a), any funds which, but for section 154(f) or 158(a) of this title or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State in a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in such year."

(b) PROGRAM FOR FISCAL YEARS 1987 AND THEREAFTER.—Section 157(a) of title 23, United States Code, is amended by inserting "(1) FISCAL YEARS 1984-1987.—" before "In the fiscal year" and by adding at the end thereof the following new paragraphs:

"(2) FISCAL YEARS 1987 AND 1988.—In fiscal years 1987 and 1988, on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs (except allocations for emergency relief in accordance with section 125 of this title, the Interstate construction discretionary program in accordance with section 118(b)(2) of this title, forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 406, and 408 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982) shall not be less than 85 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

Grants.
Taxes.49 USC app.
2304.

"(3) THEREAFTER.—

"(A) GENERAL RULE.—In fiscal year 1989 and each fiscal year thereafter, on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs (except allocations for forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 406, and 408 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982) shall not be less than 85 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

Grants.
Taxes.49 USC app.
2304.

California.

“(B) EXCEPTION FOR FISCAL YEAR 1989.—Notwithstanding subparagraph (A), the amount allocated to the State of California under this paragraph in fiscal year 1989 shall be the amount which would be allocated to such State under this subsection if paragraph (2) were in effect for such fiscal year.”.

23 USC 157.

(d) AUTHORIZATION OF APPROPRIATIONS.—Subsection (e) of such section 157, as redesignated by subsection (a) of this section, is amended by striking out “September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986” and inserting in lieu thereof “on or after September 30, 1983”.

(e) CONFORMING AMENDMENTS.—Subsection (a) of such section 157 is amended—

(1) by indenting and aligning paragraph (1), as designated by subsection (b) of this section, with paragraphs (2) and (3), as added by such subsection (b); and

(2) by inserting “GENERAL RULES.—” after “(a)”.

SEC. 125. NATIONAL BRIDGE INSPECTION PROGRAM.

23 USC 101 *et seq.*

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking out section 151 (relating to pavement marking demonstration program) and inserting in lieu thereof the following:

23 USC 151.

“§ 151. National bridge inspection program

“(a) NATIONAL BRIDGE INSPECTION STANDARDS.—The Secretary, in consultation with the State highway departments and interested and knowledgeable private organizations and individuals, shall establish national bridge inspection standards for the proper safety inspection and evaluation of all highway bridges.

“(b) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS.—The standards established under subsection (a) shall, at a minimum—

“(1) specify, in detail, the method by which such inspections shall be carried out by the States;

“(2) establish the maximum time period between inspections;

“(3) establish the qualification for those charged with carrying out the inspections;

“(4) require each State to maintain and make available to the Secretary upon request—

Reports.

“(A) written reports on the results of highway bridge inspections together with notations of any action taken pursuant to the findings of such inspections; and

“(B) current inventory data for all highway bridges reflecting the findings of the most recent highway bridge inspections conducted; and

“(5) establish a procedure for national certification of highway bridge inspectors.

“(c) TRAINING PROGRAM FOR BRIDGE INSPECTORS.—The Secretary, in cooperation with the State highway departments, shall establish a program designed to train appropriate governmental employees to carry out highway bridge inspections. Such training program shall be revised from time to time to take into account new and improved techniques.

“(d) AVAILABILITY OF FUNDS.—To carry out this section, the Secretary may use funds made available pursuant to the provisions of section 104(a), section 307(a), and section 144 of this title.”.

(b) CONFORMING AMENDMENTS.—(1) The analysis for chapter 1 of such title is amended by striking out the item relating to section 151 and inserting in lieu thereof the following:

“151. National bridge inspection program.”

(2) Section 116 of such title (relating to highway maintenance) is amended by striking out subsections (d) and (e).

SEC. 126. INCOME FROM AIRSPACE RIGHTS-OF-WAY.

(a) REQUIREMENT.—Chapter 1 of title 23, United States Code, is amended by striking out section 156 (relating to highways crossing Federal projects) and inserting in lieu thereof the following:

23 USC 101 *et seq.*

“§ 156. Income from airspace rights-of-way

23 USC 156.

“States shall charge, as a minimum, fair market value, with exceptions granted at the discretion of the Secretary for social, environmental, and economic mitigation purposes, for the sale, use, lease, or lease renewals (other than for utility use and occupancy or for transportation projects eligible for assistance under this title) of right-of-way airspace acquired as a result of a project funded in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account). This section applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State after the date of the enactment of the Federal-Aid Highway Act of 1987. The Federal share of net income from the revenues obtained by the State for sales, uses, or leases (including lease renewals) under this section shall be used by the State for projects eligible under this title.”

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by striking out the item relating to section 156 and inserting in lieu thereof the following:

“156. Income from airspace rights-of-way.”

SEC. 127. FUNDING FOR BICYCLE PROJECTS.

The second sentence of section 217(b)(1) of title 23, United States Code, is amended by inserting “and sums apportioned or allocated for highway substitute projects in accordance with section 103(e)(4) of this title” after “title”.

SEC. 128. STRATEGIC HIGHWAY RESEARCH PROGRAM.

Section 307 of title 23, United States Code (relating to research and planning), is amended by redesignating subsections (d) and (e) (and any references thereto) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

“(d) STRATEGIC HIGHWAY RESEARCH PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall carry out such research, development, and technology transfer activities as the Secretary determines to be strategically important to the national highway transportation system.

Science and technology.

“(2) COOPERATIVE AGREEMENTS.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary deter-

Grants.

mines are appropriate. Advance payments may be made as necessary to carry out the program under this subsection.

"(3) PERIOD OF AVAILABILITY.—Funds set aside to carry out this subsection shall remain available for the fiscal year in which such funds are made available and the three succeeding fiscal years.

Bridges.

"(4) SET ASIDE.—As soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987 in fiscal year 1987 and on October 1 of each of fiscal years 1988, 1989, 1990, and 1991, the Secretary shall set aside to carry out this subsection not to exceed $\frac{1}{4}$ of 1 percent of the funds authorized to be appropriated for such fiscal year for the Federal-aid systems, for highway assistance programs under section 103(e)(4) of this title, for bridge replacement and rehabilitation under section 144 of this title, for elimination of hazards under section 152 of this title, and for elimination of hazards of railway-highway crossings under section 130 of this title. In the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of $\frac{1}{4}$ of 1 percent) in the year next preceding the fiscal year for which such funds are authorized for such System.

"(5) ANNUAL REPORT.—The Secretary shall transmit a report annually beginning on January 1, 1988, to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives which provides information on the progress and research findings the program conducted under this subsection.

"(6) LIMITATION OF REMEDIES.—

Claims.

"(A) SAME REMEDY AS IF UNITED STATES.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission arising from activities conducted under or in connection with this subsection. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of such title.

"(B) EXCLUSIVENESS OF REMEDY.—The remedy referred to in subparagraph (A) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

Claims.

"(C) TREATMENT.—Employees of the National Academy of Sciences and other individuals appointed by the President of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this subsection shall be treated as if they are employees of the Federal Government under section 2671 of title 28, United States Code, for purposes of a civil action or proceeding with respect to a claim described in subparagraph (A); and the civil action or proceeding shall proceed in the same

manner as any proceeding under chapter 171 of such title, or any proceeding under chapter 171 of such title or action against the United States filed pursuant to section 1346(b) of such title, and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

28 USC 2671 et
seq.

“(D) REMOVAL.—Upon certification by the Attorney General that a civil action or proceeding with respect to a claim described in subparagraph (A) is being brought in a State court, such civil action or proceeding shall be removed from the State court without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceeding shall be deemed a tort action brought against the United States under the provisions of title 28, United States Code. For purposes of removal, the certification of the Attorney General under this subparagraph shall be conclusive.

Claims.

“(E) SOURCES OF PAYMENTS.—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in subparagraph (A) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this subsection, and then from sums made available under section 1304 of title 31, United States Code. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28, United States Code. The Secretary may establish a reserve of funds made available to carry out this subsection for making payments under this paragraph.”

Claims.

SEC. 129. HIGHWAY PLANNING AND RESEARCH.

Section 307(c)(1) of title 23, United States Code, is amended by inserting after “section 104 of this title” the following: “and for highway projects under section 103(e)(4)”.

SEC. 130. WILDFLOWERS.

Section 319 of title 23, United States Code, is amended by inserting “(a) LANDSCAPE AND ROADSIDE DEVELOPMENT.—” before “The Secretary” and by adding at the end thereof the following new subsection:

“(b) PLANTING OF WILDFLOWERS.—

“(1) GENERAL RULE.—The Secretary shall require the planting of native wildflower seeds or seedlings, or both, as part of any landscaping project under this section. At least $\frac{1}{4}$ of 1 percent of the funds expended for such landscaping project shall be used for such plantings.

“(2) WAIVER.—The requirements of this subsection may be waived by the Secretary if a State certifies that native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited or otherwise used for agricultural purposes.

“(3) GIFTS.—Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects.”

Agriculture and
agricultural
commodities.

Education.

SEC. 131. NATIONAL HIGHWAY INSTITUTE.

Subsections (b) and (c) of section 321 of title 23, United States Code, are amended to read as follows:

"(b) SET ASIDE.—Not to exceed $\frac{1}{4}$ of 1 percent of all funds apportioned to a State under sections 104(b)(1) and 104(b)(5) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 75 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) FEDERAL RESPONSIBILITY.—Education and training of Federal, State, and local highway employees authorized by this section shall be provided—

"(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

"(2) in any case where such education and training are to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, individuals, and the Institute."

Grants.
Contracts.

SEC. 132. PROHIBITION AGAINST DISCLOSURE AND ADMISSION AS EVIDENCE OF STATE REPORTS AND SURVEYS.

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

23 USC 401 *et*
seq.
23 USC 409.

"§ 409. Admission as evidence of certain reports and surveys

"Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled for the purpose of identifying evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 152 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be admitted into evidence in Federal or State court or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data."

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of such title is amended by adding at the end the following:

"409. Admission as evidence of certain reports and surveys."

SEC. 133. HIGHWAY TECHNICAL AMENDMENTS.

(a) SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—(1) The third sentence of section 108(d) of the Surface Transportation Assistance Act of 1982 is amended by striking out "this title," and inserting in lieu thereof "title 23, United States Code,".

23 USC 104 note.

(2) The second section 126 of such Act (relating to bicycle transportation) is amended by striking out "SEC. 126." and inserting in lieu thereof "SEC. 126A."

23 USC 217.

(3) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

23 USC 127.

(4) The first sentence of section 163 of such Act is amended to read as follows: "Notwithstanding any other provision of this Act or any

Motor vehicles.
23 USC 146 note.

other law, no funds apportioned or allocated to a State for Federal-aid highways shall be obligated for a project for constructing, resurfacing, restoring, rehabilitating, or reconstructing a Federal-aid highway which has a lane designated as a carpool lane unless the use of such lane includes use by motorcycles.”.

(5) The second sentence of section 163 of such Act is amended by striking out the comma and inserting in lieu thereof “and acceptance of such certification by the Secretary,”.

23 USC 146 note.

(6) Section 165(b) of such Act is amended by inserting “or” after the semicolon at the end of clause (3).

23 USC 101 note.

(7) Section 411(d) of such Act (relating to length limitations) is amended by inserting “and boat” after “automobile”.

49 USC app.
2311.

(b) TITLE 23.—(1) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) in the item relating to section 127 by striking out “and width”, and

(B) by striking out the item relating to section 146 and inserting in lieu thereof:

“146. Carpool and vanpool projects.”.

(2) The fifth undesignated paragraph of section 101(a) of such title is amended by striking out “forest or trail” and inserting in lieu thereof “forest road or trail”.

(3) Section 101(a) of such title is amended by striking out the thirteenth undesignated paragraph (relating to the definition of “park road”) and inserting in lieu thereof the following:

“The term ‘park road’ means a public road that is located within, or provides access to, an area in the national park system with title and maintenance responsibilities vested in the United States.”.

(4) Section 106(c) of such title is amended by striking out “10 per centum” and inserting in lieu thereof “15 percent” and by striking out the second sentence.

(5) Section 113 of such title is amended by striking out “August 30, 1935” and inserting in lieu thereof “March 3, 1931” and by striking out “267a” and inserting in lieu thereof “276a”.

(6) Section 121(d) of such title is amended by striking out “10 per centum” and inserting in lieu thereof “15 percent” and by striking out the third sentence.

(7) The first sentence of section 122 of such title is amended by inserting “or for substitute highway projects approved under section 103(e)(4) of this title” before “and the retirement”.

(8) Section 123(a) of such title is amended by striking out “the Federal-aid primary or secondary” and all that follows through “urban areas,” and inserting in lieu thereof “any Federal-aid system,”.

(9)(A) Subsection (b) of section 125 of such title is amended by striking out “the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors” each place it appears and inserting in lieu thereof “the Federal-aid highway systems, including the Interstate System”.

(B) Subsection (c) of such section is amended by striking out “routes functionally classified as arterials or major collectors” and inserting in lieu thereof “on any of the Federal-aid highway systems”.

(10) The third sentence of section 138 of such title is amended by inserting before “which requires” the following: “(other than any project for a park road or parkway under section 204 of this title)”.

23 USC 144.

(11) Section 144(e) of such title is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reappropriated by the Secretary to the other States in accordance with this subsection."

section 144 (23 USC 144)

section 144 (23 USC 144)

section 144 (23 USC 144)

(12) Section 152(g) of such title is amended by striking out "the Congress" and inserting in lieu thereof "the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives".

(13) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(14) Section 204(e) of such title is amended by striking out "of 1975".

(15) Section 210(g) of such title is amended by striking out "Commerce" and inserting in lieu thereof "Transportation".

American
Samoa.
Northern
Mariana Islands.

(16) The first sentence of section 215(a) of such title is amended by striking out "and American Samoa" and inserting in lieu thereof "American Samoa, and the Commonwealth of the Northern Mariana Islands".

(17) Section 307(f) of such title, as redesignated by section 128 of this Act, is amended by striking out "the Congress" and inserting in lieu thereof "the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives".

(18) Section 315 of such title is amended by striking out "204(d), 205(a), 207(b), and 208(c)" and inserting in lieu thereof "204(f) and 205(a)".

American
Samoa.
Northern
Mariana Islands.

(19) Section 401 of such title is amended by striking out "and American Samoa." and inserting in lieu thereof "American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(20) Section 402(c) of such title is amended—

(A) by striking out "For the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, such funds shall be apportioned 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion may deem appropriate and thereafter such" and inserting in lieu thereof "Such";

American
Samoa.
Northern
Mariana Islands.

(B) by striking out "and American Samoa" and inserting in lieu thereof "American Samoa, and the Commonwealth of the Northern Mariana Islands"; and

(C) by striking out "After December 31, 1969, the" and inserting in lieu thereof "The".

American
Samoa.
Northern
Mariana Islands.

(c) MISCELLANEOUS.—(1) Section 104(i)(4)(D) of the Marine Protection, Research, and Sanctuaries Act of 1972, as added by section 424 of the Surface Transportation Assistance Act of 1982, is amended by inserting "to" after "grant a permit".

33 USC 1414.

(2) Section 12019(5) of the Commercial Motor Vehicle Safety Act of 1986 is amended—

49 USC app.
2716.

(A) by striking out "and"; and

(B) by inserting "or" before "semitrailer operated".

23 USC 130 note.

(3) Section 163(o) of the Federal-Aid Highway Act of 1973 is amended to read as follows:

"(o) REPORTS.—The Secretary of Transportation shall make biennial reports and a final report to the President, the Committee on

Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives with respect to activities pursuant to this section.”.

(4) Section 123(c) of the Federal-Aid Highway Act of 1978 is amended by striking “Congress” and inserting in lieu thereof “the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives”.

23 USC 141 note.

(d) **PARK ROADS.**—Section 303(c) of title 49, United States Code, is amended by inserting before “requiring the use” the following: “(other than any project for a park road or parkway under section 204 of title 23)”.

(e) **REPEAL OF OUTDATED PROVISIONS.**—

(1) **TITLE 23.**—The following sections of title 23, United States Code, and the items in the analysis for chapters 2 and 3 of such title relating to such sections are repealed: 211 (relating to timber access road hearings), 213 (relating to Rama Road), 219 (relating to safer off-system roads), and 322 (relating to demonstration project—rail crossings).

23 USC 201 et seq., 301 et seq.

(2) **OTHER HIGHWAY LAWS.**—Section 119 of the Federal-Aid Highway Amendments of 1974 (relating to bikeway demonstration program) and section 141 of the Federal-Aid Highway Act of 1978 (relating to bicycle program) are repealed.

23 USC 217 note.
23 USC 217 note.
Alabama.

(f) **ALTERNATIVE ROUTE.**—The authorization of that portion of the Interstate System in Mobile County, Alabama, designated as I-210, connecting I-65 and I-10 in the vicinity of Prichard-Mobile, Alabama, authorized by the Department of Transportation and Related Agencies Appropriation Act, 1981, shall include, as an alternative, authorization to construct an interstate spur commencing at I-65 in the area of Prichard, Alabama, and terminating in the vicinity of downtown Mobile, Alabama. The total mileage of such spur shall not exceed 6.25 miles. In no case shall the eligible cost of construction of the spur exceed the eligible cost of the originally authorized route if it had been constructed.

94 Stat. 1681.

SEC. 134. FOREST HIGHWAYS.

Notwithstanding section 202(a) of title 23, United States Code, the Secretary shall, after making the transfer provided by section 204(g) of such title, as soon as practicable after the date of the enactment of this Act in fiscal year 1987 and on October 1 of each of fiscal years 1988, 1989, and 1990, allocate 66 percent of the remainder of the authorization for forest highways provided for such fiscal year by this Act in the same percentage as the amounts allocated for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted (1) to eliminate the 0.003243547 percent for the State of Iowa to the State by deed executed May 26, 1964, and (2) to redistribute the percentage formerly apportioned to the State of Iowa to other participating States on a proportional basis. The remaining funds authorized to be appropriated for forest highways for such fiscal year shall be allocated pursuant to section 202(a) of such title.

Puerto Rico.
Iowa.
23 USC 202 note.

SEC. 135. REGULATION OF TOLLS.

(a) Section 4 of the Act of March 23, 1906 (34 Stat. 85; 33 U.S.C. 494), commonly known as the “Bridge Act of 1906”, is amended by striking out the last sentence.

(b) Section 17 of the Act of June 10, 1930 (46 Stat. 552; 33 U.S.C. 498a), is repealed.

(c) The Act entitled "An Act to provide for the regulations of tolls over certain bridges", approved June 27, 1930 (46 Stat. 821; 33 U.S.C. 498b), is repealed.

(d) Sections 1 through 5 of the Act of August 21, 1935 (49 Stat. 670; 33 U.S.C. 503-507) are repealed.

(e) Sections 503 and 506 of the General Bridge Act of 1946 (60 Stat. 847, 848; 33 U.S.C. 526, 529) are repealed.

(f) Section 133 of Public Law 93-87 (87 Stat. 267; 33 U.S.C. 526a) is repealed.

(g) Section 6 of the International Bridge Act of 1972 (86 Stat. 732; 33 U.S.C. 535d) is repealed.

(h) Section 6(g)(4) of the Department of Transportation Act (80 Stat. 937; 49 U.S.C. App. 1655(g)(4)) is repealed.

33 USC 508.

(i) Tolls for passage or transit over any bridge constructed under the authority of the Act of March 23, 1906 (34 Stat. 84; 33 U.S.C. 491-498), commonly known as the "Bridge Act of 1906", the General Bridge Act of 1946, and the International Bridge Act of 1972 shall be just and reasonable.

33 USC 525 note,
535 note.

23 USC 104 note.

SEC. 136. IMPLEMENTATION OF CERTAIN ORDERS.

Loans.

In implementing any order issued by the President which provides for or requires a percentage reduction in new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, spending authority, or obligation limitations for the Federal-aid highway, mass transit and highway safety programs and with respect to which the budget account activity as identified in the program and financing schedule contained in the Appendix to the Budget of the United States Government for such programs includes more than one specific highway, mass transit, or highway safety program or project for which budget authority is provided by this Act or an amendment made by this Act, the Secretary shall apply the percentage reduction equally to each such specific program or project.

23 USC 103 note.

SEC. 137. COMBINED ROAD PLAN DEMONSTRATION PROGRAM.

(a) PROGRAM.—The Secretary, in cooperation with up to 5 States, shall conduct a combined road plan demonstration to test the feasibility of approaches for combining, streamlining, and increasing the flexibility in the administration of the Federal-aid secondary program, Federal-aid urban program, and the off-system bridge, urban bridge, and secondary bridge programs. The demonstration shall place as much responsibility as feasible with State and local governments. Notwithstanding any provision of title 23, United States Code, the Secretary may—

(1) grant design exceptions and permit construction without final inspection; and

Urban areas.

(2) permit the use of Federal-aid secondary, Federal-aid urban, and bridge funds for Federal-aid secondary projects, Federal-aid urban projects, and bridge projects on the secondary and urban systems and off-system bridge projects.

(b) REPORT.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives—

(1) an interim report on the program being carried out under this section within 3 years after the date of the enactment of this Act; and

(2) a final report evaluating the effectiveness of the demonstration program and making needed recommendations as soon as practicable after completion of the demonstration under this section.

SEC. 138. PROJECT ELIGIBILITY.

Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by adding at the end thereof the following: "Notwithstanding the fifth sentence of this subsection, the costs of a project which will upgrade an interstate route and will complete a gap on the Interstate System providing access to an international airport and which was described as the preferred alternative in a final environmental impact statement submitted to the Secretary of Transportation on September 30, 1983, shall be eligible for funds authorized by this subsection as if such costs were included in the 1981 interstate cost estimate and shall be included as eligible costs in any future interstate cost estimate, except that (1) such costs may be further developed in the design and environmental process under normal Federal-aid interstate procedures, and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street."

23 USC 101 note.

SEC. 139. ELIGIBILITY OF PARK AND RIDE FACILITIES.

(a) **ELIGIBILITY FOR INTERSTATE CONSTRUCTION FUNDS.**—Notwithstanding any other provision of law, policy, and regulation and any interpretation thereof, construction in the vicinity of Fort Lauderdale, Florida, of 4 park and ride facilities and direct access connectors between such facilities and high occupancy vehicle lanes being constructed on a north-south interstate route which connects Miami and Jacksonville, Florida, shall be eligible for funds (not to exceed \$84,000,000) authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and is included as an eligible project in the 1985 interstate cost estimate, and the cost of such construction not to exceed \$84,000,000 shall be included in any future interstate cost estimate. The Secretary shall enter into project agreements consistent with the provisions of title 23 of the United States Code for construction of such facilities and connectors.

Florida.
Contracts.

Ante, p. 142.

(b) **SIZE OF FACILITIES.**—The size of each park and ride facility constructed pursuant to subsection (a) shall be sufficient to accommodate commuter demand anticipated 20 years after the date on which construction of such facility is approved.

(c) **ELIGIBILITY FOR 4R FUNDING.**—Notwithstanding any other provision of law, if construction of the facilities and direct access connectors described in subsection (a) costs more than \$84,000,000, the State of Florida may use funds apportioned to it under section 104(b)(5)(B) of title 23, United States Code, to complete construction of such facilities and connectors.

Florida.

SEC. 140. PLANNING, DESIGN, AND CONSTRUCTION.

Notwithstanding any other provision of law, the State of Arkansas may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning, design, and construction from Interstate Route I-40 to the boundary between Arkansas and Mis-

Arkansas.
Missouri.
Urban areas.

souri of a 2-lane north-south highway which is on the Federal-aid primary system in Arkansas and passes through an urbanized area.

SEC. 141. TRANSFER OF INTERSTATE LANES.

(a) **ELIGIBILITY OF INTERSTATE LANE PROJECT.**—Any project to construct eligible interstate lanes, as defined in subsection (f), shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and shall be included as an eligible project in any future interstate cost estimate unless the costs of such project are made not eligible for such funds by subsection (c).

Ante, pp. 142,
175.

California.

(b) **APPROVAL OF SUBSTITUTE TRANSIT PROJECT.**—Notwithstanding any other provision of law, upon the joint request of the Governor of the State of California and the local governments concerned, the Secretary may approve a substitute transit project for construction of a fixed guideway system in lieu of construction of any eligible interstate lanes if such substitute project is in or adjacent to the proposed right-of-way for such lanes.

(c) **ELIGIBILITY FOR FEDERAL ASSISTANCE.**—Upon approval of any substitute transit project under subsection (b), the costs of construction of the eligible interstate lanes for which such project is substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project.

Contracts.

(d) **LIMITATION ON ELIGIBILITY.**—By September 30, 1989, any substitute transit project approved under subsection (b) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for any such project.

(e) ADMINISTRATIVE PROVISIONS.—

(1) **STATUS OF SUBSTITUTE PROJECT.**—A substitute transit project approved under subsection (b) shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)).

California.

(2) **REDUCTION OF UNOBLIGATED INTERSTATE APPORTIONMENTS.**—Unobligated apportionments for the Interstate System in the State of California shall, on the date of approval of a substitute transit project under subsection (b), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total cost of all interstate routes in such State as reflected in the latest cost estimate approved by Congress.

(3) **ADMINISTRATION THROUGH FHWA.**—The Secretary shall administer this section through the Federal Highway Administration.

California.

(f) **ELIGIBLE INTERSTATE LANES DEFINED.**—For purposes of this section, the term "eligible interstate lanes" means any high occupancy vehicle lanes and other lanes—

(1) which are to be constructed on any highway in Los Angeles County, California, designated as a part of the National System of Interstate and Defense Highways by section 140 of the Federal-Aid Highway Act of 1978; and

(2) the costs of construction of which are included in the interstate cost estimate for 1985.

92 Stat. 2711.

SEC. 142. SUBSTITUTE TRANSIT PROJECT IN OREGON.

(a) **APPROVAL OF PROJECT.**—Notwithstanding any other provision of law, upon the joint request of the Governor of the State of Oregon and the local governments concerned, the Secretary may approve a substitute transit project for construction of a light rail transit system in lieu of construction of any eligible interstate lanes if such substitute project is in or adjacent to the proposed right-of-way for such lanes.

(b) **ELIGIBILITY FOR FEDERAL ASSISTANCE.**—Upon approval of any substitute transit project under subsection (a), the costs of construction of the eligible interstate lanes for which such project is substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project.

Ante, pp. 142, 175.

(c) **LIMITATION ON ELIGIBILITY.**—By September 30, 1989, any substitute transit project approved under subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for such project.

Contracts.

(d) **ADMINISTRATIVE PROVISIONS.**—

(1) **STATUS OF SUBSTITUTE PROJECT.**—A substitute transit project approved under subsection (a) shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)).

(2) **REDUCTION OF UNOBLIGATED INTERSTATE APPORTIONMENT.**—Unobligated apportionments for the Interstate System in the State of Oregon shall, on the date of approval of a substitute transit project under subsection (a), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total cost of all interstate routes in such State as reflected in the latest cost estimate approved by Congress.

(3) **ADMINISTRATION THROUGH FHWA.**—The Secretary shall administer this section through the Federal Highway Administration.

(e) **ELIGIBLE INTERSTATE LANES DEFINED.**—For purposes of this section, the term “eligible interstate lanes” means any bus lanes which are to be constructed on Interstate Route I-205 in Oregon.

SEC. 143. PAYBACK OF RIGHT-OF-WAY EXPENSES.

New York.

(a) **EFFECT OF REPAYMENT.**—Upon repayment by the State of New York to the Treasurer of the United States of an amount as determined by the Secretary to be equal to the amount of Federal funds expended to acquire property for the portion of I-478 which was withdrawn from the Interstate System in accordance with the provisions of section 103(e)(4) of title 23, United States Code, less any amount not required to be repaid with respect to such property under section 103(e)(7) of such title, the State of New York shall be absolved of any further responsibility for repayment and will be deemed to have met all of the repayment requirements of section 103(e)(7) of such title.

(b) **USE OF REPAID FUNDS.**—The amount repaid to the United States under this section shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of funds apportioned to the State of New York in accordance with section 104(b)(1) of title 23, United States Code. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of such title.

SEC. 144. GEORGIA STATE ROUTE 400.

(a) **CREDIT AND USE OF FEDERAL FUNDS.**—The amount of all Federal-aid highway funds paid to the State of Georgia on account of the section of State Route 400, a 6-lane, limited access major arterial highway connecting Interstate Route I-285 and Interstate Route I-85 in Fulton County, Georgia, may be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal Aid Highways (Trust Fund)". Such repayment shall be credited to the unobligated balance of Federal-aid highway funds of the same class last appropriated to the State of Georgia. The amount so credited shall be in addition to all other funds then apportioned or allocated to such State during the fiscal year for which the credit was received and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

(b) **APPLICABILITY OF TOLL RESTRICTIONS.**—As provided in subsection (a) of this section, upon the repayment of Federal-aid highway funds, and removal from the Federal-aid highway programs, such sections of State Route 400 shall be free of any and all restrictions contained in title 23, United States Code, or in any regulations issued thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

SEC. 145. EXEMPTION FROM RIGHT-OF-WAY RESTRICTION.Michigan.
Contracts.
Exports.

A facility located in part on the right-of-way of Interstate Route I-94 in Michigan and in the vicinity of the interchange of I-94 and Michigan State Route 25 is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on rights-of-way of the Interstate System. Such exemption shall be for the purpose of permitting the Michigan Department of Transportation to enter into a lease agreement allowing the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

SEC. 146. RIGHT-OF-WAY DONATION.

(a) CREDIT FOR DONATED LANDS AND DONATION PROCEDURES.—Section 323 of title 23, United States Code, is amended—

(1) by inserting “(a) DONATIONS OF PROPERTY BEING ACQUIRED.—” before “Nothing”; and

(2) by adding at the end the following new subsections:

“(b) CREDIT FOR DONATED LANDS.—

“(1) GENERAL RULE.—Notwithstanding any provision of this title, the State matching share for a project with respect to which Federal assistance is provided out of the Highway Trust Fund (other than the Mass Transit Account) may be credited by the fair market value of land incorporated into the project and lawfully donated to the State after the date of the enactment of this subsection.

“(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of the donated land shall be established as determined by the Secretary. Fair market value shall not include increases and decreases in the value of donated property caused by the project. For purposes of this subsection, the fair market value of donated land shall be established as of the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier.

“(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply to donations made by an agency of a Federal, State, or local government.

“(4) LIMITATION ON AMOUNT OF CREDIT.—The credit received by a State pursuant to this subsection may not exceed the State’s matching share for the project to which the donation is applied.

“(c) PROCEDURES.—A gift or donation in accordance with subsection (a) may be made at any time during the development of a project. Any document executed as part of such donation prior to the approval of an environmental document prepared pursuant to the National Environmental Policy Act of 1969 shall clearly indicate that—

“(1) all alternatives to a proposed alignment will be studied and considered pursuant to such Act;

“(2) acquisition of property under this section shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location; and

“(3) any property acquired by gift or donation shall be revested in the grantor or successors in interest if such property is not required for the alignment chosen after public hearings, if required, and completion of the environmental document.”.

(b) DONATED LANDS IN CALIFORNIA.—

(1) TREATMENT AS PROJECT COST.—Notwithstanding any other provision of law, the fair market value of any lands which have been or in the future are donated or dedicated to the State of California necessary for the right-of-way for relocation and construction of California State Route 73 in Orange County, California, from its interchange with Interstate Route I-405 to its interchange with Interstate Route I-5 shall be included as a part of the cost of such relocation and construction project and shall be credited first toward payment of the non-Federal share of the cost of such relocation and construction project.

42 USC 4321
note.

(2) **CREDIT.**—The fair market value of lands referred to in paragraph (1) shall be established by the Secretary. If such fair market value exceeds the non-Federal share of the relocation and construction project referred to in paragraph (1), then the excess amount, upon the request of the State of California, shall be credited toward the non-Federal share of the cost of any other project on the Federal-aid system in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, California.

(3) **TREATMENT OF IRREVOCABLE OFFER.**—To further the purposes of this section and section 323 of title 23, United States Code, any recorded irrevocable offer of dedication or donation of property within the right-of-way for the project referred to in paragraph (1) shall be considered as part of the State right-of-way acquisition for purposes of this subsection if such offer is irrevocable and effective no later than such time as the State of California requests final reimbursement for the Federal share.

(4) **LIMITATION.**—In no case shall the amount of Federal-aid reimbursement to the State of California on account of the relocation and construction project referred to in paragraph (1) exceed the actual cost to the State for such project.

SEC. 147. SHIRLEY HIGHWAY TRAFFIC RESTRICTIONS.

(a) EXPRESS LANES.—

(1) **RUSH HOUR RESTRICTIONS.**—Except in the case of an emergency as determined by the State of Virginia or the District of Columbia, the State of Virginia and the District of Columbia shall prohibit the use of the Shirley Highway express lanes by a vehicle other than a bus, an emergency vehicle, a vehicle carrying 4 or more persons, and a motorcycle—

(A) on northbound lanes, during the hours of 6 o'clock ante meridiem to 9 o'clock ante meridiem on Monday through Friday, exclusive of holidays, and

(B) on southbound lanes, during the hours of 3:30 o'clock post meridiem to 6 o'clock post meridiem on Monday through Friday, exclusive of holidays.

The State of Virginia and the District of Columbia may not prohibit the use of such lanes during such hours by a bus, an emergency vehicle, or a vehicle carrying 4 or more persons.

(2) **USE OF EXPRESS LANES AT OTHER TIMES.**—The State of Virginia and the District of Columbia may not prohibit the use of the Shirley Highway express lanes during hours other than the hours described in paragraph (1) by a vehicle which is not also prohibited from using the other lanes of the Shirley Highway.

(b) DEFINITIONS.—For purposes of this section—

(1) **EMERGENCY VEHICLE.**—The term "emergency vehicle" includes a public utility vehicle on legitimate emergency business.

(2) **MOTORCYCLE.**—The term "motorcycle" means a motor vehicle designed to travel on not more than 3 wheels in contact with the ground.

(3) **SHIRLEY HIGHWAY EXPRESS LANES.**—The term "Shirley Highway express lanes" means the high occupancy vehicle lanes on Interstate Route I-395 in the District of Columbia and Virginia and on Interstate Route I-95 from its intersection with Interstate Route I-395 to Woodbridge, Virginia.

(c) **ENFORCEMENT.**—The Secretary shall withhold 1 percent of the amount required to be apportioned to the State of Virginia or to the

Ante, p. 179.

Virginia.
District of
Columbia.
Motor vehicles.

District of Columbia under sections 104 and 144 of title 23, United States Code, on the first day of the fiscal year succeeding any fiscal year in which the State of Virginia or the District of Columbia, as the case may be, is in violation of any provision of this section.

SEC. 148. RAILROAD RELOCATION AND DEMONSTRATION PROGRAM.

(a) **FEDERAL SHARE.**—Section 163(n) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is amended by striking out “95 per centum of the cost.” and inserting in lieu thereof “the Federal share provided in section 120(a) of title 23, United States Code.”

(b) **AUTHORIZATION.**—Section 163(p) of such Act is amended by inserting after “September 30, 1986,” the following: “and \$15,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.”

SEC. 149. DEMONSTRATION AND PRIORITY PROJECTS.

(a) PROJECT DESCRIPTIONS.—

(1) **PASSAIC COUNTY, NEW JERSEY.**—The Secretary shall utilize the procedures adopted to carry out the demonstration project under section 141 of the Federal-Aid Highway Act of 1976 and the methods for processing highway projects required to be established by section 129 of the Surface Transportation Assistance Act of 1982 to accelerate design and construction of a highway project which completes a gap on the Federal-aid primary system in an urban area along the Passaic River in Passaic County, New Jersey, and for which most of the right-of-way has been acquired.

23 USC 124 note.

23 USC 105 note.

(2) **BRICK TOWNSHIP, NEW JERSEY.**—The Secretary shall carry out a highway project to demonstrate methods of improving traffic operations and reducing accidents (A) at a high-volume rotary intersection in Brick Township, New Jersey, and (B) on a route connecting such intersection with another high-volume rotary intersection in Wall Township, New Jersey.

(3) **JOHNSTOWN, PENNSYLVANIA.**—The Secretary shall carry out a demonstration project in the vicinity of Johnstown, Pennsylvania, for the purpose of demonstrating methods by which a highway construction project on a segment of the Federal-aid primary system will enhance highway safety and economic development in an area of high unemployment.

(4) **FORT SMITH, ARKANSAS.**—The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of widening a segment of the Federal-aid urban system connecting a community college and a large commercial center in the vicinity of Fort Smith, Arkansas, and of improving traffic signalization on such segment.

(5) **MINNESOTA.**—The Secretary shall carry out a demonstration project on the Federal-aid urban system for the purpose of demonstrating the economic and safety benefits—

(A) of constructing (i) a grade separation between a railroad line and a highway, and (ii) a half diamond interchange, in the vicinity of Moorhead, Minnesota; and

(B) of reconstructing 2 deteriorated segments of a major east-west highway on the Federal-aid primary system in the vicinities of Fosston and Bagley, Minnesota.

(6) **LOYSBURG, PENNSYLVANIA.**—The Secretary shall carry out a highway project to construct a 2-lane bypass around Loysburg in Bedford County, Pennsylvania, for the purpose of dem-

onstrating methods of accelerating project construction and resolving environmental concerns among Federal and State agencies.

(7) **SAN BERNARDINO COUNTY, CALIFORNIA.**—The Secretary shall carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernardino County, California, for the purpose of demonstrating methods of improving highway access to an airport which is projected to incur a substantial increase in air service.

(8) **ALTOONA, PENNSYLVANIA.**—The Secretary shall carry out a highway project to close a gap of approximately 12 miles in a multilane limited access road connecting the city of Altoona to the borough of Tyrone in Blair County, Pennsylvania, for the purpose of demonstrating state of the art delineation technology. For comparison purposes, the highway section to be constructed shall connect a highway section constructed with current delineation technology and an older highway section constructed with traditional delineation technology. The project shall demonstrate the latest horizontal and vertical delineation techniques and utilize innovative techniques in highway delineation treatments to improve traffic control and highway safety. All delineation elements shall be designed to provide the optimum life-cycle costs, thereby maximizing the highway safety benefits and minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of the project. Upon completion of the project, the highway shall be added to the Federal-aid primary system.

(9) **LOUISIANA.**—

(A) **LAFAYETTE.**—The Secretary is authorized to carry out a highway project to demonstrate the benefits to traffic flow and transportation of labor and materials by construction of a highway to provide limited continuous access between an interstate route and a highway on the Federal-aid primary system in Lafayette, Louisiana.

(B) **SHREVEPORT.**—The Secretary is authorized to carry out a highway project which will demonstrate methods of reducing traffic congestion in the central business district of Shreveport, Louisiana, improving access to such district, providing highway continuity, and satisfying national defense requirements by connecting an interstate route with another interstate route which serves as a bypass around such city.

(10) **MIAMI, FLORIDA.**—The Secretary is authorized to carry out a highway project which will demonstrate the most cost effective method of improving interstate motor vehicle access for passengers and cargo moving to and from the port of Miami, Florida.

(11) **ARKANSAS-MISSOURI.**—

(A) **BELLA VISTA, ARKANSAS.**—The Secretary is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate Routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demonstrating methods of improving highway safety and of accelerating highway

construction. Such project shall increase the number of lanes on such segment from 2 to 4.

(B) CARTHAGE, MISSOURI.—The Secretary is authorized to carry out a highway project on a segment of a north-south highway on the Federal-aid primary system from the vicinity of Carthage, Missouri, to the boundary between the States of Arkansas and Missouri in the vicinity of Noel, Missouri, for the purpose of demonstrating methods of improving highway safety and accelerating highway construction. Such project shall increase the number of lanes on such segment from 2 to 4.

(C) DESIGN FEATURES; TECHNICAL ASSISTANCE.—The projects authorized by subparagraphs (A) and (B) of this paragraph shall also demonstrate the latest high-type geometric design features and new advances in highway traffic control and safety hardware. All design elements, including the highway pavement, shall be designed to provide the best life-cycle costs, thereby minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of such projects.

(12) SANFORD, FLORIDA.—The Secretary shall carry out a highway project to demonstrate methods of reducing costs and expediting construction of an interchange in the vicinity of Sanford, Florida, and the intersection of Route 46A and an interstate route by contracting with a private business to design and construct such project.

(13) SAN JOSE, CALIFORNIA.—The Secretary is authorized to carry out a demonstration project in the vicinity of San Jose and Santa Clara, California, for the purpose of demonstrating a unified method of reducing traffic congestion on a Federal-aid urban highway which is the result of the intersection of such highway with 2 other Federal-aid urban highways and a railroad crossing in a ¼-mile segment of such highway.

(14) DISTRICT OF COLUMBIA.—

(A) PROJECT DESCRIPTION.—The Secretary shall carry out a demonstration project in the vicinity of the C&O Canal in the District of Columbia for the purpose of substantially improving motor vehicle access at a major traffic generator without decreasing the efficiency of a Federal-aid primary highway. The Secretary shall enter into such arrangements as may be necessary to carry out such project with the Secretary of the Interior.

(B) LIMITATION.—No Federal assistance shall be provided to carry out the demonstration project under this paragraph until private sources dedicate at least 2.5 acres of land as a scenic easement for project purposes.

(15) COMPTON, CALIFORNIA.—The Secretary shall carry out a highway project for construction of a grade separation on a route on the Federal-aid urban system in Compton, California, for the purpose of demonstrating methods of relieving traffic congestion and enhancing economic development.

(16) MODESTO, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods by which construction of a grade separation for a railroad crossing of a highway on the Federal-aid primary system enhances urban redevelopment and

the effectiveness of a planned transportation center in Modesto, California.

(17) COLUMBIA, MISSOURI.—The Secretary shall carry out a highway project for construction of 2 additional lanes on a 2-lane 106-mile highway on the Federal-aid primary system which begins in the vicinity of Columbia, Missouri, and ends in the vicinity of Lancaster, Missouri, for the purpose of demonstrating methods of improving highway safety, reducing traffic congestion, and encouraging economic development.

(18) EAST MILTON, MASSACHUSETTS.—The Secretary is authorized to carry out a highway project to demonstrate the advantages of joint development and use of air rights in the construction of a deck over a depressed portion of an interstate route in East Milton, Massachusetts.

(19) FAIRHOPE, ALABAMA.—The Secretary, in cooperation with the State of Alabama, shall carry out a highway project in the vicinity of Fairhope and Foley, Alabama, to demonstrate methods of accelerating the widening of a highway traffic segment of highway on the Federal-aid primary system necessary for the rapid evacuation of individuals during emergency weather conditions.

(20) WILDER, KENTUCKY.—The Secretary shall carry out a highway project in the vicinity of Wilder in Campbell County, Kentucky, to demonstrate the economic benefits to a port facility, industrial complex, and foreign trade zone and methods of enhancing highway safety by reconstruction of a segment of a highway on the Federal-aid urban system which connects an interstate route with a port facility. Such project shall increase the number of lanes on such highway from 2 to 4 and may include realignment of such highway.

(21) JO DAVIESS, ILLINOIS.—The Secretary shall carry out a highway project to demonstrate the safety benefits of providing additional and improved vehicular passing opportunities on, adding truck climbing lanes to, and straightening, a 50-mile segment of an east-west highway on the Federal-aid primary system which carries a high volume of traffic in Jo Daviess and Stephenson Counties, Illinois.

(22) ALLENTOWN, PENNSYLVANIA.—The Secretary is authorized to carry out a highway project in the city of Allentown, Pennsylvania, for the purpose of demonstrating methods of accelerating construction to eliminate a major rail-highway crossing at grade, reducing traffic delays for both rail and motor vehicle traffic, and minimizing the impact on the surrounding urban environment.

(23) RIVERSIDE, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods of improving safety on a highway on the Federal-aid primary system in Riverside, California, which is designated as a priority primary route under section 147 of title 23, United States Code, by Committee Print Numbered 100-3 of the Committee on Public Works and Transportation of the House of Representatives.

(24) BUFFALO, NEW YORK.—The Secretary shall carry out a highway project in Buffalo, New York, for the purpose of demonstrating methods of facilitating redevelopment of a waterfront area by construction of a connector off a highway on the Federal-aid primary system. Upon completion of the project, the connector shall be added to the Federal-aid urban system.

(25) CLEVELAND, OHIO.—The Secretary shall carry out a highway project to replace a ramp which provides access to an industrial area of Cleveland, Ohio, for the purpose of demonstrating the relationship between infrastructure improvement and economic vitality.

(26) PATTON ISLAND, ALABAMA.—The Secretary shall carry out a highway project to construct a bridge to cross the Tennessee River in Lauderdale and Colbert Counties, Alabama, in the vicinity of Patton Island, Alabama, for the purpose of demonstrating methods of improving highway transportation and enhancing economic development.

(27) WOOD COUNTY, OHIO.—The Secretary shall carry out a highway project to construct an interchange connecting Interstate Route I-75 and a 4-lane, east-west highway in Perrysburg Township in Wood County, Ohio, for the purpose of demonstrating methods of reducing traffic congestion, improving traffic flow, and enhancing economic development.

(28) CHICAGO, ILLINOIS.—The Secretary shall carry out the following highway projects in Chicago, Illinois:

(A) A highway project to rehabilitate a drawbridge over the north branch of the Chicago River and realign an adjacent intersection which will demonstrate the use of the latest innovative bridge repair techniques on a bascule bridge.

(B) A highway project to remove and replace an existing bridge on Lake Shore Drive in the Jackson Park Historic Landscape District and the Midway Plaisance with a new bridge in the same location and to widen the approach road to such bridge which will demonstrate the historic recreation of a national register bridge and replacement of a deteriorated bridge.

(C) A highway project between Chicago Avenue and Claybourn Avenue to disinvest a bridge over Goose Island which will demonstrate methods of reducing municipal and Federal burdens for rehabilitation and maintenance of a surplus highway facility.

(29) WAYNE COUNTY, MICHIGAN.—The Secretary shall carry out two road improvement projects in Wayne County, Michigan, to demonstrate the benefits of enhancing safety and improving economic vitality of a depressed area.

(30) COOK COUNTY, ILLINOIS.—

(A) CHICAGO.—The Secretary shall carry out a highway project which demonstrates methods of utilizing a low cost alternative to reconstruction of a 1-mile segment of an east-west road between Nagle and Oak Park Avenues, Chicago, Illinois, which is deficient due to soil conditions.

(B) SOUTHWEST CHICAGO.—The Secretary shall carry out a highway project to construct three parking facilities adjacent to the Rock Island commuter rail lines in Southwest Chicago, Illinois, which will demonstrate the effectiveness of construction of parking facilities in relieving on-street parking congestion and unsafe parking practices.

(C) OAK LAWN.—The Secretary shall carry out a highway project in Oak Lawn, Illinois, which demonstrates methods of improving highway safety by widening and resurfacing a 4-lane major arterial with lane widths which are less than minimum State and Federal standards.

(D) **CALUMET PARK.**—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and access to a segment of the Interstate System by reconstruction of a congested major arterial in Calumet Park and Blue Island, Illinois.

(E) **CUMBERLAND STATION.**—The Secretary shall carry out a highway project to construct the first level of a 2 level addition to an existing park and ride facility in the vicinity of Cumberland Station on the O'Hare Rapid Transit Line, Chicago, Illinois, which will demonstrate methods of reducing commuter traffic and traffic congestion and increasing utilization of available capacity on a rapid transit line.

(F) **ELEVATED ROAD.**—The Secretary shall carry out a highway project to demonstrate the benefits of utilizing precast, prefabricated concrete structural segments in the reconstruction of an elevated road on a major artery in the southwestern portion of Chicago, Illinois, in order to minimize traffic disruption during the reconstruction.

(G) **PARKING FACILITIES.**—The Secretary shall carry out a demonstration project for the construction of two parking lots at sites (i) where future stations are to be located on the Southwest Rapid Transit Line in Chicago, Illinois, and (ii) to which buses now provide mass transit service. Such project shall be carried out before the beginning of service on such rapid transit line in order to demonstrate methods of facilitating the transfer of passengers between different modes of transportation and of establishing ridership before the opening of a rapid transit line.

(31) **KANSAS CITY, MISSOURI.**—The Secretary shall carry out a highway project on a north-south route on the Federal-aid primary system in Kansas City, Missouri, to demonstrate methods by which construction of the first and southern-most phase of a 5-phase highway project will facilitate construction of the full 5-phase project. Construction of the 5-phase project—

(A) will connect the northern terminus of another route on the Federal-aid primary system and an east-west interstate route,

(B) will demonstrate the interrelationship between construction of a major urban transportation artery and economic development initiatives in facilitating reinvestment in an urban area experiencing economic decay, and

(C) will demonstrate methods of reducing traffic congestion through construction of a roadway that is compatible with adjacent residential neighborhoods and commercial areas.

(32) **MOUNT VERNON, KENTUCKY.**—The Secretary is authorized to carry out a highway project on a segment of the Federal-aid primary system which connects Interstate Route I-75 in the vicinity of Mount Vernon, Kentucky, with Kentucky State Route 80 in the vicinity of Shopville, Kentucky, for the purposes of demonstrating methods of improving highway safety and traffic flow and improving access to a national river and recreation area.

(33) **PINE CITY, MINNESOTA.**—The Secretary is authorized to carry out a highway project in Pine City, Minnesota, to demonstrate methods of enhancing economic development and improving highway safety and traffic flow by construction of an

interchange between a highway on the Interstate System and a county State-aid highway.

(34) PASO ROBLES, CALIFORNIA.—The Secretary is authorized to carry out a highway project in the city of Paso Robles, California, to construct a 2-lane, east-west bridge which will span the Salinas River, a highway, and a railroad line and will be located south of the existing bridges spanning such river in such city, for the purposes of demonstrating methods of improving highway safety and traffic flow and enhancing economic development.

(35) SUFFOLK COUNTY, NEW YORK.—The Secretary is authorized to carry out a highway project from Wheeler Road to Veterans Memorial Highway in the town of Islip, Suffolk County, New York, for the purpose of demonstrating construction techniques to accelerate upgrading of an existing highway to freeway standards with minimum disruption of traffic.

(36) CONNECTICUT.—

(A) SOUTHTON.—The Secretary shall carry out a highway project to demonstrate the latest construction techniques in reconstructing a north-south segment of highway on the Federal-aid urban system in the vicinity of Southington, Connecticut.

(B) KENT CENTER.—The Secretary shall carry out a highway project to change horizontal and vertical alignment of a north-south highway on the Federal-aid primary system south of Kent Center, Connecticut, to demonstrate methods of solving safety and flooding problems.

(37) DOVER TOWNSHIP, NEW JERSEY.—The Secretary is authorized to carry out a highway project to construct a bridge across the Toms River in the township of Dover, New Jersey, for the purpose of demonstrating methods of reducing traffic congestion on an existing bridge and facilitating the redevelopment of the central business district of such township.

(38) LOS ANGELES COUNTY, CALIFORNIA.—The Secretary is authorized to carry out a highway project in Los Angeles County, California, for the purpose of demonstrating methods of improving vehicular circulation related to the intermodal transportation of port-related traffic and alleviating congestion caused by increased port activities.

(39) GREATER PITTSBURGH INTERNATIONAL AIRPORT.—The Secretary shall carry out in the vicinity of the Greater Pittsburgh International Airport a highway project for construction of a highway which is designated as a priority primary route under section 147 of title 23, United States Code, by Committee Print Numbered 100-3 of the Committee on Public Works and Transportation of the House of Representatives to demonstrate methods of improving economic development and airport terminal placement.

(40) STEUBEN COUNTY, NEW YORK.—The Secretary shall carry out a highway project in Steuben County, New York, for the purpose of demonstrating the extent to which the economy of an industrialized high unemployment area can be improved by completion of key elements of a modern, grade-separated access controlled highway which serves such area.

(41) SONOMA AND MARIN COUNTIES, CALIFORNIA.—

(A) SANTA ROSA.—The Secretary shall carry out a highway project for the purpose of demonstrating the extent to

which traffic congestion is relieved by reconstruction of a north-south arterial which (i) connects Santa Rosa, California, and Petaluma, California, (ii) is parallel to a major north-south segment of the Federal-aid primary system, and (iii) serves as an alternative for traffic between such cities.

(B) HEALDSBURG.—The Secretary shall carry out a highway project for the purpose of demonstrating the extent to which traffic congestion is relieved on the major north-south segment of the Federal-aid primary system described in subparagraph (A) by construction of high occupancy vehicle lanes along a right-of-way which is parallel to such segment and connects San Rafael, California, and Healdsburg, California.

(42) VOYAGEURS NATIONAL PARK, MINNESOTA.—The Secretary shall carry out a highway project which demonstrates methods of enhancing use of a national park and reducing traffic congestion by reconstruction of an access road to Voyageurs National Park, Minnesota.

(43) SAVANNAH, GEORGIA.—The Secretary, in cooperation with the State of Georgia, shall carry out a highway project for replacing an existing functionally obsolete bridge across the Savannah River in Savannah, Georgia, with a modern, high-level structure for the purpose of demonstrating methods of improving safety and the free flow of both vehicular and waterborne traffic including traffic related to national defense.

(44) NEW SEWICKLY, PENNSYLVANIA.—The Secretary shall carry out a highway project to construct a 2-lane highway between the township of New Sewickly, Pennsylvania, and the borough of Conway, Pennsylvania, for the purpose of demonstrating methods of accommodating increasing truck traffic and improving highway safety.

(45) CROYLE TOWNSHIP, PENNSYLVANIA.—The Secretary shall carry out a highway project to upgrade a 1.3-mile access road to the Johnstown Flood National Memorial in the vicinity of Croyle Township, Pennsylvania, for the purpose of demonstrating methods of improving public access to a flood memorial.

(46) LAWRENCE, MASSACHUSETTS.—The Secretary shall carry out in Lawrence, Massachusetts, a highway project to demonstrate methods of enhancing the benefits of an economic rehabilitation project under construction by construction of a service road which provides access between Massachusetts Avenue and Merrimack Street substantially along an alignment located between the Shawsheen River and an interstate route.

(47) LOUISIANA.—

(A) The Secretary shall carry out a highway project on the west bank of the Mississippi River in the vicinity of Port Allen, Louisiana, for the purpose of demonstrating methods by which—

(i) the inclusion of a diamond interchange on the Interstate System, including ingress and egress ramps with an overpass, located between the existing Mississippi River Bridge access and an existing rural interchange; and

(ii) the connection and improvement of access to the Interstate System by means of approaches from a 2-

lane highway and a parish road to such diamond interchange;

will eliminate safety hazards and reduce heavy truck traffic congestion from the Mississippi River Bridge exit ramp on the Interstate System and the City of Port Allen and the Texas-Pacific Railroad crossing and improve conditions for access to the Port of Greater Baton Rouge and the Intra-coastal Canal.

(B) The Secretary shall carry out a highway project in the vicinity of Baton Rouge, Louisiana, for the purpose of demonstrating the benefits of reducing traffic congestion in the immediate vicinity of a split-diamond interchange which connects an east-west highway on the Interstate System, 2 4-lane highways not on such system, and a 2-lane highway not on such system by providing—

(i) a direct exit lane from the westbound lanes of the highway on such system to one of such 4-lane highways;

(ii) a direct access ramp and acceleration lane from such 4-lane highway to the eastbound lanes of the highway on such system; and

(iii) a direct exit lane from the eastbound lanes of the highway on such system to the other of such 4-lane highways.

(C) The Secretary shall carry out a highway project in the vicinity of northeast Baton Rouge, Louisiana, for the purpose of demonstrating the efficacy of reducing traffic congestion and improving traffic flow in the immediate vicinity of a highway on the Interstate System to connect such highway to a metropolitan airport terminal access road by construction of a direct access off-ramp link.

(48) MINDEN, LOUISIANA.—The Secretary shall carry out a highway project for the purpose of demonstrating methods of enhancing economic development by construction of a frontage road which provides Minden, Louisiana, alternative access to a highway immediately connecting to a highway on the Interstate System.

(49) ANAHEIM, CALIFORNIA.—The Secretary shall carry out a project for research, development, and implementation of a computerized transportation management system to assist the city of Anaheim, California, and adjoining jurisdictions in managing highway traffic congestion caused in part by an interstate route passing through an area of concentrated population and commercial development for the purpose of demonstrating the usefulness of such a system in reducing traffic congestion.

(50) PINE BLUFF, ARKANSAS.—The Secretary shall carry out a highway bridge project at Lock and Dam 4 near Pine Bluff, Arkansas.

(51) CLARKSVILLE, TENNESSEE.—The Secretary shall carry out a highway project to demonstrate methods of improving highway safety by making improvements to a road providing direct access from the Fort Campbell Military Reservation to the city of Clarksville, Tennessee.

(52) CLARINDA, IOWA.—The Secretary shall carry out a highway project to reconstruct and rehabilitate a highway between Shenandoah and Clarinda, Iowa, for the purpose of demonstrating methods by which improved highway transportation in an

economically depressed rural area will increase economic activity in such area.

(53) **SAN DIEGO COUNTY, CALIFORNIA.**—The Secretary shall carry out a highway project to expand a highway which connects an interstate route in the vicinity of Oceanside, California, with another interstate route in the vicinity of Escondido, California, for the purpose of demonstrating methods of reducing traffic congestion and accidents.

(54) **SAINT CHARLES COUNTY, MISSOURI.**—The Secretary shall carry out a highway project to construct a bypass highway to connect an east-west interstate route in Saint Charles County, Missouri, with the interstate beltway around Saint Louis, Missouri, for the purpose of demonstrating methods of alleviating traffic congestion, especially commuter traffic congestion.

(55) **JONESBORO, ARKANSAS.**—The Secretary shall carry out a highway project for construction of 4 grade separations on a 4-lane bypass route in the vicinity of Jonesboro, Arkansas, for the purpose of demonstrating methods of improving highway safety.

(56) **ILLINOIS.**—

(A) **MOUNT VERNON.**—The Secretary is authorized to carry out a highway project to reconstruct a segment of approximately 1.4 miles of a State route connecting to an interstate route in the vicinity of Mount Vernon, Illinois, for the purpose of demonstrating methods of improving highway safety.

(B) **EVANSVILLE.**—The Secretary is authorized to carry out a highway project to upgrade a principal route through the village of Evansville, Illinois, for the purpose of demonstrating methods of improving traffic flow.

(C) **UNION COUNTY.**—The Secretary is authorized to carry out a highway project to improve a road leading to a landmark in the vicinity of the city of Alto Pass, Union County, Illinois, for the purpose of demonstrating methods of improving access to such a landmark and of enhancing tourism.

(57) **CONCORD, CALIFORNIA.**—The Secretary shall carry out a highway project between Concord, California, and West Pittsburg, California, for the purpose of demonstrating methods of improving highway safety and traffic flow by lowering the grade of, realigning, and widening an existing highway on the Federal-aid primary system.

(58) **GEORGIA.**—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and reducing traffic accidents by reconstruction of a 3.8-mile segment of highway between Interstate Route I-285 and the fork of Georgia State Route 141 as a 6-lane controlled access freeway with one-way frontage roads in each direction.

(59) **PIKE COUNTY, KENTUCKY.**—The Secretary shall carry out a highway project to reconstruct a highway on the Federal-aid primary system between Open Fork Road and Road Fork of Big Creek Road in Pike County, Kentucky, for the purpose of demonstrating methods of improving highway safety in a mountainous area.

(60) **MADISON COUNTY, ILLINOIS.**—The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of reconstructing a segment of road in

Madison County, Illinois, which serves a high-growth industrial area.

(61) **ERWIN, TENNESSEE.**—The Secretary shall carry out a highway project to extend, approximately 15 miles, a highway on the Appalachian development highway system between River View in Erwin, Tennessee, and Sam's Gap on the North Carolina-Tennessee border for the purpose of demonstrating methods of improving transportation in a mountainous area.

(62) **NEW RIVER, WEST VIRGINIA.**—The Secretary is authorized to carry out a demonstration project to construct a parkway connecting to an interstate route, in accordance with the recommendations of the New River Parkway Authority, in the vicinity of the New River, West Virginia, for the purpose of demonstrating benefits to recreation, tourism, and industrial, economic, and community development.

(63) **KITTANNING-BROOKVILLE, PENNSYLVANIA.**—The Secretary is authorized to carry out a project for reconstruction of approximately 30 miles of a 2-lane road on the Federal-aid primary system between Kittanning and Brookville, Pennsylvania, for the purpose of demonstrating cost-effective methods of improving rural highways to accommodate wider and longer trucks.

(64) **AURORA-HOYT LAKES, MINNESOTA.**—The Secretary is authorized to carry out a project for construction of a highway connecting Aurora-Hoyt Lakes and Silver Bay, Minnesota, for the purpose of demonstrating methods of reducing traffic congestion in and around a recreational area.

(65) **KANAWHA COUNTY, WEST VIRGINIA.**—The Secretary shall carry out a highway project which demonstrates methods of improving traffic flow in a rural area by reconstruction of the Chelyan Bridge in Kanawha County, West Virginia.

(66) **ROANOKE SOUND, NORTH CAROLINA.**—The Secretary shall carry out a highway project which demonstrates methods of improving tourism, commercial enterprise, and water and highway transportation by construction of a bridge on an east-west Federal-aid primary route which connects Manteo and Whalebone, North Carolina, and traverses Roanoke Sound.

(67) **LINCOLN, ILLINOIS.**—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and reducing traffic congestion by construction of a controlled access freeway which connects Interstate Route I-55 in the vicinity of Lincoln, Illinois, and Interstate Route I-74 in the vicinity of Morton, Illinois.

(68) **SPARKS, NEVADA.**—The Secretary shall carry out a highway project which demonstrates methods of improving economic development and diversification, and eliminating traffic and highway safety hazards by construction in the city of Sparks, Nevada, of an interchange which connects Interstate Route I-80 and Sparks Boulevard.

(69) **BURBANK-GLENDALE-PASADENA AIRPORT, CALIFORNIA.**—The Secretary shall carry out a highway project which demonstrates methods of coordinating construction of ground access to an airport and construction of terminal and parking facilities at such airport. The Secretary shall carry out such project at the Burbank-Glendale-Pasadena Airport, California, by making a grant for construction of such ground access to the airport authority for such airport.

(70) **EL SEGUNDO, CALIFORNIA.**—The Secretary shall carry out a highway project to increase the capacity of a tunnel in the vicinity of an airport serving El Segundo, California, which will demonstrate methods of mitigating increased traffic congestion which is projected to result from completion of a segment of the Interstate System.

(71) **ALAMEDA ISLAND, CALIFORNIA.**—The Secretary shall carry out a highway project to demonstrate methods of improving access to, and alleviating congestion on, a north-south route designated as part of the Interstate System under section 139 of title 23, United States Code, and its access roads, including access roads from Oakland International Airport and Alameda Island, California, to such interstate route.

(72) **DOUGLAS COUNTY, KANSAS.**—The Secretary shall carry out a highway project in Douglas County, Kansas, to demonstrate methods of reducing traffic congestion and facilitating the usage by motorists on the Interstate System of recreational facilities by construction of a north-south limited access trafficway of approximately 4 miles in length which will connect an east-west interstate route to a reservoir and a university research park.

(73) **CHADVILLE, PENNSYLVANIA.**—The Secretary shall carry out a highway project to relocate and reconstruct to 4 lanes a 3.5-mile north-south segment of the Federal-aid primary system from the vicinity of Uniontown Bypass at Chadville, Pennsylvania, to Pennsylvania Legislative Route 26082 in the vicinity of Fairchance, Pennsylvania, which will demonstrate methods of enhancing the development of a major industrial site.

(74) **CHAMBERSBURG, PENNSYLVANIA.**—The Secretary shall carry out a highway project which demonstrates how construction of an interchange on a north-south interstate route will provide access to Chambersburg, Pennsylvania, and relieve traffic congestion on an existing interchange on such interstate route.

(75) **BEAUMONT, TEXAS.**—The Secretary shall carry out a highway project which demonstrates how construction of an overpass over an interstate route in the vicinity of the city of Beaumont, Texas, will relieve traffic congestion on such interstate route and provide direct access between the central business district of such city and another part of such city.

(76) **SAINT LOUIS COUNTY, MINNESOTA.**—The Secretary shall carry out a highway project for the construction of an access road from County Road 413 in Saint Louis County, Minnesota, to a recreational complex on the Bois Forte Chippewa Reservation (Vermilion Sector) to demonstrate methods of providing jobs and enhancing economic development in a severely and chronically depressed area.

(77) **GLOUCESTER COUNTY, VIRGINIA.**—The Secretary, in consultation with the Governor of Virginia, the Secretary of Defense, and the Secretary of the Interior, shall carry out site selection and environmental studies and design and engineering for replacement or expansion of a bridge connecting Gloucester County with York County and the cities of Newport News and Hampton, Virginia, for the purpose of demonstrating methods of facilitating the resolution of Federal intra-governmental conflicts.

(78) **BRAZORIA COUNTY, TEXAS.**—The Secretary shall carry out a highway project in Brazoria County, Texas, to demonstrate

how the extension of a State highway to connect with another State highway can relieve traffic congestion in Fort Bend County, Texas.

(79) **HAMMOND, INDIANA.**—The Secretary shall enter into such arrangements as may be necessary to carry out a demonstration project in Hammond, Indiana, for the relocation of railroad lines for the purpose of eliminating railroad-highway grade crossings. If the city of Hammond, Indiana, elects to carry out all or any portion of the demonstration project authorized by this paragraph before the funds authorized to be appropriated to carry out this paragraph are made available, the Secretary shall reimburse with such funds the city for the costs of carrying out such project or portion.

(80) **ERIE COUNTY, NEW YORK.**—The Secretary is authorized to carry out a highway project in Erie County, New York, to demonstrate methods of enhancing safety and reducing traffic congestion and delays at the terminus of an interstate route by relocating the terminus of such route.

(81) **TAMPA, FLORIDA.**—The Secretary is authorized to carry out the remaining design work for a highway project for construction of a grade separation on a route on the Federal-aid primary system in the vicinity of Tampa, Florida, for the purpose of demonstrating methods of improving motor vehicle access between rapidly growing urban areas as well as relieving motor vehicle congestion resulting from the transportation of freight to and from areas for the transshipment of waterborne commerce.

(82) **POST FALLS, IDAHO.**—The Secretary is authorized to carry out a project to reconstruct Seltice Way (former United States Route 10) to a multilane facility through the City of Post Falls, Idaho, beginning at Pleasant View Road and ending at Huetter Road.

(83) **BOISE, IDAHO.**—The Secretary is authorized to carry out a project to construct a multilane highway of 6.5 miles, in Boise, Idaho, from the Curtis Road interchange to Broadway Avenue, including interchanges, intersections, bridges, elevated structures, and the Orchard Street connection to Chinden Boulevard.

(84) **LAFAYETTE-WEST LAFAYETTE, INDIANA.**—The Secretary is authorized to carry out—

(A) acquisition of right-of-way, grading, and construction of ramps and a double span bridge to carry State Road 26 over the Wabash River connecting the cities of Lafayette and West Lafayette, Indiana;

(B) acquisition of right-of-way, grading, construction of a 2.6-mile single track rail corridor, construction of a second rail span at the Wabash Avenue Overpass and transfer of Amtrak passenger services to a relocated depot facility at Second and Main Streets; and

(C) acquisition of right-of-way, grading, construction of ramps and two rail corridor overpasses and associated replacement street work to reconstruct the vehicular approach to the east end of Harrison Bridge which carries United States Route 231 over the Wabash River connecting the cities of Lafayette and West Lafayette.

(85) **DUBUQUE-DEWITT, IOWA.**—The Secretary is authorized to carry out a project which replaces the route from the intersection of United States Route 61 and Grandview Avenue in

Dubuque, Iowa, extending northerly to a point near East 14th Street, and to improve the service level of the remaining connection from Interstate Route I-80 to Dubuque extending from United States Route 30 at Dewitt to Grandview Avenue in Dubuque.

(86) OLATHE, KANSAS.—The Secretary is authorized to carry out a project to construct an interchange at 119th Street and Interstate Route I-35 in the City of Olathe, Kansas.

(87) WEST CALCASIEU PARISH, LOUISIANA.—The Secretary is authorized to carry out a project to provide for an access road which parallels Interstate Route I-10 at Sulphur, Louisiana, in West Calcasieu Parish, in order to provide access to and from the Interstate System and access from Louisiana Highway 108 to Louisiana Highway 3077.

(88) SOUTHEAST BATON ROUGE, LOUISIANA.—The Secretary is authorized to carry out a project in southeast Baton Rouge, Louisiana, to widen off- and on-ramps of an interstate route interchange; to widen and improve approaches on both sides of the Interstate System of a 2-lane highway, including access ramps and turnouts; to construct a schoolbus loading area adjacent thereto; and to coordinate a partial relocation of a 2-lane highway not on such system.

(89) EAST LAFAYETTE, LOUISIANA.—The Secretary is authorized to carry out a project to construct an access road to Interstate Route I-10 from Louisiana Highway 354 in East Lafayette, Louisiana.

(90) EAST LAFAYETTE, LOUISIANA.—The Secretary is authorized to carry out a project to construct a full-diamond interchange to connect Louisiana Avenue to Interstate Route I-10 in East Lafayette, Louisiana.

(91) BRUNSWICK, MAINE.—The Secretary is authorized to carry out a project to construct the Brunswick-Topsham Bypass in Maine. The bypass will be a new limited access highway which will run from the vicinity of the interchange of Interstate Route I-95 and State Route 196 in Topsham, cross the Androscoggin River, and connect with United States Route 1 in Brunswick, Maine.

(92) UNITED STATES ROUTE 48, MARYLAND.—The Secretary is authorized to carry out a project on United States Route 48 in Washington County, Maryland, to construct an eastbound ramp to United States Route 40 and a westbound access road from Mountain Road.

(93) MARYLAND ROUTE 162.—The Secretary is authorized to carry out a project to realign an intersection to tie Maryland Route 162 directly into Poplar Avenue. Such project includes—

(A) construction of additional lanes at the intersection to allow northbound Maryland Route 162 to westbound Poplar Avenue to become a through movement;

(B) widening 2 miles of Maryland Route 162 from Poplar Avenue to Maryland Route 176 to 4 lanes; and

(C) widening ½-mile of Poplar Avenue from Maryland Route 170 to Maryland Route 162 to 4 lanes.

(94) ROUTE 4, MARYLAND.—The Secretary is authorized to carry out a project to replace a bridge carrying Maryland Route 4 over the Patuxent River.

(95) ROUTE 3, MARYLAND.—The Secretary is authorized to carry out a project to construct an interchange to connect Maryland Route 3 and Belair Drive.

(96) ROUTE 197, MARYLAND.—The Secretary is authorized to carry out a project to construct a 4-lane divided highway to bypass Bowie, Maryland, from Rustic Hill Drive to south of the Amtrak line in Prince Georges County.

(97) MARYLAND ROUTE 115.—The Secretary is authorized to carry out a project to relocate Maryland Route 115 from Montgomery Village Avenue to Shady Grove Road, Montgomery County. This project involves the construction of a 4-lane divided highway.

(98) MARYLAND ROUTE 213.—The Secretary is authorized to carry out a project to rehabilitate the Chester River Bridge on Maryland Route 213 at Chestertown, Maryland.

(99) MARYLAND ROUTE 838.—The Secretary is authorized to carry out a project to replace a bridge connecting Maryland Route 838 to the Wye Island natural resources management area.

(100) BELCHERTOWN, MASSACHUSETTS.—The Secretary is authorized to carry out a project to construct a road of approximately 3,600 feet between Liberty Street and Massachusetts Route 21 in Belchertown, Massachusetts.

(101) MICHIGAN.—The Secretary is authorized to carry out—

(A) a project for construction of the United States Route 31 freeway in Mason County, Michigan, from the south county line northward 11.1 miles to United States Route 10;

(B) improvements, including road widening and resurfacing to existing United States Routes 10 and 31 from the United States Route 10-United States Route 31 interchange east to Scotville, Michigan; and

(C) improvements on United States Route 31 from Scotville north seventeen miles to Preuss Road in Manistee County, Michigan.

(102) BLOOMINGTON, MINNESOTA.—The Secretary is authorized to carry out a project for the design and site location for the replacement of the Bloomington Ferry Bridge, located in Hennepin and Scott Counties, Minnesota.

(103) NEW AUGUSTA, MISSISSIPPI.—The Secretary is authorized to carry out a project to widen 14.7 miles of United States Highway 98 from 1.5 miles east of United States Highway 49 in Forrest County, east to State Route 29 in New Augusta, Mississippi.

(104) HIGHWAY 30, NEBRASKA.—The Secretary is authorized to carry out a project to replace the bridge that carries Highway 30 over the Missouri River between Blair, Nebraska and Missouri Valley, Iowa.

(105) LAS VEGAS, NEVADA.—The Secretary is authorized to carry out a project to construct an interchange at Sahara Avenue and Interstate Route I-15, in the city of Las Vegas, Nevada.

(106) HENDERSON, NEVADA.—The Secretary is authorized to carry out a project to improve the Boulder Highway in Henderson, Nevada. The project involves 6.36 miles along United States Route 93/95 from the intersection of Sunset Road to the intersection of Horizon Drive.

(107) LOS ALAMOS-SANTA FE, NEW MEXICO.—The Secretary is authorized to carry out a project for a new route from Los Alamos, New Mexico to Santa Fe, New Mexico.

(108) LONG ISLAND EXPRESSWAY, NEW YORK.—The Secretary is authorized to carry out a study to examine the feasibility of adding a fourth lane in each direction on Interstate Route I-495 in New York.

(109) NASSAU EXPRESSWAY, NEW YORK.—The Secretary is authorized to carry out a project to extend the Nassau Expressway from Burnside Avenue to Broadway in New York.

(110) WESTCHESTER PARKWAY, NEW YORK.—The Secretary is authorized to carry out a project on the Westchester Parkway, New York, to widen the segment between the Hawthorne Interchange and Washburn Road, reconstruct the southbound lanes in the vicinity of Pleasantville Road, and reconstruct the Pleasantville Road Interchange.

(111) NORTH DAKOTA.—The Secretary is authorized to carry out the following projects on access highways to public recreation areas on certain lakes and State parks in North Dakota in order to accommodate present and projected traffic density:

(A) MORTON COUNTY.—The Secretary is authorized to carry out a project for bridge replacement and access road to Sweetbriar and Crown Butte Lakes, North Dakota.

(B) MERCER COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Mercer County, County FAS Route 2927 from 4 miles north of Hazen, North Dakota north 8 miles to Hazen Bay, Lake Sakakawea.

(C) RANSOM COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Ransom County, County FAS Route 3705 from State Highway 46, south 17 miles to State Highway 27 and a 1-mile spur to Fort Ransom State Park.

(D) BENSON AND RAMSEY COUNTIES.—The Secretary is authorized to carry out a project to construct an access road in Benson and Ramsey Counties FAS Route 0322 from United States Route 281 at Minnewaukan, east to Tri-County Park, north to State Highway 19.

(E) MOUNTRAIL COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Mountrail County from Parshall west 10 miles to Parshall Bay on Lake Sakakawea.

(F) EMMONS COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Emmons County FAS Route 1503 from Beaver Bay 13 miles west of Linton, south 23 miles to the South Dakota State line.

(G) MCKENZIE COUNTY.—The Secretary is authorized to carry out a project to construct an access road in McKenzie County from Charleson south and east 8 miles to Lake Sakakawea.

(H) GRAND FORKS COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Grand Forks County from 1 mile east of Larimore, north 5 miles to Larimore Dam recreation area.

(I) GRAND FORKS COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Grand Forks County from County Road 19, 4 miles south of

Fordville, east and south 9 miles to Fordville Dam recreation area.

(J) STEELE COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Steele County State Highway 200, 9 miles east of Finley, north 9 miles to the Golden Lake recreation area.

(K) MCKENZIE COUNTY.—The Secretary is authorized to carry out a project to construct an access road in McKenzie County from United States Route 85 south of Williston, east 4.2 miles to several bays on Lake Sakakawea.

(L) BOTTINEAU AND RENVILLE COUNTIES.—The Secretary is authorized to carry out a project to construct an access road in Bottineau and Renville Counties, FAS Routes 3828 and 0526 from Lake Darling 1 mile west of Grano, east 10 miles.

(M) MOUNTRAIL COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Mountrail County, FAS Route 3123 from State Highway 23, 6 miles east of Newtown, south 2.5 miles to Van Hook Bay on Lake Sakakawea.

(112) GLADSTONE, NORTH DAKOTA.—The Secretary is authorized to carry out a project to improve access to a regional grain elevator, FAS Routes 2117 and 4531 from State Highway 21 at Regent, north 34 miles to Gladstone and Interstate Route I-94, Gladstone, North Dakota.

(113) EUGENE, OREGON.—The Secretary is authorized to carry out a preliminary engineering study to plan and design alternatives to the Ferry Street Bridge in Eugene, Oregon.

(114) PROVIDENCE, RHODE ISLAND.—The Secretary is authorized to carry out a project for United States Route 1 in Providence, Rhode Island, to make improvements on Allens Avenue and Eddy Street to add a center turning lane, widen the road, provide for shoulders, and improve safety on approximately 3 miles of road.

(115) WEST WARWICK, RHODE ISLAND.—The Secretary is authorized to carry out a project on Wakefield Street in West Warwick, Rhode Island, to improve pavement surfaces, curbs, and sidewalks, to add drainage facilities, and to widen approximately 3.5 miles of such street.

(116) MYRTLE BEACH, SOUTH CAROLINA.—The Secretary is authorized to carry out a project to construct a new controlled access road from Interstate Route I-95 at Florence, South Carolina to United States Route 17, north of Myrtle Beach, South Carolina, including a connector from northwest of Conway, South Carolina, to United States Route 17, south of Myrtle Beach.

(117) KEYSTONE, SOUTH DAKOTA.—The Secretary is authorized to carry out a project to construct an additional lane on South Dakota Route 244 from Mount Rushmore National Memorial to the vicinity of Keystone.

(118) WEST TODD COUNTY, SOUTH DAKOTA.—The Secretary is authorized to carry out a project for grading and interim surfacing of United States Route 18 in South Dakota from the West Todd County line, east.

(119) IROQUOIS-DE SMET, SOUTH DAKOTA.—The Secretary is authorized to carry out a project for grading and resurfacing United States Route 14 in South Dakota from Iroquois to De Smet.

(120) DALLAS, TEXAS.—The Secretary is authorized to carry out a project to construct and upgrade 8.1 miles from Beltline Road in Dallas County to SR-121 in Collin County.

(121) BLUE RIDGE PARKWAY, VIRGINIA.—The Secretary is authorized to carry out a 10-mile extension of the Blue Ridge Parkway to the Explore Project (a tourist destination located in the Roanoke Valley in western Virginia to be designed and built by the National Park Service and to be transferred to and maintained by the Blue Ridge Parkway portion of the National Park Service).

(b) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out—

- (1) subsection (a)(1) \$5,000,000;
- (2) subsection (a)(2) \$2,000,000;
- (3) subsection (a)(3) \$1,100,000;
- (4) subsection (a)(4) \$850,000;
- (5) subsection (a)(5) \$500,000;
- (6) subsection (a)(6) \$550,000;
- (7) subsection (a)(7) \$2,900,000;
- (8) subsection (a)(8) \$9,000,000;
- (9) preliminary engineering and design under subsection (a)(9) \$600,000;

- (10) preliminary engineering and design under subsection (a)(10) \$1,030,000;

- (11)(A) preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(11)(A) \$4,500,000; and

- (B) preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(11)(B) \$4,500,000;

- (12) subsection (a)(12) \$1,400,000;

- (13) subsection (a)(13) \$2,900,000;

- (14) subsection (a)(14) \$800,000;

- (15) subsection (a)(15) \$750,000;

- (16) subsection (a)(16) \$1,300,000;

- (17) preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(17) \$1,100,000;

- (18) subsection (a)(18) \$350,000;

- (19) subsection (a)(19) \$2,100,000;

- (20) subsection (a)(20) \$900,000;

- (21) subsection (a)(21) \$300,000;

- (22) subsection (a)(22) \$600,000;

- (23) subsection (a)(23) \$800,000;

- (24) subsection (a)(24) \$1,250,000;

- (25) subsection (a)(25) \$800,000;

- (26) subsection (a)(26) \$1,500,000;

- (27) subsection (a)(27) \$2,000,000;

- (28) subsection (a)(28) \$1,200,000;

- (29) subsection (a)(29) \$220,000;

- (30) subsection (a)(30) \$1,208,000;

- (31) subsection (a)(31) \$1,500,000;

- (32) subsection (a)(32) \$1,400,000;

- (33) subsection (a)(33) \$260,000;

- (34) subsection (a)(34) \$310,000;

- (35) subsection (a)(35) \$975,000;
- (36) subsection (a)(36) \$385,000;
- (37) subsection (a)(37) \$200,000;
- (38) subsection (a)(38) \$7,400,000;
- (39) preliminary engineering and design under subsection (a)(39) \$550,000;
- (40) subsection (a)(40) \$800,000;
- (41)(A) subsection (a)(41) \$1,050,000; and
- (B) land acquisition under subsection (a)(41)(B) \$2,400,000;
- (42) subsection (a)(42) \$453,000;
- (43) subsection (a)(43) \$6,650,000;
- (44) subsection (a)(44) \$1,340,000;
- (45) subsection (a)(45) \$72,000;
- (46) subsection (a)(46) \$400,000;
- (47) subsection (a)(47) \$1,080,000;
- (48) subsection (a)(48) \$75,000;
- (49) subsection (a)(49) \$90,000;
- (50) subsection (a)(50) \$200,000;
- (51) subsection (a)(51) \$500,000;
- (52) subsection (a)(52) \$900,000;
- (53) subsection (a)(53) \$1,880,000;
- (54) preliminary engineering and design under subsection (a)(54) \$1,300,000;
- (55) subsection (a)(55) \$1,230,000;
- (56) subsection (a)(56) \$195,800;
- (57) land acquisition under subsection (a)(57) \$400,000;
- (58) subsection (a)(58) \$2,500,000;
- (59) subsection (a)(59) \$1,500,000;
- (60) subsection (a)(60) \$220,000;
- (61) subsection (a)(61) \$2,000,000;
- (62) subsection (a)(62) \$1,760,000;
- (63) subsection (a)(63) \$1,000,000;
- (64) preliminary engineering and design under subsection (a)(64) \$150,000;
- (65) preliminary engineering and design under subsection (a)(65) \$200,000;
- (66) subsection (a)(66) \$1,800,000;
- (67) subsection (a)(67) \$3,400,000;
- (68) subsection (a)(68) \$1,170,000;
- (69) subsection (a)(69) \$600,000;
- (70) preliminary engineering and design under subsection (a)(70) \$300,000;
- (71) preliminary engineering and design, environmental analysis, and implementation of environmental mitigation measures under subsection (a)(71) \$800,000;
- (72) subsection (a)(72) \$900,000;
- (73) subsection (a)(73) \$900,000;
- (74) subsection (a)(74) \$500,000;
- (75) subsection (a)(75) \$600,000;
- (76) subsection (a)(76) \$100,000;
- (77) subsection (a)(77) \$400,000;
- (78) subsection (a)(78) \$300,000;
- (79) subsection (a)(79) \$563,000;
- (80) subsection (a)(80) \$800,000;
- (81) subsection (a)(81) \$1,370,000;
- (82) subsection (a)(82) \$1,800,000;
- (83) subsection (a)(83) \$500,000;

- (84) subsection (a)(84) \$4,000,000;
- (85) subsection (a)(85) \$4,000,000;
- (86) subsection (a)(86) \$2,600,000;
- (87) subsection (a)(87) \$590,000;
- (88) subsection (a)(88) \$520,000;
- (89) subsection (a)(89) \$250,000;
- (90) subsection (a)(90) \$250,000;
- (91) subsection (a)(91) \$3,000,000;
- (92) subsection (a)(92) \$56,000;
- (93) subsection (a)(93) \$310,000;
- (94) subsection (a)(94) \$258,000;
- (95) subsection (a)(95) \$862,000;
- (96) subsection (a)(96) \$540,000;
- (97) subsection (a)(97) \$856,000;
- (98) subsection (a)(98) \$398,000;
- (99) subsection (a)(99) \$260,000;
- (100) subsection (a)(100) \$100,000;
- (101) subsection (a)(101) \$4,000,000;
- (102) subsection (a)(102) \$3,240,000;
- (103) subsection (a)(103) \$2,058,000;
- (104) subsection (a)(104) \$540,000;
- (105) subsection (a)(105) \$900,000;
- (106) subsection (a)(106) \$600,000;
- (107) subsection (a)(107) \$4,000,000;
- (108) subsection (a)(108) \$200,000;
- (109) subsection (a)(109) \$600,000;
- (110) subsection (a)(110) \$800,000;
- (111)(A) subsection (a)(111)(A) \$180,000;
- (B) subsection (a)(111)(B) \$120,000;
- (C) subsection (a)(111)(C) \$300,000;
- (D) subsection (a)(111)(D) \$370,000;
- (E) subsection (a)(111)(E) \$280,000;
- (F) subsection (a)(111)(F) \$590,000;
- (G) subsection (a)(111)(G) \$80,000;
- (H) subsection (a)(111)(H) \$80,000;
- (I) subsection (a)(111)(I) \$100,000;
- (J) subsection (a)(111)(J) \$160,000;
- (K) subsection (a)(111)(K) \$80,000;
- (L) subsection (a)(111)(L) \$160,000; and
- (M) subsection (a)(111)(M) \$60,000;
- (112) subsection (a)(112) \$810,000;
- (113) subsection (a)(113) \$250,000;
- (114) subsection (a)(114) \$400,000;
- (115) subsection (a)(115) \$380,000;
- (116) subsection (a)(116) \$4,000,000;
- (117) subsection (a)(117) \$300,000;
- (118) subsection (a)(118) \$930,000;
- (119) subsection (a)(119) \$754,000;
- (120) subsection (a)(120) \$4,000,000; and
- (121) subsection (a)(121) \$1,500,000.

(c) MINIMUM ALLOCATION.—

(1) IN GENERAL.—If the total amount authorized for projects in a State in a fiscal year under subsection (b) is less than \$829,060, the Secretary shall allocate an additional amount to such State for such fiscal year. The additional amount shall be an amount which, when added to the total amount authorized for projects

in such State for such fiscal year under subsection (b), equals \$829,060.

(2) **USE OF FUNDS.**—Subject to subsections (d) and (e), amounts allocated under paragraph (1) shall be available to a State to carry out any project on a Federal-aid system.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$12,200,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out this subsection.

(d) AMOUNTS AVAILABLE FROM DISCRETIONARY FUNDS.—

(1) **DETERMINATION OF AMOUNT FOR EACH PROJECT.**—For each project authorized by subsection (a), the Secretary shall make available in any fiscal year an amount equal to 60 percent of the amount authorized for such project for such fiscal year by subsection (b). For each project constructed by a State with funds allocated under subsection (c), the Secretary shall make available to such State for such project an amount equal to 60 percent of the amount of such funds used for such project.

(2) **AMOUNTS DERIVED FROM DISCRETIONARY FUNDS.**—The amounts required to carry out paragraph (1) shall be derived from the discretionary funds described in paragraph (3). For each of fiscal years 1987, 1988, 1989, 1990, and 1991, the Secretary shall reserve from each such discretionary fund an amount equal to—

(A) the total required to carry out paragraph (1) for such fiscal year, multiplied by

(B) a fraction, the numerator of which is the amount available to be distributed at the discretion of the Secretary for such fiscal year from such discretionary fund, and the denominator of which is the amount available to be distributed at the discretion of the Secretary for such fiscal year from all such discretionary funds.

(3) **DISCRETIONARY FUNDS.**—The discretionary funds referred to in paragraph (2) are the funds available to be distributed at the discretion of the Secretary under—

(A) section 103(e)(4) of title 23, United States Code, for highway assistance projects;

(B) section 118(b) of such title;

(C) section 118(c) of such title; and

(D) section 144(g) of such title;

except that such discretionary funds shall not include the funds available under section 118(b) of such title in fiscal year 1987.

(4) **APPLICABILITY OF CERTAIN PROVISIONS.**—A provision of title 23, United States Code, shall only apply to amounts to be obligated under this subsection to the extent that the Secretary determines that application of such provision is consistent with this section.

(e) STATE SHARE.—

(1) **GENERAL RULE.**—A State in which a project authorized by subsection (a) is located, or which constructs a project with funds received under an allocation under subsection (c), shall provide for such project an amount equal to 40 percent of the amount authorized for such project or the amount provided for such project from such allocation. Such amount shall be provided from non-Federal sources.

Ante, p. 150.

Ante, p. 161.

(2) **LOCAL GOVERNMENT OPTION.**—Any portion of the State share under this subsection and subsection (f) may be provided by a political subdivision of the State, at the election of such political subdivision.

(f) **ADDITIONAL FUNDS.**—

(1) **GENERAL RULE.**—If amounts provided under subsections (b), (c), (d), and (e) of this section are not sufficient to complete a project authorized by subsection (a), a State may use any funds apportioned or allocated to the State for Federal-aid highways (other than interstate construction, highway-railway crossings, and hazard elimination funds) and any State funds to complete such project.

(2) **FEDERAL SHARE.**—If Federal-aid highway funds are used to complete a project pursuant to this subsection, the use of such funds shall be subject to the appropriate Federal share applicable with respect to such class of funds under title 23, United States Code.

(g) **DELEGATION TO STATES.**—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section (other than subsection (k)) to the State in which such project or projects are located upon request of such State.

(h) **ADVANCE CONSTRUCTION.**—When a State which has been delegated responsibility for construction of a project under this section (other than subsection (k))—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it; the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(i) **APPLICABILITY OF TITLE 23.**—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by subsections (b) and (c) shall not be subject to any obligation limitation.

(j) **REPORTS.**—

(1) **STATUS REPORTS.**—Not later than January 31 of calendar years 1988, 1989, 1990, and 1991, the Secretary shall submit to Congress a report on the status of the projects authorized by this section.

(2) **PASSAIC COUNTY, NEW JERSEY.**—Not later than 180 days after completion of the demonstration project under subsection (a)(1), the Secretary shall submit a report to Congress on the results of such project (including the timesavings), along with a description of the procedures used to accelerate design and construction of such project, a summary of the manner in which the techniques used in carrying out such project in an urban area differed from the techniques used in the demonstration

project carried out under section 141 of the Federal-Aid Highway Act of 1976 in a rural area, and an analysis of the costs and benefits of the accelerated completion of the project conducted under such paragraph (1).

23 USC 124 note.

(3) ALTOONA, PENNSYLVANIA.—Not later than 1 year, 6 years, and 11 years after the completion of the state of the art delineation technology project under subsection (a)(8), the Secretary shall submit reports to the Congress, including but not limited to the results of such project, the effects of using the best delineation technology on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such delineation techniques.

Reports.

(4) ARKANSAS-MISSOURI.—Not later than 1 year, 6 years, and 11 years after the completion of the projects under subsection (a)(11), the Secretary shall submit reports to the Congress, including but not limited to the results of such projects, the effects of using design features and advances described in such paragraph on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such features and advances.

Reports.

(5) LIMITATION ON FUNDING.—The cost of any reports required by this subsection (other than status reports under paragraph (1) with respect to a project) shall be paid for with funds made available under subsection (b) of this section for such project.

(k) PRIORITY PROJECTS.—

(1) PROJECT DESCRIPTIONS.—

(A) DRY RIDGE, KENTUCKY.—The Secretary is authorized to carry out a highway project to demonstrate methods of improving traffic flow and safety on a portion of a Kentucky State highway which connects an interstate route in the vicinity of Dry Ridge, Kentucky, with a highway on the Federal-aid primary system in the vicinity of Owenton, Kentucky.

(B) ISLE OF PALMS, SOUTH CAROLINA.—The Secretary is authorized to carry out a highway project connecting the Isle of Palms, South Carolina, to the mainland for the purpose of demonstrating the reduction in traffic congestion, improved emergency preparedness, and increased accessibility to a sea island by construction of a high-level fixed span bridge over a high-volume intracoastal waterway segment.

(C) IDAHO FALLS, IDAHO.—The Secretary is authorized to carry out the United States Route 20/26 Highway Project, located on United States Route 20/26 and United States Route 20 between the Idaho National Engineering Laboratory site and the city of Idaho Falls, Idaho.

(D) LAS CRUCES, NEW MEXICO.—The Secretary is authorized to carry out work on United States 70 in the State of New Mexico from Las Cruces, New Mexico to Texico, New Mexico.

(E) LAWRENCE, KANSAS.—The Secretary is authorized to carry out, in Lawrence, Kansas, a bypass project which is a model for its cost-sharing arrangement and economic development goals.

(F) WICHITA, KANSAS.—The Secretary is authorized to carry out, in Wichita, Kansas, the replacement of a conventional intersection of 2 heavily-travelled streets at Kellogg and Oliver with a new low-cost European fly-over design for the interchange.

(G) EMPORIA, KANSAS.—The Secretary is authorized to construct, in Emporia, Kansas, a new Prairie Street overpass to overcome existing flood conditions.

(H) SOUTH CAROLINA.—The Secretary is authorized to construct the South Carolina portion of the Bobby Jones Expressway bypass from I-20 near North Augusta, South Carolina, south across the Savannah River into Georgia, where it connects with I-520.

(I) FORT WORTH, TEXAS.—The Secretary is authorized to carry out reconstruction and widening of a critical interchange ("West Leg") involving major, heavily traveled east-west and north-south interstate highways (I-30 and I-35, respectively), Fort Worth, Texas.

(J) EBSENBERG, PENNSYLVANIA.—The Secretary is authorized to carry out and construct the Ebsenberg Pennsylvania bypass to divert traffic from Route 219 in Ebsenberg, Pennsylvania, to a 5.1 mile relocated segment.

(K) ST. LOUIS, MISSOURI.—The Secretary is authorized to carry out the restoration of the Martin Luther King bridge connecting the metro east area in Illinois and St. Louis, Missouri.

(L) IOWA.—The Secretary is authorized to carry out the construction of a bridge on United States Route 30 in Iowa to replace a 56-year-old structure which is too narrow to be utilized by motor carriers.

(M) EAST CHICAGO, INDIANA.—The Secretary is authorized to construct the Cline Avenue—I-94 Interchange in East Chicago, Indiana.

(N) EAST CHICAGO, INDIANA.—The Secretary is authorized to carry out the Cline Avenue Interchange improvement project in East Chicago, Indiana, for the reconstruction of an intersection of Cline Avenue and the Borman Expressway.

(O) TEXARKANA, TEXAS.—The Secretary is authorized to carry out a highway project in the United States Route 59 highway corridor in Texas, from Texarkana to Houston to Beeville.

(P) SOMERSET, PENNSYLVANIA.—The Secretary is authorized to carry out a study to determine the feasibility of constructing a 4-lane highway out of a 2-lane segment of Route 219 between Somerset, Pennsylvania, and the border of the State of Maryland.

(Q) JOHNSTOWN, PENNSYLVANIA.—The Secretary is authorized to carry out a study to determine the feasibility of constructing a 4-lane highway out of a 2-lane segment that connects Route 56, near Johnstown, Pennsylvania, to Route 22.

(R) PITTSBURGH, PENNSYLVANIA.—The Secretary is authorized to carry out a study to determine the feasibility of making Route 22 between Ebensburg and Pittsburgh, Pennsylvania, completely 4-lane.

(S) **EXTON, PENNSYLVANIA.**—The Secretary is authorized to carry out a project to construct a bypass of approximately 4.9 miles parallel to Route 30, to divert motor traffic around the city of Exton, Pennsylvania.

(T) **BELLA VISTA, ARKANSAS.**—The Secretary is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate Routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction. Such project shall increase the number of lanes on such segment from 2 to 4.

(2) **FUNDING.**—A State may use any amount apportioned for fiscal year 1987, 1988, 1989, 1990, or 1991 under section 104 (other than 104(b)(5)(A)) or section 144 of title 23, United States Code, to pay the Federal share of the cost of a project under this subsection.

(3) **FEDERAL SHARE.**—If Federal-aid highway funds are used to complete a project pursuant to this subsection, the use of such funds shall be subject to the appropriate Federal share applicable with respect to such class of funds under title 23, United States Code.

SEC. 150. CUMBERLAND GAP NATIONAL HISTORICAL PARK, VIRGINIA.

(a) **AVAILABILITY OF PARKWAY FUNDS.**—Section 160(a) of the Federal-Aid Highway Act of 1973 (87 Stat. 278) is amended by adding at the end the following new sentences: "After completion of the reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park (including construction of a tunnel and the approaches thereto), funds available for parkways, notwithstanding the definition of parkways in section 101(a) of title 23, United States Code, shall be available to finance the cost of upgrading from 2 lanes to 4 lanes a highway providing access from such route through that portion of the Cumberland Gap National Historical Park which lies within the State of Virginia. The project referred to in the preceding sentence, including preparation of any environmental impact statements with respect to such project, shall not delay or affect in any way the reconstruction and relocation of Route 25E (including construction of a tunnel and approaches thereto)."

(b) **INCLUSION OF APPROACHES.**—Subsection (b) of section 160 of such Act is amended by inserting after "rights-of-way" the following: ", including approaches in the State of Virginia,".

SEC. 151. DELAWARE RIVER BRIDGES.

Pennsylvania.
New Jersey.

(a) **REPAYMENT OF FEDERAL FUNDS INVESTED ON I-80 BRIDGE.**—

(1) **IN GENERAL.**—The Delaware River Joint Toll Bridge Commission (hereinafter in this section referred to as the "Commission"), in conjunction with the State highway agencies of the States of Pennsylvania and New Jersey, shall enter into an agreement with the Secretary to repay to the Treasury of the United States any Federal funds which previously have been obligated or otherwise expended by the Federal Government with respect to the Delaware Water Gap Bridge on I-80. Such repayment shall be credited to the Highway Trust Fund.

(2) **EFFECT OF REPAYMENT.**—Upon such repayment, such States and the Commission shall be free of all restrictions contained in title 23, United States Code, and any regulation or agreement thereunder, with respect to the collection or imposition of tolls or other charges for such bridge or the use thereof.

(b) **AGREEMENT TO CONSTRUCT I-78 TOLL BRIDGE.**—If the State of Pennsylvania, the State of New Jersey, and the Commission determine to operate the uncompleted bridge under construction in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, on I-78 as a toll bridge, such States, the Commission, and the Secretary shall enter into an agreement with respect to such I-78 bridge project as provided in section 129 of title 23, United States Code, notwithstanding the requirements of section 301 of such title or any existing agreement.

(c) **RIGHT OF REVIEW BY FEDERAL AGENCIES.**—The Commission's authority to fix, charge or collect any fees, rentals, tolls, or other charges shall be as provided in its compact and supplements thereto (including the supplemental agreement described in subsection (e)); except that paragraph (c) of such supplemental agreement shall not be construed to eliminate the necessity for review and approval by any Federal agency, as may be required under applicable Federal law, to determine that the tolls charged by the Commission are reasonable and just consistent with the Commission's responsibilities under such compact and supplements thereto.

(d) **LIMITATIONS.**—

(1) **NO TOLLS ON EXISTING NONTOLL BRIDGES.**—Nothing in this section shall be construed to grant congressional consent to the imposition of tolls by the Commission on any existing and operating bridge under the Commission's jurisdiction on which tolls were not charged and collected on January 1, 1986.

(2) **NONAPPLICABILITY TO I-895 CORRIDOR.**—Nothing in this section shall constitute congressional approval to construct any additional toll bridge in the previously designated I-895 corridor.

(e) **SUPPLEMENTAL AGREEMENT.**—

(1) **CONSENT OF CONGRESS.**—The consent of the Congress is hereby given to the supplemental agreement, described in paragraph (2), concerning the Delaware River Joint Toll Bridge Commission, which agreement has been enacted by the State of Pennsylvania on December 18, 1984, as Act 206, laws of 1984, and by the State of New Jersey on October 21, 1985, as Public Law 1985, chapter 342.

(2) **DESCRIPTION OF AGREEMENT.**—The agreement referred to in paragraph (1) reads substantially as follows:

"SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY

"SUPPLEMENTING THE COMPACT OR AGREEMENT ENTITLED 'AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY CREATING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION AS A BODY CORPORATE AND POLITIC AND DEFINING ITS POWERS AND DUTIES, AS HERETOFORE AMENDED AND SUPPLEMENTED, TO ESTABLISH THE PURPOSES FOR WHICH THE COMMISSION MAY FIX, CHARGE, AND COLLECT TOLLS, RATES, RENTS, AND OTHER CHARGES FOR THE USE OF COMMISSION FACILITIES AND PROPERTIES'

"The Commonwealth of Pennsylvania and the State of New Jersey do solemnly covenant and agree, each with the other, as follows:

"(a)(1) Notwithstanding any other provision of the compact hereby supplemented, or any provision of law, State or Federal to the contrary, as soon as the existing outstanding bonded indebtedness of the commission shall be refunded, defeased, retired, or otherwise satisfied and thereafter, the commission may fix, charge, and collect tolls, rates, rents, and other charges for the use of any commission facility or property and in addition to any purpose now or heretofore or hereafter authorized for which the revenues from such tolls, rates, rents, or other charges may be applied, the commission is authorized to apply or expend any such revenue for the management, operation, maintenance, betterment, reconstruction, or replacement (A) of the existing non-toll bridges, formerly toll or otherwise, over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (Chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto, and (B) of all other bridges within the commission's jurisdiction and control. Betterment shall include but not be limited to parking areas for public transportation services and all facilities appurtenant to approved projects.

"(2) The commission may borrow money or otherwise incur indebtedness and provide from time to time for the issuance of its bonds or other obligations for one or more of the purposes authorized in this supplemental agreement. The commission is authorized to pledge its tolls, rates, rents, and other revenues, or any part thereof, as security for the repayment, with interest, of any moneys borrowed by it or advanced to it for any of its authorized purposes, and as security for the satisfaction of any other obligation assumed by it in connection with such loan or advances.

"(3) The authority of the commission to fix, charge, and collect fees, rentals, tolls or any other charges on the bridges within its jurisdiction, including the bridge at the Delaware Water Gap, is confirmed.

"(4) The covenants of the State of New Jersey and the Commonwealth of Pennsylvania as set forth in Article VI of the compact to which this is a supplemental agreement shall be fully applicable to any bonds or other obligations issued or undertaken by the commission. Notwithstanding Article VI or any other provision of the

compact, the State of New Jersey and the Commonwealth of Pennsylvania may construct a bridge across the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, within ten miles of the existing toll bridge at that location. All the rest and remainder of the compact, as amended or supplemented, shall be in full force and effect except to the extent it is inconsistent with this supplemental agreement.

"(b) The commission is authorized to fix, charge, or collect fees, rentals, tolls, or any other charges on the proposed bridge to be constructed in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, in the same manner and to the same extent that it can do so for other toll bridges under its jurisdiction and control: *Provided*, That the United States Government has approved the bridge to be a part of the National System of Interstate and Defense Highways with 90 per centum of the cost of construction to be contributed by the United States Government: *And provided further*, That the non-Federal share of such bridge project is contributed by the commission. The commission is further authorized in the same manner and to the same extent that it can do so for all the other toll bridges under its jurisdiction and control to fix, charge, and collect fees, rentals, tolls or any other charges on any other bridge within its jurisdiction and control if such bridge has been constructed in part with Federal funds.

"(c) The consent of Congress to this compact shall constitute Federal approval of the powers herein vested in the commission and shall also constitute authority to the United States Department of Transportation or any successor agency and the intent of Congress to grant and Federal approvals required hereunder to permit the commission to fix, charge, and collect fees, rentals, tolls, or any other charges on the bridges within its jurisdiction to the extent provided in subsections (a) and (b) and this subsection and the compact.

"(d) Notwithstanding the above provisions, the commission shall not fix, charge, or collect fees, rentals, tolls, or any other charges on any of the various bridges formerly toll or otherwise over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto.

"(e) At any time that the commission shall be free of all outstanding indebtedness, the State of New Jersey and the Commonwealth of Pennsylvania may, by the enactment of substantially similar acts, require the elimination of all tolls, rates, rents, and other charges on all bridges within the commission's jurisdiction and control and, thereafter, all costs and charges in connection with the construction, management, operation, maintenance, and betterment of bridges within the jurisdiction and control of the commission shall be the financial responsibility of the States as provided by law."

SEC. 152. PROHIBITION ON WIDENING CERTAIN ROUTES THROUGH HISTORIC DISTRICT.

None of the funds authorized by this Act or any other Act or any amendment made by this Act may be obligated for a project to widen any State route through the historic district of the village of

Hudson, Ohio, or for a project to construct an alternative or bypass route for such a route within 1 mile of such historic district, unless specifically approved by the village council of the village of Hudson, Ohio.

SEC. 153. URBAN HIGH DENSITY PROGRAM.

Of amounts available under the urban high density program, \$2,806,675 is rescinded. \$2,806,675 shall be made available out of the Highway Trust Fund by the Secretary for reconstruction of an interchange on an urban high density project designated in the State of Indiana in accordance with section 146 of title 23, United States Code (as such section was in effect on August 13, 1973).

Indiana.

SEC. 154. SIGNS IDENTIFYING FUNDING SOURCES.

If a State has a practice of erecting on projects under actual construction without Federal-aid highway assistance signs which indicate the source or sources of any funds used to carry out such projects, such State shall erect on all projects under actual construction with any funds made available out of the Highway Trust Fund (other than the Mass Transit Account) signs which are visible to highway users and which indicate each governmental source of funds being used to carry out such federally assisted projects and the amount of funds being made available by each such source.

23 USC 101 note.

SEC. 155. SALVAGE OPERATION.

Notwithstanding any other provision of law, the State of Massachusetts is required—

Massachusetts.

(1) to assist and coordinate the salvaging of the foundation and associated structures of the historic Great House in City Square, Charlestown, Massachusetts;

(2) to store the salvaged material during the depression and reconstruction of an interstate highway in Charlestown, Massachusetts; and

(3) to assist and coordinate the incorporation of the Great House's foundation and related structures into the reconstruction of City Square at Charlestown, Massachusetts.

SEC. 156. RELEASE OF CONDITION RELATING TO CONVEYANCE OF A CERTAIN HIGHWAY.

Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 (84 Stat. 1739) and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

Maryland.

SEC. 157. MARYLAND INTERSTATE TRANSFER.

Section 7 of the Act entitled "An Act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes", approved March 9, 1984 (98 Stat. 55-56), is amended—

(1) in the first sentence by inserting "not to exceed" before "\$100,000,000";

(2) in the second sentence by striking out "\$100,000,000" and inserting in lieu thereof "an amount equal to the amount of such funds"; and

(3) in the third sentence by striking out "\$100,000,000" and inserting in lieu thereof "an amount equal to the amount of funds transferred under this section".

23 USC 127 note.

SEC. 158. MOTOR VEHICLE STUDY.

(a) **STUDY.**—The Secretary shall enter into appropriate arrangements with the Transportation Research Board of the National Academy of Sciences (hereinafter in this section referred to as the "Board") to conduct a study of those motor vehicle issues set forth in subsection (b) of this section. The Board shall consult with the Department of Transportation, the State highway administrations, the motor carrier industry, highway safety groups, and any other appropriate entities.

Reports.

(b) **ITEMS INCLUDED.**—The study shall include an analysis of the impacts of the various positions that have been put forth with respect to each issue. The final report shall include best estimates of the effects on pavement, bridges, highway revenue and cost responsibility, and highway safety, and the changes in transportation costs and other measures of productivity for various segments of the trucking industry resulting from adoption of each of the positions identified and analyzed. Related issues of permitting, weight enforcement, and data availability and reliability shall be addressed as appropriate. The issues to be addressed shall include but not be limited to the following:

23 USC 101 note.

(1) Elimination of existing, grandfather provisions of section 127, title 23, United States Code, which allow higher axle loads and gross vehicle weights than the 20,000-pound single axle load limit, 34,000-pound tandem axle load limit, and 80,000-pound gross vehicle weight limit maximums authorized by the Federal-Aid Highway Amendments of 1974 (Public Law 93-643), including permits for divisible loads and statutory provisions providing higher weights by formula, tolerance or statutory specification.

(2) Analysis of alternative methods of determining a gross vehicle weight limit and axle loadings for all types of motor carrier vehicles.

(3) Analysis of the bridge formula contained in section 127 of such title 23 in view of current vehicle configurations, pavement and bridge stresses in accord with 1986 design and construction practices, and existing bridges on and off the Interstate System.

23 USC 101 note.

(4) Establishment of a nationwide policy regarding the provisions of "reasonable access" to the National Network for combination vehicles established pursuant to the Surface Transportation Assistance Act of 1982.

(5) Recommendation of appropriate treatment for specialized hauling vehicles which do not comply with the existing Federal bridge formula.

(c) **REPORT.**—The Board shall submit a final report to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section, not later than 30 months after appropriate arrangements are entered into under subsection (a). Appropriate

arrangements shall be concluded within 6 months after the date of the enactment of this Act.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), \$500,000 per fiscal year for each of fiscal years 1987 and 1988. Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall remain available until expended.

23 USC 101
et seq.

SEC. 159. RAIL-HIGHWAY CROSSINGS STUDY.

23 USC 130 note.

(a) **STUDY.**—The Secretary shall conduct a study of national highway-railroad crossing improvement and maintenance needs. The Secretary shall consult with the State highway administrations, the Association of American Railroads, highway safety groups, and any other appropriate entities in carrying out this study.

(b) **ITEMS INCLUDED.**—The issues to be addressed by the study described in subsection (a) shall include, but not be limited to, the following:

(1) An examination of any correlation which may exist between existing conditions at highway-railroad crossings and accident data at such crossings.

(2) An examination of existing hazards to motorists and railroad personnel and community impacts resulting from mobility and capacity constraints at such crossings including delays of police, fire, and emergency medical services.

(3) An analysis of the most cost effective methods of protecting the public at crossings including a review of the impact of Federal funds expended at crossings; division of cost of improvements and maintenance between Federal, State, local governments and railroads; cost effectiveness of the railroad relocation demonstration program conducted under section 163 of the Federal-Aid Highways Act of 1973 as compared to the railroad-highway crossings program conducted under section 130 of title 23, United States Code; and the cost of upgrading existing equipment at crossings to the latest technology.

23 USC 130 note.

(4) An examination of driver behavior at such crossings and what technologies are most effective in changing behavior and preventing accidents.

(5) An examination of what effect the shift in rail traffic patterns, including abandonments, mergers, and increased demand in certain corridors has on railroad-highway crossing needs.

(6) A review of any other potential costs associated with such crossings, including accident liability, increased truck size and weight, and maintenance responsibilities.

(7) An examination of railroad and highway needs relating to crossing safety, capacity, and mobility and the needs of communities affected by railroad-highway crossings.

(8) An examination of the feasibility of addressing these needs on a corridor or system basis.

(9) An examination of the responsibility of rail and highway authorities in addressing these needs.

(c) **REPORT.**—Not later than 24 months after the date of the enactment of this Act, the Secretary shall submit a final report to the Committee on Environment and Public Works of the Senate and

the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section along with recommendations of how crossing needs can be addressed in a cost effective manner.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), \$600,000 for 1987. Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall remain available until expended.

23 USC 101
et seq.

23 USC 144 note.

SEC. 160. STUDY OF HIGHWAY BRIDGES WHICH CROSS RAIL LINES.

(a) **NEEDS INVESTIGATION.**—The Secretary shall conduct a comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross rail lines and whose ownership has been disputed. Such study and investigation shall assess—

(1) railroad and highway needs relating to safety, capacity, and mobility and the needs of communities affected by such bridges;

(2) the feasibility of addressing these needs on a comprehensive, national basis; and

(3) the responsibility of railroad and highway authorities in addressing these needs.

(b) **REPORT.**—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the Secretary's study and investigation along with recommendations on how the bridge needs referred to in subsection (a) may best be addressed on a long term basis in a cost-effective manner.

23 USC 402 note.

SEC. 161. PARKING FOR HANDICAPPED PERSONS.

(a) **STUDY.**—The Secretary shall conduct a study for the purpose of determining—

(1) any problems encountered by handicapped persons in parking motor vehicles; and

(2) whether or not each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subsection (a).

(c) **DEVELOPMENT OF PROPOSED UNIFORM STATE LAW.**—

(1) **REQUIREMENT.**—If the Secretary determines under subsection (a) that each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents, the Secretary shall develop a proposed uniform State law with respect to parking privileges for handicapped persons and submit a copy of the proposed uniform State law to the Committee on Environment and Public Works of the Senate and the Commit-

tee on Public Works and Transportation of the House of Representatives and each State.

(2) **FACTORS TO CONSIDER.**—In developing the proposed uniform State law, the Secretary shall consult with the States and shall consider any advantages—

(A) of ensuring that parking privileges for handicapped persons may be utilized whether a handicapped person is a passenger or a driver;

(B) of the use of the international symbol of access as the exclusive symbol identifying parking zones for handicapped persons and identifying vehicles that may park in such parking zones;

(C) of displaying the international symbol of access on license plates or license plate decals and on identification placards; and

(D) of designing any identification placard so that the placard is easily visible when placed in the interior of any vehicle.

(3) **REPORT.**—If a proposed uniform State law with respect to parking privileges for handicapped persons is developed and submitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives under paragraph (1), within 12 months after the date of such submission and each year thereafter, the Secretary shall report to such committees on the extent to which each State has adopted the proposed uniform State law.

SEC. 162. BRIDGE MANAGEMENT STUDY.

(a) **INVESTIGATION AND STUDY.**—The Secretary shall make a full and complete investigation and study of State bridge management programs for the purpose of determining whether or not States participating in the Federal bridge replacement and rehabilitation program under section 144 of title 23, United States Code, need to establish a comprehensive bridge management program.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the investigation and study conducted under subsection (a) together with recommendations (including legislative and administrative recommendations) concerning State establishment of comprehensive bridge management programs and any minimum requirements of such programs which the Secretary considers appropriate based on the findings of such investigation and study.

SEC. 163. STATE MAINTENANCE PROGRAM STUDY.

23 USC 116 note.

(a) **INVESTIGATION AND STUDY.**—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a complete investigation of the appropriateness of establishing minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

(b) **REPORT.**—Not later than 18 months after entering into appropriate arrangements under subsection (a), the National Academy of Sciences shall submit to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a

report on the results of the investigation and study conducted under subsection (a) together with recommendations (including legislative and administrative recommendations) concerning establishment of minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

SEC. 164. FEASIBILITY STUDY OF USING HIGHWAY ELECTRIFICATION SYSTEMS.

(a) **GRANT PURPOSE.**—The Secretary shall make a grant to the California Department of Transportation for the purpose of determining the feasibility and applicability of utilizing a highway electrification system as a source of energy for highway vehicles. Such grant shall cover the costs of activities necessary to make such determination, including (but not limited to) necessary land acquisition, construction of a test facility, research, planning, analysis, and engineering.

(b) **GRANT CONDITIONS.**—A grant may only be made under this section if the California Department of Transportation agrees—

(1) to conduct, through the test facility to be constructed under such grant, a study to determine the feasibility and applicability of using a highway electrification system as a source of energy for highway vehicles; and

(2) to submit to the Secretary a report on the results of such study not later than three years after the date such construction is completed.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out subsection (a) of this section, out of the Highway Trust Fund (other than the Mass Transit Account), \$970,000 per fiscal year for each of fiscal years 1987, 1988, and 1989.

(d) **FUNDING AND APPLICABILITY OF TITLE 23.**—Except as provided in subsection (e), funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(e) **FEDERAL SHARE.**—The Federal share of the cost of conducting the study under this section shall not exceed 65 percent.

SEC. 165. COST EFFECTIVENESS STUDY OF HIGHWAY UPGRADING.

(a) **STUDY.**—The Secretary shall conduct a study—

(1) to determine the cost-effectiveness of carrying out a project to upgrade Route 219—

(A) between its intersection with Interstate Route I-80 near Dubois, Pennsylvania, and its intersection with the boundary between New York and Pennsylvania near Bradford, Pennsylvania; and

(B) between its intersection with New York Route 242 near Ellicottville, New York, and its intersection with New York Route 17 (Southern Tier Expressway) in Salamanca, New York;

to the geometric and construction standards adopted for the National System of Interstate and Defense Highways;

(2) to determine the feasibility of partially financing such project with toll revenues, of using reclaimed strip mining lands for right-of-way for such project, and of avoiding encroachment upon national and State forests and State game lands in carrying out such project; and

23 USC 101
et seq.

Pennsylvania.
New York.

New York.

(3) to determine the alignment on which such project should be carried out.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$650,000 for fiscal year 1987.

(d) **FUNDING AND APPLICABILITY OF TITLE 23.**—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of conducting the study under this section shall not exceed 65 percent and such funds shall remain available until expended.

23 USC 101
et seq.

SEC. 166. HIGHWAY FEASIBILITY STUDY.

(a) **STUDY.**—The Secretary, in cooperation with the States of Louisiana, Arkansas, and Missouri, shall study the feasibility and necessity of constructing to appropriate standards a proposed highway along a route from Shreveport, Louisiana, to Texarkana, Fort Smith, and Fayetteville, Arkansas, and Carthage and Kansas City, Missouri. Such study shall update the feasibility study conducted under section 143(6) of the Federal-Aid Highway Act of 1973.

Louisiana.
Arkansas.
Missouri.

(b) **FEDERAL SHARE.**—The Federal share of the cost of conducting the study under this section shall be 65 percent.

87 Stat. 272.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this section.

SEC. 167. CALIFORNIA FEASIBILITY STUDY.

(a) **STUDY.**—The Secretary shall study the feasibility and necessity of constructing a bypass highway around the city of Sebastopol, California.

(b) **REPORT.**—Not later than 9 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this section. Such report shall compare the costs and benefits of constructing the highway referred to in subsection (a) and shall include the recommendations of the Secretary concerning the location of such highway and appropriate design standards for such highway.

(c) **AUTHORIZATION OF APPROPRIATION.**—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section \$100,000 for fiscal year 1987.

(d) **FUNDING AND APPLICABILITY OF TITLE 23.**—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the

23 USC 101
et seq.

cost of conducting the study under this section shall not exceed 65 percent and such funds shall remain available until expended.

SEC. 168. NEW YORK FEASIBILITY STUDY.

(a) **STUDY.**—The Secretary shall study the feasibility and necessity of constructing a major highway on an inland route as an alternative to New York Route 5 from the central business district of Buffalo, New York, to the towns immediately south of Buffalo, New York.

(b) **FEDERAL SHARE.**—The Federal share of the cost of conducting the study under this section shall be 65 percent.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

SEC. 169. FLORIDA FEASIBILITY STUDY.

(a) **STUDY.**—The Secretary, in cooperation with the State of Florida, shall conduct a study of the feasibility and necessity of constructing, to appropriate standards, a tunnel of not less than 6 lanes (including approaches thereto) under the Intracoastal Waterway in the vicinity of, and north of, the Port Everglades Seaport in Fort Lauderdale, Florida, to replace a bridge on a State highway system and designated as part of the Federal-aid urban system.

(b) **MATTERS INCLUDED.**—The study conducted under this section shall include—

(1) an analysis of the need to reduce the congestion on the bridge referred to in subsection (a);

(2) an analysis of the extent to which the tunnel described in subsection (a) would reduce such congestion;

(3) an analysis of the extent to which such tunnel would improve navigation and the flow of vessels on the Intracoastal Waterway;

(4) an analysis of the extent to which such tunnel would improve safety and emergency services, including emergency evacuation programs;

(5) if appropriate, an analysis of alternative transportation facilities which would relieve the congestion on such bridge; and

(6) an analysis of feasible proposals for financing the construction of such tunnel and, if appropriate, each such alternative transportation facility, including cost estimates, recommendations as to the sharing of cost responsibilities, and other pertinent matters.

(c) **FEDERAL SHARE.**—The Federal share of the cost of conducting the study under this section shall be 65 percent.

(d) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this section together with recommendations, including specific recommendations on the best method or methods of relieving the congestion on the bridge referred to in subsection (a).

(e) **CONSULTATION.**—In carrying out each phase of the study under this section, the Secretary shall consult with local officials, representatives of local civic organizations, representatives of the port, representatives of local businesses, and other interested parties.

SEC. 170. VIRGIN ISLANDS FEASIBILITY STUDY.

(a) **REVIEW.**—The Secretary, in cooperation with the Virgin Islands Department of Public Works, shall review existing studies relating to traffic congestion in and around Charlotte Amalie, Virgin Islands, for the purpose of determining feasible alternatives to construction of any highway which extends eastward from the vicinity of the Windward Passage Hotel on the western fringe of Charlotte Amalie and a segment of which parallels the existing Charlotte Amalie waterfront and requires extensive landfill along the waterfront. Such alternatives must reduce traffic congestion in and around Charlotte Amalie.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the review under this subsection.

SEC. 171. STUDY OF FERRY BOAT SERVICE.

(a) **STUDY.**—The Secretary, in consultation with the highway departments of the States of Nebraska and South Dakota, shall conduct a study to determine the feasibility and cost of establishing public ferry boat service on the Missouri River which connects a Federal-aid highway in the vicinity of Niobrara, Nebraska, with a Federal-aid highway in the vicinity of Springfield, South Dakota, and which meets the requirements of section 129(g) of title 23, United States Code.

Nebraska.
South Dakota.

(b) **FEDERAL SHARE.**—The Federal share of the cost of conducting the study under this section shall be 65 percent.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the establishment of the ferry boat service described in subsection (a).

SEC. 172. REVIEW OF REPORTS ON UNITED STATES ROUTE 13 RELIEF ROUTE.

The Congress requests the Board of Engineers for Rivers and Harbors of the United States Army Corps of Engineers to review—

(1) the report of the State of Delaware and the Federal Highway Administration for the United States Route 13 Relief Route; Project No. F-1001(16), Contract No. 83-110-01;

(2) the report of the Chief of Engineers on the Inland Waterway from the Delaware River to Chesapeake Bay, Delaware and Maryland, printed as House Document Numbered 63-196; and

(3) other subsequent reports pertinent to the reports referred to in paragraphs (1) and (2);

for the purpose of determining how to best modify the existing canal project to provide a new structure for the selected alignment of the United States Route 13 Relief Route.

23 USC 307 note.

SEC. 173. USE OF ROCK SALT ON HIGHWAYS.

It is the sense of Congress—

(1) that, to enhance environmental protection, and mitigate potential damages to highways and vehicles, Congress encourages efforts to advance the research and development of alternative chemical de-icers to rock salt;

(2) that Congress encourages research on alternative chemical de-icers to rock salt under the strategic highway research program under section 307(d) of title 23, United States Code; and

(3) that once alternative de-icers are commercially available, the full cost of all de-icing materials, including damages to highways, vehicles, and the environment, should be considered by State and local governments in determining their snow and ice control strategies.

Ante, p. 167.

SEC. 174. 55-MILES PER HOUR SPEED LIMIT.

(a) **IN GENERAL.**—Subsection 154(a) of title 23, United States Code, is amended—

(1) by inserting “other than a highway on the Interstate System located outside of an urbanized area of 50,000 population or more, (2) a maximum speed limit on any highway within its jurisdiction on the Interstate System located outside of an urbanized area of 50,000 population or more in excess of 65 miles per hour” immediately after “hour”; and

(2) by renumbering “(2)” as “(3)” at the two places “(2)” appears.

(b) **CONFORMING AMENDMENT.**—Subsection 154(f) of title 23, United States Code, is amended by inserting “on public highways with speed limits posted at 55 miles per hour” immediately after “hour”.

Highway Safety
Act of 1987.

TITLE II—HIGHWAY SAFETY ACT OF 1987

23 USC 401 note.

SEC. 201. SHORT TITLE.

This title may be cited as the “Highway Safety Act of 1987”.

SEC. 202. HIGHWAY SAFETY.

(a) **AUTHORIZATIONS OF APPROPRIATIONS.**—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) **NHTSA HIGHWAY SAFETY PROGRAMS.**—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration \$126,000,000 for fiscal years 1988, 1989, 1990, and 1991.

(2) **NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—For carrying out section 403 of such title by the National Highway Traffic Safety Administration \$33,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(b) **EXTENSION OF NHTSA HIGHWAY SAFETY PROGRAMS FOR FISCAL YEAR 1987.**—Section 203(a) of the Surface Transportation Assistance Act of 1982 is amended—

(1) in paragraph (1) by striking out “and” and by inserting before the period at the end of such paragraph “, and \$126,000,000 for the fiscal year ending September 30, 1987”;

96 Stat. 2138.

(2) in paragraph (2) by striking out “and” and by inserting “and September 30, 1987” after “1986,”; and

(3) in paragraph (4)(B) by striking out “and September 30, 1986,” and inserting in lieu thereof “September 30, 1986, and September 30, 1987.”

(c) MINIMUM OBLIGATIONS OF NHTSA HIGHWAY SAFETY AUTHORIZATIONS.—

(1) **ENFORCEMENT OF SPEED LIMIT.**—Out of the funds authorized to be appropriated under subsection (a)(3) of this section for each of fiscal years 1988, 1989, 1990, and 1991, not less than \$20,000,000 per fiscal year shall be obligated under section 402 of title 23, United States Code, for the purpose of enforcing the speed limit established by section 154 of such title.

(2) **SAFETY BELT PROGRAMS.**—Each State shall expend in each fiscal year not less than 2 percent of the amount apportioned to it for such fiscal year of the sums authorized by subsection (a)(3) of this section, for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

Motor vehicles.

(d) **OBLIGATION CEILING FOR HIGHWAY SAFETY PROGRAMS.**—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed \$121,000,000 for fiscal year 1987 and \$126,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

SEC. 203. ALCOHOL TRAFFIC SAFETY PROGRAMS.

(a) **PERIOD OF ELIGIBILITY.**—Section 408(c) of title 23, United States Code, is amended—

(1) in the first sentence by striking out “three” and inserting in lieu thereof “5”; and

(2) in the second sentence by striking out “third fiscal year” and inserting in lieu thereof “third, fourth, and fifth fiscal years”.

(b) **AVAILABILITY OF FUNDS.**—Section 408(g) of title 23, United States Code, is amended by inserting before the period at the end of the second sentence the following: “and except that sums authorized by this subsection shall remain available until expended”.

(c) DEMONSTRATION OF CERTAIN DRUG AND ALCOHOL TESTING TECHNOLOGY.—

(1) **IN GENERAL.**—The Secretary is authorized—

(A) to test a new drug and alcohol testing technology which measures corneal retinal potential as exhibited in the brain function wave form; and

(B) to test the application of ignition interlock devices that prohibit the operation of motor vehicles by intoxicated individuals;

Motor vehicles.

to determine the potential for applying such technology and devices in preventing drug and alcohol related traffic deaths.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall report to Congress on the effectiveness and the potential for application of the technology and devices described in paragraph (1).

SEC. 204. SCHOOLBUS SAFETY MEASURES.

(a) **STUDY.**—

23 USC 402 note.

(1) NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the principal causes of fatalities and injuries to schoolchildren riding in schoolbuses and of the use of seatbelts in schoolbuses and other measures that may improve the safety of schoolbus transportation. The purpose of the study and investigation is to determine those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

(2) REPORT.—In entering into any arrangements with the National Academy of Sciences for conducting the study and investigation under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 18 months after the date on which such arrangements are completed, to Congress and the Secretary a report on the results of such study and investigation. The report shall contain a list of those safety measures determined by the Academy to be most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

(3) REVIEW OF REPORT.—Upon receipt of the report under paragraph (2), the Secretary shall review such report for the purpose of determining those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses. Not later than 2 months after the date of receipt of such report, the Secretary shall publish in the Federal Register a list of those safety measures which the Secretary determines are the most effective in protecting the safety of such children.

(4) INFORMATION.—Upon request of the National Academy of Sciences, the Secretary shall furnish to the Academy any information which the Academy deems necessary for the purpose of conducting the study and investigation under this subsection.

(b) SCHOOLBUS SAFETY GRANT PROGRAM.—

(1) SET-ASIDE.—Before apportioning any funds made available to carry out section 402 of title 23, United States Code, for each of fiscal years 1989, 1990, and 1991, the Secretary may set aside an amount not to exceed \$5,000,000 for making grants to States to implement those schoolbus safety measures published by the Secretary under subsection (a).

(2) APPLICATION.—Any State interested in receiving under this subsection a grant to implement schoolbus safety measures in fiscal year 1989, 1990, or 1991 shall submit to the Secretary an application for such grant. Applications under this subsection shall be submitted at such time and in such form and contain such information as the Secretary may require by regulation.

(3) LIMITATION.—No State shall receive more than 30 percent of the funds set aside pursuant to this subsection for any fiscal year in grants under this subsection.

SEC. 205. SPLASH AND SPRAY SUPPRESSANT DEVICES.

Section 414(b) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314(b)) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

Federal
Register,
publication.

"(1) within 1 year after the date of the enactment of the Highway Safety Act of 1987, establish final minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, and trailers unless the Secretary has determined that there is no available technology which—

"(A) can significantly reduce splash and spray from truck tractors, semitrailers, and trailers, and

"(B) can significantly improve visibility of drivers, as demonstrated during testing on highways, at test facilities, and in laboratories to take into account possible wind and rain conditions;".

SEC. 206. HIGHWAY SAFETY PROGRAM AMENDMENTS.

(a) **GUIDELINES.**—Section 402 of title 23, United States Code, is amended by striking out "standard" and "standards" each place they appear and inserting in lieu thereof "guideline" and "guidelines", respectively.

(b) **WAIVERS FOR EXPERIMENTAL PROGRAMS.**—Subsection (a) of such section is amended by striking out the last sentence.

(c) **ELIMINATION OF CERTAIN CONDITION.**—Subsection (b)(1) of such section is amended by striking out subparagraph (D), relating to comprehensive driver training programs, and by redesignating subparagraphs (E) and (F) (and any references thereto) as subparagraphs (D) and (E), respectively.

(d) **RULEMAKING PROCESS.**—Subsection (j) of such section is amended to read as follows:

"(j) **RULEMAKING PROCESS.**—The Secretary shall, not later than September 1, 1987, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Not later than April 1, 1988, the Secretary shall promulgate a final rule establishing those programs determined to be most effective in reducing accidents, injuries, and deaths. If such rule is promulgated by April 1, 1988, then it shall take effect October 1, 1988. If such rule is not promulgated by April 1, 1988, it shall take effect October 1, 1989. After a rule is promulgated in accordance with this subsection, the Secretary may from time to time thereafter revise such rule under a rulemaking process described in the first sentence of this subsection. Any rule under this subsection shall be promulgated taking into account consideration of the States having a major role in establishing programs described in the first sentence of this subsection. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section."

SEC. 207. HIGHWAY SAFETY EDUCATION AND INFORMATION.

(a) **NATIONAL HIGHWAY SAFETY CAMPAIGN.**—Subsection (d) of section 209 of the Highway Safety Act of 1978 is amended to read as follows:

23 USC 401 note.

"(d) **NATIONAL HIGHWAY SAFETY CAMPAIGN.**—Utilizing those techniques, methods, and practices determined most effective under subsection (b), the Secretary of Transportation shall conduct a national highway safety campaign utilizing the local and national television and radio to educate and inform the public of techniques, methods, and practices to reduce the number and severity of highway accidents. Not later than the 180th day after the date of

submission of the first report to Congress required by subsection (b) of this section, the Secretary shall commence the conduct of such campaign."

(b) **LIMITATION ON OBLIGATIONS.**—Subsection (h) of such section is amended by adding at the end thereof the following: "None of the amounts authorized by this subsection shall be available for obligation for any education or information program conducted in connection with the implementation of Federal Motor Vehicle Safety Standard 208 (49 C.F.R. 571.208)."

(c) **OBLIGATION CEILING.**—Subsection (i) of such section is amended by inserting before the period at the end the following: "and except that the funds authorized to be appropriated to carry out this section shall not be subject to any obligation limitation".

23 USC 401 note. **SEC. 208. OLDER DRIVER STUDY.**

(a) **CONTRACT.**—Not later than 30 months after the date of the enactment of this Act, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of (1) problems which may inhibit the safety and mobility of older drivers using the Nation's roads, and (2) means of addressing these problems.

(b) **REPORT.**—In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and Congress not later than 24 months after the date of the enactment of this Act on the results of such study and investigation, together with its recommendations.

(c) **AVAILABILITY OF INFORMATION.**—The Secretary shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by this section.

(d) **PILOT PROGRAM.**—

(1) **DEVELOPMENT OF PROGRAM.**—The Secretary shall develop, in conjunction with the study carried out under this section, a pilot program of highway safety improvements to enhance the safety and mobility of older drivers. The program shall be designed to apply known technology at sites in rural and urban areas and on different types of highways and to determine the daytime and nighttime effectiveness of such technology.

(2) **STATES ENCOURAGED TO CARRY OUT PROGRAM.**—The Secretary shall encourage the States to carry out the pilot program developed under paragraph (1) with funds available for highway safety improvement projects. In particular, the Secretary shall encourage States with a high percentage of older drivers to give high priority to carrying out the pilot program.

(3) **EVALUATION AND REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall evaluate the pilot program under this subsection and shall report to Congress on the effectiveness of such program in improving the safety and mobility of older drivers.

49 USC app. 2204 note. **SEC. 209. RESCISSION OF CONTRACT AUTHORITY.**

\$148,000,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982 is rescinded. This rescission does not reduce the balance in the Airport and Airway Trust Fund.

TITLE III—FEDERAL MASS TRANSPORTATION ACT OF 1987

Federal Mass
Transportation
Act of 1987.**SEC. 301. SHORT TITLE.**49 USC 1601
note.

This title may be cited as the "Federal Mass Transportation Act of 1987".

SEC. 302. LETTERS OF INTENT.

Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended by striking out "provided in an appropriation Act" and by striking out "specified in an appropriations Act." and inserting in lieu thereof "specified in law."

49 USC app.
1602.**SEC. 303. CRITERIA FOR NEW STARTS.**

(a) **GENERAL RULE.**—Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(i) **CRITERIA FOR NEW STARTS.**—No grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may be made under this section unless the Secretary determines that the proposed project—

Grants.
Loans.

"(1) is based on the results of an alternatives analysis and preliminary engineering;

"(2) is cost-effective; and

"(3) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension.

In making grants and loans under this section, the Secretary may also consider such other factors as the Secretary deems appropriate. The Secretary shall issue guidelines that set forth the means by which the Secretary will evaluate cost-effectiveness, results of alternatives analysis, and degree of local financial commitment."

(b) **LIMITATION ON APPLICABILITY.**—The amendment made by subsection (a) of this section shall not apply to any project—

49 USC app. 1602
note.

(1) for which a letter of intent or full funding contract has been issued under section 3(a)(4) of the Urban Mass Transportation Act of 1964 before the date of enactment of this Act; or

Contracts.

(2) which was in the preliminary engineering, final design, or construction stage as of January 1, 1987.

SEC. 304. REPORT ON FUNDING LEVELS AND ALLOCATIONS OF FUNDS.

Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

49 USC app.
1602.

"(j) **REPORT ON FUNDING LEVELS AND ALLOCATIONS OF FUNDS.**—Not later than 30 days after the date of enactment of this subsection and each January 20 thereafter, the Secretary shall prepare and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

"(1) a proposal of the total amount of funds which should be made available in accordance with subsection (k)(1)(D) of this section to finance for the fiscal year beginning on October 1 of such year grants and loans for each of the following:

Grants.
Loans.

"(A) the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities,

"(B) rail modernization, and

"(C) construction of new fixed guideway systems and extensions to fixed guideway systems; and

Grants.
Loans.

"(2) a proposal of the allocation of the funds to be made available to finance grants and loans for the construction of new fixed guideway systems and extensions to fixed guideway systems among applicants for such assistance."

SEC. 305. ALLOCATION OF SECTION 3 FUNDS.

49 USC app.
1602.

Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"(k) ALLOCATIONS.—

Grants.
Loans.

"(1) IN GENERAL.—Of the amounts available for grants and loans under this section for fiscal years 1987, 1988, 1989, 1990, and 1991—

"(A) 40 percent shall be available for rail modernization;

"(B) 40 percent shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems;

"(C) 10 percent shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities; and

"(D) 10 percent shall be available for the purposes described in subparagraphs (A) through (C), as determined by the Secretary.

"(2) ELIGIBILITY.—(A) The receipt of, or application for, assistance for a project described in subparagraph (A), (B), or (C) of paragraph (1) shall not preclude eligibility for assistance for a project described in any other such subparagraph.

"(B) Prior to the expiration of the 2-year period beginning on the date of enactment of this subsection, the Secretary may not change program administration regarding eligibility for assistance for rail modernization."

SEC. 306. ADVANCE CONSTRUCTION.

Supra.

(a) DISCRETIONARY GRANT PROGRAM.—Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(l) ADVANCE CONSTRUCTION.—

"(1) APPROVED PROJECT.—Upon application of a State or local public body which carries out a project described in this section or a substitute transit project described in section 103(e)(4) of title 23, United States Code, or portion of such a project without the aid of Federal funds in accordance with all procedures and requirements applicable to such a project and upon the Secretary's approval of such application, the Secretary may pay to such applicant the Federal share of the net project costs if, prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section or such section 103(e)(4), as the case may be.

"(2) BOND INTEREST.—

"(A) ELIGIBLE COST.—Subject to the provisions of this paragraph, the cost of carrying out a project or portion

thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State or local public body to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion.

“(B) LIMITATION ON AMOUNT.—In no event shall the amount of interest considered as a cost of carrying out a project or portion thereof under subparagraph (A) be greater than the excess of—

“(i) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over

“(ii) the actual cost of carrying out such project or portion (not including such interest).

“(C) CHANGES IN CONSTRUCTION COST INDICES.—The Secretary shall consider changes in construction cost indices in determining the amount under subparagraph (B)(i).”

(b) BLOCK GRANT PROGRAM.—Section 9 of such Act is amended by adding at the end thereof the following new subsection:

49 USC app.
1607a.

“(p) ADVANCE CONSTRUCTION.—

“(1) APPROVED PROJECT.—When a recipient has obligated all funds apportioned to it under this section and proceeds to carry out any project described in this section (other than a project for operating expenses) or portion of such a project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit a State to carrying out projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such recipient and his approval of such application, is authorized to pay to such recipient the Federal share of the costs of carrying out such project or portion when additional funds are apportioned to such recipient under this section if, prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section.

“(2) LIMITATION ON PROJECTS.—The Secretary may not approve an application under this subsection unless an authorization for this section is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such recipient. No application may be approved under this subsection which will exceed—

“(A) the recipient's expected apportionment under this section if the total amount of funds authorized to be appropriated to carry out this section for such fiscal year were so appropriated, less

“(B) the maximum amount of such apportionment which could be made available for projects for operating expenses under this section.

“(3) BOND INTEREST.—

“(A) ELIGIBLE COST.—Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued

by the recipient to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion.

“(B) LIMITATION ON AMOUNT.—In no event shall the amount of interest considered as a cost of carrying out a project or portion under subparagraph (A) be greater than the excess of—

“(i) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over

“(ii) the actual cost of carrying out such project or portion (not including such interest).

“(C) CHANGES IN CONSTRUCTION COST INDICES.—The Secretary shall consider changes in construction cost indices in determining the amount under subparagraph (B)(i).”

SEC. 307. SECTION 4(h)(1) REPORTS.

49 USC app.
1603.

Section 4(h)(1) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(h) QUARTERLY REPORTS.—(1) Not later than 30 days after the last day of each calendar quarter, the Secretary shall transmit to the Committee on Public Works and Transportation and the Committee on Appropriations of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate a report on—

“(A) obligations, commitments, and reservations by State, designated recipient, and applicant, made under authority of this Act during that quarter;

“(B) the balance as of the last day of that quarter of the unobligated, uncommitted, and unreserved apportionments made under this Act;

“(C) the balance of unobligated, uncommitted, and unreserved sums available for expenditure at the discretion of the Secretary under this Act as of the close of that quarter;

“(D) a listing of letters of intent issued during that quarter;

“(E) a status report on all letters of intent outstanding as of the close of that quarter; and

“(F) a status report on the execution of grant contracts and the establishment of a letter of credit or other reimbursement authority for sums already obligated for each State, designated recipient, and applicant.”

SEC. 308. LEASED PROPERTY.

Grants.
49 USC app.
1607a.

Section 9(j) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence the following: “Grants for construction projects under this section shall also be available to finance the leasing of facilities and equipment for use in mass transportation service, subject to regulations limiting such grants to leasing arrangements which are more cost effective than acquisition or construction. The Secretary shall publish regulations under the preceding sentence in proposed form in the Federal Register for public comment not later than 60 days after the date of enactment of this sentence, and shall promulgate such regulations in final form not later than 240 days after such date of enactment.”

Regulations.
Federal
Register,
publication.

SEC. 309. BUS REMANUFACTURING AND OVERHAULING OF ROLLING STOCK.

(a) **INCLUSION IN DEFINITION OF CONSTRUCTION.**—Section 12(c)(1) of the Urban Mass Transportation Act of 1964 is amended by inserting “(A)” after “such term also means” and by inserting before the semicolon at the end thereof the following: “, (B) any bus remanufacturing project which extends the economic life of the bus 8 years or more, and (C) any project for the overhaul of rail rolling stock (whether or not such overhaul increases the useful life of the rolling stock)”.

49 USC app.
1608.

(b) **EXPANSION OF ASSOCIATED CAPITAL MAINTENANCE ITEMS.**—Section 9(j) of the Urban Mass Transportation Act of 1964 is amended—

49 USC app.
1607a.

(1) in the last sentence, by striking out “and materials” and inserting in lieu thereof “, tires, tubes, and materials”;

(2) in the last sentence, by striking out “1 per centum” and inserting in lieu thereof “ $\frac{1}{2}$ of 1 percent”;

(3) by inserting “(1)” before “Grants”; and

(4) by adding at the end thereof the following:

“(2) A project for the reconstruction (whether by employees of the grant recipient or by contract) of any equipment and materials each of which, after reconstruction, will have a fair market value no less than $\frac{1}{2}$ of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and materials are to be used shall be considered a project for construction of an associated capital maintenance item under this section.”.

Grants.
Contracts.

(c) **FEDERAL SHARE.**—The first sentence of section 9(k)(1) of such Act is amended by striking out “shall not exceed” the first place it appears and inserting in lieu thereof “shall be”.

(d) **LOCAL MATCH.**—The first sentence of section 9(k)(1) of such Act is further amended by striking out “such project” and inserting in lieu thereof “such project; however, a recipient is permitted to provide additional local match at its option”.

(e) **MAINTENANCE REQUIREMENT.**—Section 3(a)(2)(A) of such Act is amended to read as follows:

49 USC app.
1602.

“(2)(A) No grant or loan shall be provided under this section unless the Secretary determines that the applicant—

Grants.
Loans.

“(i) has or will have the legal, financial, and technical capacity to carry out the proposed project;

“(ii) has or will have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment; and

“(iii) has or will have sufficient capability to maintain the facilities and equipment, and will maintain, such facilities and equipment.”.

(f) **CONFORMING AMENDMENT.**—The first sentence of section 9(k)(1) of such Act is further amended by striking out “(including capital maintenance items)” and inserting in lieu thereof “(including any project for the acquisition or construction of an associated capital maintenance item)”.

SEC. 310. LONG-TERM FINANCIAL PLANNING.

Section 8(a) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end of the third sentence the following: “and development of long-term financial plans for regional urban mass transit improvements and the reve-

49 USC app.
1607.

nue available from current and potential sources to implement such improvements”.

SEC. 311. USE OF LAPSED SECTION 9A AND SECTION 9 FUNDS.

49 USC 1607a.

Section 9(o) of the Urban Mass Transportation Act of 1964 is amended by striking out the period at the end of the second sentence and inserting “not later than 30 days after the end of such period.”.

SEC. 312. BLOCK GRANT PROGRAM AMENDMENTS.

(a) **FUNDING OF PARTIAL PROGRAMS OF PROJECTS.**—Section 9(e)(2) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new sentence: “A grant may be made under this section to carry out, in whole or in part, a program of projects.”.

(b) **TRANSIT ADVERTISING REVENUES.**—

(1) **EXCLUSION FROM OPERATING REVENUES.**—Section 9(k)(1) of such Act is amended by inserting after the third sentence the following new sentence: “For purposes of the preceding sentence, ‘revenues from the operation of a public mass transportation system’ shall not include the amount of any revenues derived by such system from the sale of advertising and concessions which is in excess of the amount of such revenues derived by such system from the sale of advertising and concessions in fiscal year 1985.”.

(2) **ANNUAL REPORT.**—Section 9(e) of such Act is amended by adding at the end thereof the following new paragraph:

“(4) Each recipient (including any person receiving funds from a Governor under this section) shall submit to the Secretary annually a report on the revenues such recipient derives from the sale of advertising and concessions.”.

(c) **OPERATING ASSISTANCE LIMITATION FOR SMALL URBANIZED AREAS.**—Section 9(k)(2) of such Act is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking out the last sentence and inserting in lieu thereof the following: “Notwithstanding the preceding sentence, an urbanized area that first became an urbanized area under the 1980 census or thereafter may use each fiscal year for operating assistance not to exceed an amount equal to $\frac{3}{5}$ of its apportionment during the first full year it received funds under this section.”; and

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

“(B) Beginning on October 1, 1988, the amount of funds apportioned under this section that may be used for operating assistance by urbanized areas of less than 200,000 population shall be increased on October 1 of each year by an amount determined by multiplying the amount applicable to each such urbanized area as determined under subparagraph (A) (excluding any increases under this subparagraph) by the percentage of the increase (if any) in the Consumer Price Index during the most recent calendar year. The amount of funds apportioned under this section that each urbanized area of less than 200,000 population that was a recipient of funds under this section during fiscal year 1987 may use for operating assistance shall be increased by 32.2 percent on October 1, 1987. The increases provided for by this subparagraph shall be cumulative.

“(C) As used in subparagraph (B), the term ‘Consumer Price Index’ means the Consumer Price Index for all-urban consumers published by the Department of Labor.”.

(d) **TRANSFERS OF APPORTIONMENTS.**—Section 9(n)(1) of such Act is amended— 49 USC app. 1607a.

(1) by striking out “with populations of three hundred thousand or less” in the first sentence; and

(2) by inserting after the third sentence the following: “Any amounts of a State’s apportionment that remain available for obligation at the beginning of the 90-day period before the expiration of the period of availability of such amounts shall be available to the Governor for use throughout the State.”.

(e) **DATE OF APPORTIONMENT.**—Section 9 of such Act is further amended by adding at the end thereof the following new subsection: *Ante*, p. 225.

“(q) **DATE OF APPORTIONMENT.**—The Secretary shall apportion funds appropriated to carry out this section for any fiscal year in accordance with the provisions of this section not later than the 10th day following the date on which such funds are appropriated or October 1 of such fiscal year, whichever is later. The Secretary shall publish apportionments of such appropriated funds, including amounts attributable to each urbanized area above 50,000 population as well as the amount attributable to each State of the multistate urbanized area, on the apportionment date established by the preceding sentence.”.

(f) **TECHNICAL AMENDMENTS.**—(1) Section 9(e) of such Act is amended by adding at the end thereof the following new paragraph: *Ante*, p. 228.

“(5) No grant shall be made under this section to any recipient in any fiscal year unless the Secretary has accepted a certification for such fiscal year submitted by such person pursuant to this subsection.”.

(2) Section 9(g) of such Act is amended by striking out paragraph (4).

(3) Section 9(l) of such Act is repealed.

SEC. 313. SECTION 9B PROGRAM.

The Urban Mass Transportation Act of 1964 is amended by inserting after section 9A the following:

“MASS TRANSIT ACCOUNT BLOCK GRANTS

“SEC. 9B. (a) **APPORTIONMENT AND ADMINISTRATION.**—The amount made available by subsections (b) and (c) of section 21 of this Act to carry out this section shall be made available in accordance with the provisions of subsections (a) through (j), (m), and (n) of section 9 of this Act. 49 USC app. 1607a-2. 49 USC app. 1617.

“(b) **AVAILABILITY FOR CONSTRUCTION PROJECTS.**—Grants under this section shall be available only for the purpose of construction projects (including capital maintenance items) and shall be subject to the limitations contained in section 9(k) of this Act applicable to such projects. *Ante*, p. 226.

“(c) **USE OF UNOBLIGATED AMOUNTS.**—Sums apportioned under this section shall be available for obligation by the recipient for a period of 3 years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under this section for the succeeding fiscal year not later than 30 days after the end of such period.”.

49 USC app.
1607c.

SEC. 314. UNIVERSITY TRANSPORTATION CENTERS.

(a) GRANT PROGRAM; NATIONAL ADVISORY COUNCIL.—Section 11(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(b) UNIVERSITY TRANSPORTATION CENTERS.—

“(1) GRANTS FOR ESTABLISHMENT AND OPERATION.—In addition to grants authorized by subsection (a) of this section, the Secretary shall make grants to one or more nonprofit institutions of higher learning to establish and operate one regional transportation center in each of the ten Federal regions which comprise the Standard Federal Regional Boundary System.

“(2) RESPONSIBILITIES.—The responsibilities of each transportation center established under this subsection shall include, but not be limited to, the conduct of infrastructure research concerning transportation and research and training concerning transportation of passengers and property and the interpretation, publication, and dissemination of the results of such research. The responsibilities of one of such centers may include research on the testing of new model buses. The program of research at all research centers should cover more than one mode of transportation, and should take into consideration the proportion of funding for this subsection from funding available to carry out urban mass transportation projects under this Act and from the Highway Trust Fund.

“(3) APPLICATION.—Any nonprofit institution of higher learning interested in receiving a grant under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

“(4) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this subsection on the basis of the following criteria:

“(A) The regional transportation center shall be located in a State which is representative of the needs of the Federal region for improved transportation services and facilities.

“(B) The demonstrated research and extension resources available to the grant recipient for carrying out this subsection.

“(C) The capability of the grant recipient to provide leadership in making national and regional contributions to the solution of both long-range and immediate transportation problems.

“(D) The grant recipient shall have an established transportation program or programs encompassing several modes of transportation.

“(E) The grant recipient shall have a demonstrated commitment to supporting ongoing transportation research programs with regularly budgeted institutional funds of at least \$200,000 per year.

“(F) The grant recipient shall have a demonstrated ability to disseminate results of transportation research and educational programs through a statewide or regionwide continuing education program.

“(G) The projects which the grant recipient proposes to carry out under the grant.

"(5) MAINTENANCE OF EFFORT.—No grant may be made under this section in any fiscal year unless the recipient of such grant enters into such agreements with the Secretary as the Secretary may require to ensure that such recipient will maintain its aggregate expenditures from all other sources for establishing and operating a regional transportation center and related research activities at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this subsection.

"(6) FEDERAL SHARE.—The Federal share of a grant under this subsection shall be 50 percent of the costs of establishing and operating the regional transportation center and related research activities carried out by the grant recipient.

"(7) NATIONAL ADVISORY COUNCIL.—

"(A) ESTABLISHMENT; FUNCTIONS.—The Secretary shall establish in the Department of Transportation a national advisory council to coordinate the research and training to be carried out by the grant recipients, to disseminate the results of such research, to act as a clearinghouse between such centers and the transportation industry, and to review and evaluate programs carried out by such centers.

"(B) MEMBERS.—The council shall be composed of the directors of the regional transportation centers and 19 other members appointed by the Secretary as follows:

"(i) Six officers of the Department of Transportation one of whom represents the Office of the Secretary, one of whom represents the Federal Highway Administration, one of whom represents the Urban Mass Transportation Administration, one of whom represents the National Highway Traffic Safety Administration, one of whom represents the Research and Special Programs Administration, and one of whom represents the Federal Railroad Administration.

"(ii) Five representatives of State and local governments.

"(iii) Eight representatives of the transportation industry, including private providers of public transportation services, and organizations of employees in such industry.

A vacancy in the membership of the council shall be filled in the manner in which the original appointment was made.

"(C) TERM OF OFFICE; PAY; CHAIRMAN.—Each of the members appointed by the Secretary shall serve without pay. The chairman of the council shall be designated by the Secretary.

"(D) MEETINGS.—The council shall meet at least annually and at such other times as the chairman may designate.

"(E) AGENCY INFORMATION.—Subject to subchapter II of chapter 5 of title 5, United States Code, the council may secure directly from any department or agency of the United States information necessary to enable it to carry out this subsection. Upon request of the chairman of the council, the head of such department or agency shall furnish such information to the council.

5 USC app.

"(F) TERMINATION DATE INAPPLICABLE.—Section 14 of the Federal Advisory Committee Act shall not apply to the council.

"(8) ADMINISTRATION THROUGH OFFICE OF SECRETARY.—Administrative responsibility for carrying out this subsection shall be in the Office of the Secretary.

"(9) ALLOCATION OF FUNDS.—The Secretary shall allocate funds made available to carry out this subsection equitably among the Federal regions.

"(10) TECHNOLOGY TRANSFER SET-ASIDE.—Not less than 5 percent of the funds made available to carry out this subsection for any fiscal year shall be available to carry out technology transfer activities."

49 USC app.
1607c.

(b) CONFORMING AMENDMENT.—Section 11(a) of such Act is amended by inserting "GRANT PROGRAM.—" before "The Secretary".

SEC. 315. SOLE SOURCE PROCUREMENTS.

49 USC app.
1608.

(a) GENERAL RULE.—Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(3) SOLE SOURCE PROCUREMENT CONTRACTS.—Any recipient of a grant under section 9 of this Act who is procuring an associated capital maintenance item under section 9(j) of this Act may, without receiving prior approval of the Secretary, contract directly with the original manufacturer or supplier of the item to be replaced if such recipient first certifies in writing to the Secretary—

"(A) that such manufacturer or supplier is the only source for such item; and

"(B) that the price of such item is no higher than the price paid for such item by like customers."

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by inserting "CONTRACT REQUIREMENTS.—" before "(1) All contracts";

(2) by inserting "NONCOMPETITIVE BID CONTRACTS.—" before "All contracts";

(3) by inserting "ROLLING STOCK ACQUISITION CONTRACTS.—" before "In lieu of"; and

(4) by indenting paragraph (1) and aligning paragraphs (1) and (2) with paragraph (3), as added by subsection (a) of this section.

SEC. 316. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Supra.
Grants.
Loans.

Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(4) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping or related services with respect to a project for which a loan or grant is made under this Act shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirement. This paragraph shall apply except to the extent any State adopts or has adopted by statute a formal procedure for the procurement of such services."

40 USC 471 note.

SEC. 317. BUS TESTING.

(a) **REQUIREMENT.**—Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

49 USC app.
1608.

“(h) **BUS TESTING.**—

“(1) **REQUIREMENT.**—No funds appropriated or made available pursuant to this Act after September 30, 1989, may be obligated or expended for the acquisition of a new bus model unless a bus of such model has been tested at a facility established under section 317(b) of the Federal Mass Transportation Act of 1987.

“(2) **NEW BUS MODEL DEFINED.**—As used in this subsection, the term ‘new bus model’ means a bus model which has not been used in mass transportation service in the United States before the date of production of such model or a bus model which has been used in such service but which is being produced with a major change in configuration or components.”

(b) **BUS TESTING FACILITY.**—

49 USC app. 1608
note.

(1) **ESTABLISHMENT.**—The Secretary shall establish a facility for testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Such facility shall be established by renovation of a facility constructed with Federal assistance for the purpose of training rail personnel.

(2) **OPERATION.**—The Secretary shall enter into a contract with a qualified person to operate and maintain the facility established under paragraph (1) for testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Such contract may provide for the testing of rail cars and other vehicles at such facility.

Contracts.

(3) **COLLECTION OF FEES.**—Under the contract entered into under paragraph (2), the person operating and maintaining the facility shall establish and collect fees for the testing of vehicles at the facility. Such fees shall be subject to the approval of the Secretary.

(4) **NEW BUS MODEL DEFINED.**—For purposes of this subsection, the term “new bus model” has the meaning such term has under section 12(h)(2) of the Urban Mass Transportation Act of 1964.

Supra.

(5) **FUNDING.**—There shall be available to the Secretary out of the Mass Transit Account of the Highway Trust Fund for establishment of the facility under paragraph (1) \$200,000 for fiscal year 1987 and \$3,000,000 for fiscal year 1988. Funds made available by this paragraph shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 318. RULEMAKING.

(a) **IN GENERAL.**—Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

Supra.

“(i) **RULEMAKING PROCEDURES.**—

“(1) **PROCEDURES.**—The Secretary shall prepare an agenda listing all areas in which the Secretary intends to propose rules governing activities under this Act within the following 12-month period. The Secretary shall publish the proposed agenda in the Federal Register as part of the Secretary's semi-annual rulemaking agenda which lists rulemaking activities of the Urban Mass Transportation Administration. The Secretary shall also transmit the agenda required by the first sentence of

Federal
Register,
publication.

this paragraph to the Committee on Public Works and Transportation and the Committee on Appropriations of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate on the day that the Secretary's semi-annual rulemaking agenda is published in the Federal Register.

"(2) VIEWS.—Except for emergency rules, the Secretary shall give interested parties not less than 60 days to participate in any rulemaking under this Act through submission of written data views, or arguments with or without the opportunity for oral presentation, except when the Secretary for good cause finds that public notice and comment are unnecessary due to the routine nature or matter of insignificant impact of the rule, or that an emergency rule should be promulgated. The Secretary may extend the 60-day period if the Secretary determines that such period is insufficient to permit diligent persons to prepare comments or that other circumstances justify an extension of such period. An emergency rule shall terminate 120 days after the date on which it is promulgated."

49 USC app.
1608.

(b) DEFINITIONS.—Section 12(c) of such Act is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon; and

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

"(12) the term 'rule' means the whole or part of the Secretary's statement of general or particular applicability designed to implement, interpret, or prescribe law or policy in carrying out provisions of this Act; and

"(13) the term 'emergency rule' means a rule which is temporarily effective prior to the expiration of the otherwise specified periods of time for public notice and comment under this section and which was promulgated by the Secretary pursuant to a finding that a delay in the effective date thereof would (A) seriously injure an important public interest, (B) substantially frustrate legislative policy and intent, or (C) seriously damage a person or class of persons without serving any important public interest."

SEC. 319. PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.

Ante, p. 233.

Section 12 of the Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new subsection:

Regulations.
Grants.

"(j) PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.—For the purpose of assuring compliance with Federal motor vehicle safety requirements, the requirements of section 165 of the Surface Transportation Assistance Act of 1982 (relating to purchases of American products), and bid specifications requirements of recipients of grants under this Act, the Secretary shall issue regulations requiring a preaward and postdelivery audit with respect to any grant under this Act for the purchase of buses and other rolling stock. For the purposes of such audit, manufacturer certification shall not be sufficient, and independent inspections and auditing shall be required."

23 USC 101 note.

SEC. 320. REMOVAL OF LIMITATION ON THE SOURCE OF FUNDING FOR INNOVATIVE MANAGEMENT GRANTS.

Section 4(i) of the Urban Mass Transportation Act of 1964 is amended by striking out “, using sums available pursuant to section 4(c)(3)(A) of this section,”.

49 USC app.
1603.

SEC. 321. FEDERAL SHARE FOR ELDERLY AND HANDICAPPED PROJECTS.

Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

49 USC app.
1612.

“(e) **INCREASED FEDERAL SHARE OF CERTAIN NONREQUIRED PROJECTS.**—Notwithstanding any other provision of this Act, the Federal share under sections 3, 9, and 18 of this Act for each capital improvement project which enhances the accessibility for elderly and handicapped persons to public transportation service and which is not required by Federal law (including any other provision of this Act) shall be 95 percent of the net project cost of such project.”.

49 USC app.
1602, 1607a,
1614.

SEC. 322. RURAL TRANSPORTATION EQUITY.

Section 18(c) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: “A State administering a program of operating assistance under this section may not limit the level or extent of use of the Federal share for the payment of operating expenses except as provided in this section.”.

49 USC app.
1614.

SEC. 323. RURAL TRANSIT ASSISTANCE PROGRAM.

Section 18 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

“(h) **RURAL TRANSIT ASSISTANCE PROGRAM.**—The Secretary shall establish and carry out a rural transit assistance program in non-urbanized areas. In carrying out this subsection, the Secretary is authorized to make grants and to enter into direct contracts for transit research, technical assistance, training, and related support services in nonurbanized areas.”.

Grants.
Contracts.

SEC. 324. PROJECT MANAGEMENT OVERSIGHT.

(a) **IN GENERAL.**—The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

49 USC app. 1601
note.

“PROJECT MANAGEMENT OVERSIGHT

“SEC. 23. (a) **AUTHORITY TO USE FUNDS.**—Beginning October 1, 1987, the Secretary may use not to exceed ½ of 1 percent of—

Contracts.
49 USC app.
1619.

“(1) the funds made available for any fiscal year by section 21(a)(2)(C) to carry out section 3 to contract with any person to oversee the construction of any major project under section 3;

49 USC app.
1617.

“(2) the funds appropriated for any fiscal year pursuant to section 21(a)(1) to carry out section 9 to contract with any person to oversee the construction of any major project under section 9;

“(3) the funds appropriated for any fiscal year pursuant to section 21(a)(1) to carry out section 18 to contract with any person to oversee the construction of any major project under section 18;

“(4) the funds appropriated for any fiscal year pursuant to section 4(g) to contract with any person to oversee the construction of any major public transportation project substituted for an Interstate segment withdrawn under section 103(e)(4) of title 23, United States Code; and

49 USC app.
1603.

93 Stat. 1320.

"(5) the funds appropriated for any fiscal year pursuant to section 14(b) of the National Capital Transportation Act of 1969 to contract with any person to oversee the construction of any major project under such Act.

"(b) **FEDERAL SHARE.**—Any contract entered into under this subsection shall provide for the payment by the Secretary of 100 percent of the cost of carrying out the contract.

"(c) **ACCESS TO SITES AND RECORDS.**—Each recipient of assistance under this Act or section 14(b) of the National Capital Transportation Act of 1969 shall provide the Secretary and a contractor chosen by the Secretary in accordance with subsection (a) such access to its construction sites and records as may be reasonably required.

83 Stat. 320.

"(d) **REQUIREMENT FOR PLAN.**—As a condition of Federal financial assistance for a major capital project under this Act or the National Capital Transportation Act of 1969, the Secretary shall require the recipient to prepare, and, after approval by the Secretary, implement a project management plan which meets the requirements of subsection (e).

"(e) **CONTENTS OF PLAN.**—A project management plan shall, as required in each case by the Secretary, provide for—

"(1) adequate recipient staff organization complete with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and such miscellaneous payments as the recipient may be prepared to justify;

"(3) a construction schedule;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure which includes a documented, systematic approach to the handling of construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction and for system installation and integration of system components;

"(8) materials testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially with respect to such items as project budget and project schedule, financing, ridership estimates, and where applicable, the status of local efforts to enhance ridership in cases where ridership estimates are contingent, in part, upon the success of such efforts; and

"(12) the recipient's commitment to make monthly submissions of project budget and project schedule to the Secretary.

"(f) **REGULATIONS.**—The Secretary shall promulgate such regulations as may be necessary to implement the provisions of this section. Such regulations shall be published in proposed form for comment in the Federal Register and shall be submitted for review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 60 days after the date of

enactment of this section, and shall be promulgated in final form not later than 180 days after the date of enactment of this section. Such regulations shall, at a minimum, include the following:

"(1) A definition of the term 'major capital project' for the purpose of subsection (a). Such definition shall exclude projects for the acquisition of vehicles or other rolling stock, or for the performance of vehicle maintenance or rehabilitation.

"(2) A requirement that, in order to maximize the transportation benefits and cost savings associated with project management oversight, such oversight shall begin during the preliminary engineering stage of a project. The requirement of this paragraph shall not apply if the Secretary finds that it is more appropriate to initiate such oversight during another stage of the project.

"(g) APPROVAL.—The Secretary shall approve a plan submitted pursuant to subsection (d) within 60 days following its submittal. In the event that approval cannot be completed within 60 days, the Secretary shall notify the recipient that approval cannot be completed within 60 days, explain the reasons for the delay, and estimate how much additional time will be required for completion. If a plan is disapproved, the Secretary shall inform the recipient of the reasons."

SEC. 325. CRIME PREVENTION AND SECURITY.

The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

Ante, p. 235.

"CRIME PREVENTION AND SECURITY

"SEC. 24. From funds made available pursuant to section 21 of this Act, the Secretary is authorized to make capital grants to public mass transit systems for crime prevention and security. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant."

Grants.
49 USC app.
1620.
Post, p. 238.

SEC. 326. BICYCLE FACILITIES.

The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

"BICYCLE FACILITIES

"SEC. 25. (a) ELIGIBILITY.—For purposes of this Act, a project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be deemed to be a construction project eligible for assistance under sections 3, 9, and 18 of this Act.

49 USC app.
1621.

"(b) FEDERAL SHARE.—Notwithstanding sections 4(a), 9(k), and 18(e), the Federal share under this Act for any project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be 90 percent of the cost of such project."

49 USC app.
1602, 1607a,
1614.
49 USC app.
1603.

SEC. 327. TRANSIT TECHNICAL AMENDMENTS.

49 USC app.
1604.

(a) URBAN MASS TRANSPORTATION ACT.—(1) Section 5(h)(1) of the Urban Mass Transportation Act of 1964 is amended by striking out “approach” and inserting in lieu thereof “approval”.

(2) Section 5(j)(1) of such Act is amended by striking out “action” and inserting in lieu thereof “section”.

(3) Section 5(n)(2) of such Act is amended by inserting “and section 9” after “this section”.

49 USC app.
1612.

(4) Section 16 of such Act is amended by redesignating the second subsection (c) as subsection (d).

49 USC app.
1613.

(5) Section 17(d)(4) of such Act is amended by striking out “; and”.

49 USC app.
1607a, 1607a-1.

(b) SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—Section 303 of the Surface Transportation Assistance Act of 1982 is amended by striking out “(a)” the first place it appears.

SEC. 328. AUTHORIZATIONS.

49 USC app.
1617.

Section 21 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“AUTHORIZATIONS

49 USC app.
1607a, 1614.

“SEC. 21. (a) SECTIONS 9 AND 18.—(1) There are hereby authorized to be appropriated to carry out the provisions of sections 9 and 18 of this Act not to exceed \$2,000,000,000 for fiscal year 1987, and not to exceed \$2,100,000,000 for each of fiscal years 1988 through 1991. Any funds so appropriated shall remain available until expended.

49 USC app.
1602; ante, p. 235;
49 USC app.
1607, 1612.

“(2) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 3, 4(i), 8, and 16(b) of this Act \$1,097,000,000 for the fiscal year 1987, and \$1,000,000,000 for each of fiscal years 1988 through 1991, to remain available until expended.

Ante, p. 229.

“(b) SECTIONS 3 AND 9B.—In addition to the amounts set forth in subsection (a)(2), to carry out sections 3 and 9B of this Act, there shall be available from the Mass Transit Account of the Highway Trust Fund for each of fiscal years 1988 through 1991—

“(1) \$200,000,000 for fiscal year 1988;

“(2) \$250,000,000 for fiscal year 1989;

“(3) \$300,000,000 for fiscal year 1990; and

“(4) \$400,000,000 for fiscal year 1991;

to remain available until expended.

Grants.

“(c) TREATMENT OF CERTAIN SECTION 3 AND SECTION 9B FUNDS.—

(1) Of the amounts made available by subsection (b), 50 percent shall be available for capital grants under section 3, and 50 percent shall be available for grants under section 9B. If an obligation ceiling in effect for any fiscal year is less than the sum of the new budget authority authorized by subsections (a)(2) and (b), the ceiling shall first be applied to the budget authority provided by subsection (b).

“(2) Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under subsections (a)(2) and (b) of this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

“(d) INTERSTATE TRANSFER.—For substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there are authorized to be appropriated \$200,000,000 for each of fiscal years 1987 through 1991.

"(e) **RURAL PROGRAM.**—For each of fiscal years 1987 through 1991, 2.93 percent of the aggregate funds made available for sections 9 and 18 and section 9B under subsections (a)(1) and (b) of this section shall be available to carry out section 18. All amounts made available for section 18 shall be from funds appropriated under subsection (a).

49 USC app.
1607a.

"(f) **PLANNING.**—From the funds made available under subsection (a)(2) of this section, not to exceed \$45,000,000 shall be available for the purposes of section 8 in each of fiscal years 1987 through 1991. Nothing herein shall prevent the use of additional funds available under this subsection for planning purposes.

49 USC app.
1607.

"(g) **SECTIONS 4(i) AND 16(b).**—(1) From the funds made available under subsection (a)(2) of this section, not to exceed \$35,000,000 shall be available for the purposes of sections 4(i) and 16(b) in each of fiscal years 1988 through 1991.

Ante, p. 235;
49 USC app.
1612.

"(2) From the funds provided for section 4(i) for fiscal year 1987, \$5,000,000 shall be available to carry out section 18(h).

"(h) **SECTIONS 6, 10, 11(a), 12(a), 18(h), AND 20.**—There are hereby authorized to be appropriated to carry out sections 6, 10, 11(a), 12(a), 18(h), and 20 of this Act—

49 USC app.
1605, 1607b,
1607c, 1608,
1616.

"(1) not to exceed such sums as may be appropriated for fiscal year 1987; and

"(2) not to exceed \$50,000,000 for each of fiscal years 1988 through 1991, of which 10 percent shall be available only for section 18(h).

Any funds appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.

"(i) **SECTION 11(b).**—(1) From the funds made available under subsection (a)(2), \$5,000,000 shall be available for the purposes of section 11(b) for each of fiscal years 1988 through 1991.

"(2) From the Highway Trust Fund (other than the Mass Transit Account), \$5,000,000 shall be available for the purposes of section 11(b) for each of the fiscal years 1988 through 1991."

SEC. 329. INCREASED OPERATING ASSISTANCE DURING CONSTRUCTION OF INTERSTATE PROJECT.

Upon request of the State of Florida and the designated recipients under section 9 of the Urban Mass Transportation Act of 1964 for the urbanized areas of Fort Lauderdale and Miami, Florida, the amount of funds apportioned after September 30, 1987, under such section with respect to such urbanized areas which may otherwise be used for operating assistance under such section shall be increased by \$4,400,000 for each fiscal year in which major onsite construction is being carried out on a 40-mile segment of Interstate Route I-95 in Dade, Broward, and Palm Beach Counties, Florida. The increased operating assistance may only be used for commuter rail service provided as a maintenance-of-traffic measure during the period in which the construction is being carried out.

Florida.
Urban areas.
Railroads.
49 USC app.
1607a.

SEC. 330. BUS SERVICE DETERIORATION.

The Congress finds and declares that there has been a serious problem involving the deterioration of bus service for people residing in the small communities and rural areas of the several States, and recognizes the need to consider the best ways and means to remedy such problem.

Rural areas.

SEC. 331. BART STUDY.

(a) **STUDY.**—The Secretary, in cooperation with the San Francisco Bay Area Rapid Transit District and the Metropolitan Transportation Commission, shall undertake a comprehensive study of the future of the Bay Area Rapid Transit System. The study shall focus on the development of financing alternatives for the first phase rail extensions identified in the Regional Transportation Plan.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study described in subsection (a).

SEC. 332. TACTILE MOBILITY AIDS.

(a) **STUDY.**—The Secretary shall conduct a study of the feasibility of developing and implementing standards for the use, in transportation facilities and equipment constructed or acquired with assistance under the Urban Mass Transportation Act of 1964, title 23, United States Code, or other laws administered by the Department of Transportation, of tactile mobility aids in order to facilitate the safe access to and use of such facilities and equipment by visually impaired and legally blind persons.

(b) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit a report to the Congress on the results of such study, including such recommendations for legislation as may be necessary to implement such standards.

SEC. 333. FEASIBILITY STUDY OF ELECTRIC BUS LINE.

Section 314(a) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"SEC. 314. (a) Upon request of a local public body eligible to receive a grant under the Urban Mass Transportation Act of 1964, the Secretary of Transportation shall make a grant to such public body to conduct a feasibility study to examine the possibility of constructing and operating an electric bus line with the advanced and environmentally sound electric bus technology that is being developed in the State of California for the Santa Barbara transit system."

SEC. 334. FEASIBILITY STUDY OF ABANDONED TROLLEY SERVICE.

(a) **STUDY.**—The Secretary, in cooperation with the city of Philadelphia, Pennsylvania, shall conduct a study of the feasibility of restoring trolley service to corridors on which trolley service has been abandoned in such city.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 335. COMPREHENSIVE TRANSIT PLAN FOR THE VIRGIN ISLANDS.

(a) **STUDY.**—The Secretary, in cooperation with the Virgin Islands Department of Public Works, shall study and analyze the mass transportation needs of the Virgin Islands for the purpose of developing a comprehensive mass transportation plan for the Virgin Islands.

(b) **REPORT AND PLAN.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study and analysis conducted under subsection (a) together with a copy of the mass transportation plan which the Secretary recommends for the Virgin Islands.

49 USC app. 1601
note.

96 Stat. 2153.
Grants.
California.

Pennsylvania.

SEC. 336. TRANSFER OF SECTION 9 FUNDS.

The Governor of Nevada, after consultation with all urbanized areas within Nevada, may transfer not to exceed \$10,000,000 of unused apportionments under sections 9A and 9 of the Urban Mass Transportation Act of 1964 for use for urban mass transportation purposes in Santa Clara County, California.

Nevada.
Urban areas.
California.

49 USC app.
1607a-1, 1607a.

SEC. 337. BUY AMERICA.

(a) PERCENTAGE COST LIMITATION.—(1)(A) Effective October 1, 1989, section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by striking out “50” and inserting in lieu thereof “55”.

23 USC 101 note.

(B) Effective October 1, 1991, section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by striking out “55” and inserting in lieu thereof “60”.

(2)(A) Except as provided in subparagraph (B), the amendments made by subparagraphs (A) and (B) of paragraph (1) shall apply only to contracts entered into on or after their respective effective dates.

Contracts.
23 USC 101 note.

(B) The amendments made by paragraph (1) shall not apply with respect to any supplier or contractor or any successor in interest or assignee which qualified under the provisions of section 165(b)(3) of the Surface Transportation Assistance Act of 1982 prior to the date of enactment of this Act under a contract entered into prior to April 1, 1992.

(b) SUBCOMPONENTS.—Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by inserting “and subcomponents” after “components”.

(c) INCREASE IN PROJECT COST EXCEPTION.—Paragraph (4) of section 165(b) of the Surface Transportation Assistance Act of 1982 is amended by striking out “10 per centum” and all that follows through the period at the end of such section and inserting in lieu thereof “25 percent.”

(d) EXEMPTION TO SUBSECTIONS (b) AND (c).—The amendments made by subsections (b) and (c) of this section shall not apply to any contract awarded pursuant to bids which were outstanding on the date of enactment of this Act.

Contracts.
23 USC 101 note.

SEC. 338. MULTI-YEAR CONTRACT FOR METRO RAIL PROJECT.

(a) SUPPLEMENTAL EIS.—Not later than 10 days after the date of the enactment of this Act and in accordance with the National Environmental Policy Act of 1969, the Secretary shall begin the preparation of a supplemental environmental impact statement necessary as a result of alignment changes within the Minimum Operable Segment-2 portion of the Downtown Los Angeles to San Fernando Valley Metro Rail Project. The Secretary shall publish a notice of the completion of the final supplemental environmental impact statement in the Federal Register. If the Secretary has not published such notice within 5 months after the date of the enactment of this Act, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the status of the completion of such final supplemental environmental impact statement. The Secretary shall continue to report to those committees every 30 days on the status of the completion of the final supplemental environmental impact statement, including any proposed revisions to the statement, until a

California.
Environmental
protection.
42 USC 4321
note.

Federal
Register,
publication.
Reports.

Federal
Register,
publication.

notice of the completion of such statement is published in the Federal Register.

(b) **AMENDMENT TO EXISTING CONTRACT.**—Notwithstanding any other provision of law, not later than 30 days after the publication of a notice of completion of a final supplemental environmental impact statement under subsection (a), the Secretary shall—

(1) issue a record of decision which approves the construction of the locally preferred Minimum Operable Segment-2 alternative, and

(2) execute an amendment to the existing full-funding contract under section 3 of the Urban Mass Transportation Act of 1964 with the Southern California Rapid Transit District (or its successor) for the construction of Minimum Operable Segment-1 of such project, in order to include the construction of such Minimum Operable Segment-2 alternative in such contract.

(c) **PAYMENT OF FEDERAL SHARE.**—

(1) **FEDERAL SHARE.**—The amended contract under subsection (b) shall provide that the Federal share of the cost of construction of the Minimum Operable Segment-1 portion of the Downtown Los Angeles to San Fernando Valley Metro Rail Project shall be \$605,300,000 and that the Federal share of the cost of construction of the Minimum Operable Segment-2 portion of such project shall be \$667,000,000.

(2) **PAYMENT.**—The amended contract under subsection (b) shall provide that the Federal share of the cost of such project shall be paid by the Secretary from amounts provided under section 3 of the Urban Mass Transportation Act of 1964 for construction of new fixed guideway systems and extensions to fixed guideway systems, as follows:

(A) not to exceed \$107,900,000 for fiscal year 1987;

(B) not to exceed \$300,000,000 for fiscal years 1987 and 1988;

(C) not to exceed \$490,000,000 for fiscal years 1987, 1988, and 1989;

(D) not to exceed \$680,000,000 for fiscal years 1987, 1988, 1989 and 1990; and

(E) not to exceed \$870,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(d) **ADVANCE CONSTRUCTION.**—

(1) **UNDER THE CONTRACT.**—The amended contract under subsection (b) shall provide that the Southern California Rapid Transit District (or successor) may construct any portion of the Downtown Los Angeles to San Fernando Valley Metro Rail Project in accordance with section 3(l) of the Urban Mass Transportation Act of 1964, except that such district (or successor) shall not be required to apply to and receive approval of the Secretary before carrying out any such construction.

(2) **ON MOS-1 BEFORE EXECUTION OF CONTRACT.**—At any time after the date of the enactment of this section, the Southern California Rapid Transit District (or successor) may construct any portion of the Minimum Operable Segment-1 portion of such project in accordance with section 3(l) of the Urban Mass Transportation Act of 1964, except that such district (or successor) shall not be required to apply to and receive approval of the Secretary before carrying out any such construction.

(3) **REIMBURSEMENT SCHEDULE.**—The amended contract under subsection (b) shall provide that the Secretary shall reimburse

49 USC app.
1602.

Ante, p. 224.

Securities.

the Southern California Rapid Transit District (or successor), from any amounts provided under section 3 of the Urban Mass Transportation Act of 1964 for fiscal years 1992 through 1994, for the Federal share of the net project costs incurred by such district (or successor) under paragraphs (1) and (2) (including the amount of any interest earned and payable on bonds as provided in section 3(1)(2) of the Urban Mass Transportation Act of 1964), as follows:

49 USC app.
1602.

(A) not later than September 30, 1992, the Secretary shall reimburse such district (or successor) a total of \$467,100,000 (plus such interest), less amounts provided under subsection (c)(2) for fiscal years 1988 through 1990;

(B) not later than September 30, 1993, the Secretary shall reimburse such district (or successor) a total of \$622,100,000 (plus such interest), less amounts provided under subsection (c)(2) for fiscal years 1988 through 1991; and

(C) not later than September 30, 1994, the Secretary shall reimburse such district (or successor) a total of \$762,100,000 (plus such interest), less amounts provided under subsection (c)(2) for fiscal years 1988 through 1991.

(4) DELAYS IN PUBLICATION OF NOTICE OF SUPPLEMENTAL EIS.—

If the Secretary does not publish a notice of the completion of the final supplemental environmental impact statement in the Federal Register under subsection (a) on or before September 30, 1988, each date or year listed in paragraph (3) of this subsection shall be delayed one year. For each full year after such date in which such notice is not published, each such date or year shall be delayed one more year.

Federal
Register,
publication.

SEC. 339. BUS CARRIER CERTIFICATES FOR RECIPIENTS OF GOVERNMENTAL ASSISTANCE.

(a) GENERAL RULE FOR NEW ENTRANTS.—Section 10922(c)(1) of title 49, United States Code, is amended to read as follows:

“(c) MOTOR COMMON CARRIERS OF PASSENGERS.—

“(1) INTERSTATE TRANSPORTATION.—

“(A) REGULAR-ROUTE TRANSPORTATION.—The Commission shall issue a certificate to a person (including any private recipient of governmental assistance) authorizing that person to provide regular-route transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

49 USC 10521 *et seq.*

“(B) SPECIAL AND CHARTER TRANSPORTATION.—

“(i) PRIVATE RECIPIENTS OF ASSISTANCE.—The Commission shall issue a certificate to a private recipient of governmental assistance authorizing that recipient to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the recipient

is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

"(ii) OTHER PERSONS.—The Commission shall issue a certificate to a person (other than a private recipient of governmental assistance) authorizing that person to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission.

"(C) PUBLIC RECIPIENTS FOR CHARTER TRANSPORTATION.—The Commission shall issue a certificate to a public recipient of governmental assistance authorizing that recipient to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that—

"(i) the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission; and

"(ii) (I) no motor common carrier of passengers (other than a motor common carrier of passengers which is a public recipient of governmental assistance) is providing, or is willing and able to provide, the transportation to be authorized by the certificate; or

"(II) the transportation to be authorized by the certificate is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

"(D) PUBLIC RECIPIENTS FOR REGULAR-ROUTE TRANSPORTATION.—The Commission shall issue a certificate to a public recipient of governmental assistance authorizing that recipient to provide regular-route transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

"(E) TREATMENT OF CERTAIN PUBLIC RECIPIENTS.—Subject to provisions of section 12(f) of the Urban Mass Transportation Act of 1964, any public recipient of governmental assistance which is providing or seeking to provide transportation of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this

49 USC 10521 *et seq.*

49 USC app.
1608.

title shall, for purposes of this subtitle, be treated as a person which is providing or seeking to provide transportation of passengers subject to such jurisdiction.

“(F) DEFINITIONS.—In this subsection—

“(i) PUBLIC RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term ‘public recipient of governmental assistance’ means—

“(I) any State,

“(II) any municipality or other political subdivision of a State,

“(III) any public agency or instrumentality of one or more States and municipalities and political subdivisions of a State,

“(IV) any Indian tribe,

“(V) any corporation, board, or other person owned or controlled by any entity described in subclause (I), (II), (III), or (IV), and

“(VI) any corporation, board, or other person owned by, controlled by, or under common control with, any entity described in subclause (I), (II), (III), (IV), or (V),

which before, on, or after the date of the enactment of this paragraph received governmental financial assistance for the purchase or operation of any bus.

“(ii) PRIVATE RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term ‘private recipient of governmental assistance’ means any person (other than a person described in clause (i)) who before, on, or after the date of the enactment of this paragraph received governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.”

(b) PUBLIC INTEREST FINDING.—Section 10922(c)(3) of title 49, United States Code, is amended by striking out “and” at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof “; and”, and by adding at the end thereof the following:

“(E) the amount and extent of governmental financial assistance which the applicant for the certificate received before, on, or after the date of the enactment of this subparagraph for the purchase or operation of buses.

In addition, in making any finding relating to public interest under paragraph (1)(D) of this subsection, the Commission shall consider whether or not the person objecting to issuance of the certificate is a motor common carrier of passengers which is providing, or is willing and able to provide, the transportation to be authorized by the certificate.”

(c) CONFORMING AMENDMENT.—Section 10922(c)(3) of title 49, United States Code, is amended by striking out “(1)(A)” and inserting in lieu thereof “(1)”.

SEC. 340. UTILIZATION REQUIREMENT FOR CERTIFICATES AUTHORIZING INTRASTATE BUS OPERATIONS.

(a) GENERAL RULE.—Section 10922(c)(2) of title 49, United States Code, is amended by adding at the end thereof the following new subparagraph:

“(J) LIMITATION ON INTRASTATE CERTIFICATES.—Each certificate issued under this paragraph to provide intrastate

transportation of passengers on any route shall be subject to a condition which limits the authority of the carrier to provide intrastate transportation service under the certificate only if the carrier provides regularly scheduled interstate transportation service on the route."

49 USC 10922
note.

(b) **RETROACTIVE APPLICABILITY.**—The amendment made by subsection (a) shall apply to any certificate issued under section 10922(c)(2) of title 49, United States Code, before, on, or after the date of the enactment of this Act.

Uniform
Relocation Act
Amendments of
1987.

TITLE IV—UNIFORM RELOCATION ACT AMENDMENTS OF 1987

42 USC 4601
note.

SEC. 401. SHORT TITLE.

This title may be cited as the "Uniform Relocation Act Amendments of 1987".

SEC. 402. DEFINITIONS.

(a) **FEDERAL AGENCY DEFINED.**—Section 101(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter in this title referred to as the "Uniform Act") (42 U.S.C. 4601(1)) is amended to read as follows:

"(1) The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law."

(b) **STATE AGENCY DEFINED.**—Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any department, agency, or instrumentality of a State or of a political subdivision of a State, any department, agency, or instrumentality of 2 or more States or of 2 or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law."

(c) **INTEREST REDUCTION PAYMENTS AS FEDERAL FINANCIAL ASSISTANCE.**—Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting ", any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual," after "insurance".

(d) **DISPLACED PERSON DEFINED.**—Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6)(A) The term 'displaced person' means, except as provided in subparagraph (B)—

"(i) any person who moves from real property, or moves his personal property from real property—

"(I) as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance; or

"(II) on which such person is a residential tenant or conducts a small business, a farm operation, or a business defined in section 101(7)(D), as a direct result of rehabilitation, demolition, or such other displacing activity as the

lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance in any case in which the head of the displacing agency determines that such displacement is permanent; and

“(ii) solely for the purposes of sections 202 (a) and (b) and 205 of this title, any person who moves from real property, or moves his personal property from real property—

Post, pp. 249, 252.

“(I) as a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; or

“(II) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, of other real property on which such person conducts a business or a farm operation, under a program or project undertaken by a Federal agency or with Federal financial assistance where the head of the displacing agency determines that such displacement is permanent.

“(B) The term ‘displaced person’ does not include—

“(i) a person who has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act;

“(ii) in any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.”.

(e) COMPARABLE REPLACEMENT DWELLING, DISPLACING AGENCY, LEAD AGENCY, AND APPRAISAL DEFINED.—Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new paragraphs:

“(10) The term ‘comparable replacement dwelling’ means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally equivalent; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person’s dwelling with respect to public utilities, facilities, services, and the displaced person’s place of employment.

“(11) The term ‘displacing agency’ means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

“(12) The term ‘lead agency’ means the Department of Transportation.

“(13) The term ‘appraisal’ means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.”.

(f) CONFORMING AMENDMENT.—Section 101(7)(D) of the Uniform Act (42 U.S.C. 4601(7)(D)) is amended by striking out “(a)” after “202”.

SEC. 403. CERTIFICATION.

Title I of the Uniform Act is amended by adding at the end thereof the following new section:

“CERTIFICATION

42 USC 4604.
Post, pp. 254, 256.

“SEC. 103. (a) Notwithstanding sections 210 and 305 of this Act, the head of a Federal agency may discharge any of his responsibilities under this Act by accepting a certification by a State agency that it will carry out such responsibility, if the head of the lead agency determines that such responsibility will be carried out in accordance with State laws which will accomplish the purpose and effect of this Act.

Regulations.

“(b)(1) The head of the lead agency shall issue regulations to carry out this section.

Reports.

“(2) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of this section. A State agency shall make available any information required for such purpose.

“(3) Before making a determination regarding any State law under subsection (a) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within the State on the effects of such State law on the ability of local governments to carry out their responsibilities under this Act.

Contracts.

“(c)(1) The head of a Federal agency may withhold his approval of any Federal financial assistance to or contract or cooperative agreement with any displacing agency found by the Federal agency to have failed to comply with the laws described in subsection (a) of this section.

“(2) After consultation with the head of the lead agency, the head of a Federal agency may rescind his acceptance of any certification under this section, in whole or in part, if the State agency fails to comply with such certification or with State law.”.

SEC. 404. DECLARATION OF FINDINGS AND POLICY.

Section 201 of the Uniform Act (42 U.S.C. 4621) is amended to read as follows:

“DECLARATION OF FINDINGS AND POLICY

“SEC. 201. (a) The Congress finds and declares that—

“(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

“(2) relocation assistance policies must provide for fair, uniform, and equitable treatment of all affected persons;

“(3) the displacement of businesses often results in their closure;

"(4) minimizing the adverse impact of displacement is essential to maintaining the economic and social well-being of communities; and

"(5) implementation of this Act has resulted in burdensome, inefficient, and inconsistent compliance requirements and procedures which will be improved by establishing a lead agency and allowing for State certification and implementation.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance. The primary purpose of this title is to ensure that such persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.

"(c) It is the intent of Congress that—

"(1) Federal agencies shall carry out this title in a manner which minimizes waste, fraud, and mismanagement and reduces unnecessary administrative costs borne by States and State agencies in providing relocation assistance;

"(2) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act;

"(3) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals; and

"(4) the policies and procedures of this Act will be administered in a manner which is consistent with fair housing requirements and which assures all persons their rights under title VIII of the Act of April 11, 1968 (Public Law 90-284), commonly known as the Civil Rights Act of 1968, and title VI of the Civil Rights Act of 1964."

42 USC 3601.

42 USC 2000d.

SEC. 405. MOVING AND RELATED EXPENSES.

(a) BUSINESS REESTABLISHMENT EXPENSES.—Section 202(a) of the Uniform Act (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed \$10,000."

Agriculture and
agricultural
commodities.

(b) ALTERNATIVE RESIDENTIAL ALLOWANCE.—Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and

dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.”.

(c) **ALTERNATIVE BUSINESS ALLOWANCE.**—Section 202(c) of the Uniform Act (42 U.S.C. 4622(c)) is amended to read as follows:

Agriculture and
agricultural
commodities.

“(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person’s place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than \$1,000 nor more than \$20,000. A person whose sole business at the displacement dwelling is the rental of such property to others shall not qualify for a payment under this subsection.”.

(d) **CERTAIN UTILITY RELOCATION EXPENSES.**—Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsection:

Utilities.

“(d)(1) Except as otherwise provided by Federal law—

“(A) if a program or project (i) which is undertaken by a displacing agency, and (ii) the purpose of which is not to relocate or reconstruct any utility facility, results in the relocation of a utility facility;

“(B) if the owner of the utility facility which is being relocated under such program or project has entered into, with the State or local government on whose property, easement, or right-of-way such facility is located, a franchise or similar agreement with respect to the use of such property, easement, or right-of-way; and

“(C) if the relocation of such facility results in such owner incurring an extraordinary cost in connection with such relocation;

the displacing agency may, in accordance with such regulations as the head of the lead agency may issue, provide to such owner a relocation payment which may not exceed the amount of such extraordinary cost (less any increase in the value of the new utility facility above the value of the old utility facility and less any salvage value derived from the old utility facility).

“(2) For purposes of this subsection, the term—

“(A) ‘extraordinary cost in connection with a relocation’ means any cost incurred by the owner of a utility facility in connection with relocation of such facility which is determined by the head of the displacing agency, under such regulations as the head of the lead agency shall issue—

“(i) to be a non-routine relocation expense;

“(ii) to be a cost such owner ordinarily does not include in its annual budget as an expense of operation; and

“(iii) to meet such other requirements as the lead agency may prescribe in such regulations; and

“(B) ‘utility facility’ means—

“(i) any electric, gas, water, steam power, or materials transmission or distribution system;

“(ii) any transportation system;

“(iii) any communications system (including cable television); and

“(iv) any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system;

located on property which is owned by a State or local government or over which a State or local government has an easement or right-of-way. A utility facility may be publicly, privately, or cooperatively owned.”.

SEC. 406. REPLACEMENT HOUSING FOR HOMEOWNER.

Section 203(a) of the Uniform Act (42 U.S.C. 4623(a)) is amended—

(1) by striking out “Federal” in the portion of paragraph (1) preceding subparagraph (A) and inserting in lieu thereof “displacing”;

(2) by striking out “\$15,000” and inserting in lieu thereof “\$22,500”;

(3) by striking out “acquired by” and all that follows through “the additional payment.” in paragraph (1)(A) and inserting in lieu thereof “acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling.”;

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

“(B) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling.”; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

“(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within 1 year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency’s obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within 1 year of such date.”.

42 USC 4625.

SEC. 407. REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS.

Section 204 of the Uniform Act (42 U.S.C. 4624) is amended to read as follows:

“REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

“SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than 90 days immediately prior to (1) the initiation of negotiations for acquisition of such dwelling, or (2) in any case in which displacement is not a direct result of acquisition, such other event as the

Disadvantaged persons.

Supra.

head of the lead agency shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed 42 months, a comparable replacement dwelling, but not to exceed \$5,250. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income.

"(b) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (a), except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least 90 days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person owned and occupied the displacement dwelling 180 days immediately prior to the initiation of such negotiations."

Ante, p. 251.

SEC. 408. RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES.

Section 205 of the Uniform Act (42 U.S.C. 4625) is amended to read as follows:

"RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES

Business and industry.
Agriculture and agricultural commodities.

"SEC. 205. (a) Programs or projects undertaken by a Federal agency or with Federal financial assistance shall be planned in a manner that (1) recognizes, at an early stage in the planning of such programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations, and (2) provides for the resolution of such problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

"(b) The head of any displacing agency shall ensure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(c) Each relocation assistance advisory program required by subsection (b) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information on the availability, sales prices, and rental charges of comparable replace-

ment dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

“(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of—

“(A) a major disaster as defined in section 102(2) of the Disaster Relief Act of 1974;

42 USC 5122.

“(B) a national emergency declared by the President; or

“(C) any other emergency which requires the person to move immediately from the dwelling because continued occupancy of such dwelling by such person constitutes a substantial danger to the health or safety of such person;

“(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

“(5) supply (A) information concerning other Federal and State programs which may be of assistance to displaced persons, and (B) technical assistance to such persons in applying for assistance under such programs; and

“(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

“(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

“(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may agree that the procedures of one of such agencies shall be utilized to implement this title with respect to such activities. If such agreement cannot be reached, then the head of the lead agency shall designate one of such agencies as the agency whose procedures shall be utilized to implement this title with respect to such activities. Such related activities shall constitute a single program or project for purposes of this Act.

“(f) Notwithstanding section 101(6) of this Act, in any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency.”

42 USC 4601.

SEC. 409. HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT.

Section 206 of the Uniform Act (42 U.S.C. 4626) is amended to read as follows:

“HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

“SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the displacing agency determines that

Ante, p. 251.

such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the displacing agency may use this section to exceed the maximum amounts which may be paid under sections 203 and 204 on a case-by-case basis for good cause as determined in accordance with such regulations as the head of the lead agency shall issue.

"(b) No person shall be required to move from his dwelling on account of any program or project undertaken by a Federal agency or with Federal financial assistance, unless the head of the displacing agency is satisfied that comparable replacement housing is available to such person."

SEC. 410. ASSURANCES.

Section 210 of the Uniform Act (42 U.S.C. 4630) is amended by striking out "State agency" the first place it appears and inserting in lieu thereof "displacing agency (other than a Federal agency)"; by striking out "State agency" the second place it appears and inserting in lieu thereof "displacing agency"; and by striking out "decent, safe, and sanitary" in paragraph (3) and inserting in lieu thereof "comparable".

SEC. 411. FEDERAL SHARE OF COSTS.

(a) GENERAL RULE.—Section 211(a) of the Uniform Act (42 U.S.C. 4631(a)) is amended to read as follows:

42 USC 4651.

"(a) The cost to a displacing agency of providing payments and assistance under this title and title III of this Act shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs."

(b) LIMITATION.—Section 211(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended to read as follows:

"(b) No payment or assistance under this title or title III of this Act shall be required to be made to any person or included as a program or project cost under this section, if such person receives a payment required by Federal, State, or local law which is determined by the head of the Federal agency to have substantially the same purpose and effect as such payment under this section."

SEC. 412. DUTIES OF LEAD AGENCY.

Section 213 of the Uniform Act (42 U.S.C. 4633) is amended to read as follows:

"DUTIES OF LEAD AGENCY"

Regulations.

"SEC. 213. (a) The head of the lead agency shall—

"(1) develop, publish, and issue, with the active participation of the Secretary of Housing and Urban Development and the heads of other Federal agencies responsible for funding relocation and acquisition actions, and in coordination with State and local governments, such regulations as may be necessary to carry out this Act;

Housing.
Disadvantaged
persons.

"(2) ensure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs

or projects by a Federal agency or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform such other duties as may be necessary to carry out this Act.

"(b) The head of the lead agency is authorized to issue such regulations and establish such procedures as he may determine to be necessary to assure—

"(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable and as uniform as practicable;

"(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

"(3) that any aggrieved person may have his application reviewed by the head of the Federal agency having authority over the applicable program or project or, in the case of a program or project receiving Federal financial assistance, by the State agency having authority over such program or project or the Federal agency having authority over such program or project if there is no such State agency.

"(c) The regulations and procedures issued pursuant to this section shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I."

Reports.

Regulations.

42 USC 4621,
4601.

SEC. 413. PAYMENTS UNDER OTHER LAWS.

Section 216 of the Uniform Act (42 U.S.C. 4636) is amended by inserting after "Federal law" the following: "(except for any Federal law providing low-income housing assistance)".

Housing.
Disadvantaged
persons.

SEC. 414. TRANSFER OF SURPLUS PROPERTY.

Section 218 of the Uniform Act (42 U.S.C. 4638) is amended by inserting "net" after "all".

SEC. 415. REPEALS.

Sections 214, 217, and 219 of the Uniform Act (42 U.S.C. 4634 and 4637) are hereby repealed.

84 Stat. 1902.

SEC. 416. UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES.

(a) **WAIVER OF APPRAISAL.**—Section 301(2) of the Uniform Act (42 U.S.C. 4651(2)) is amended by inserting before the period at the end thereof the following: ", except that the head of the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value".

Gifts and
property.

(b) **ACQUISITION OF UNECONOMIC REMNANT.**—Section 301(9) of the Uniform Act (42 U.S.C. 4651(9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the

Federal agency concerned has determined has little or no value or utility to the owner.”.

(c) **DONATIONS.**—Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following new paragraph: “(10) A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his right to receive just compensation for such property, donate such property, and part thereof, any interest therein, or any compensation paid therefor to a Federal agency, as such person shall determine.”.

SEC. 417. ASSURANCES.

Section 305 of the Uniform Act (42 U.S.C. 4655) is amended by inserting “(a)” after “Sec. 305.”, by striking out “a State agency” the first place it appears and inserting in lieu thereof “an acquiring agency”, by striking out “State agency” the second place it appears and inserting in lieu thereof “acquiring agency”, and by adding at the end thereof the following new subsection:

“(b) For purposes of this section, the term ‘acquiring agency’ means—

42 USC 4601.

“(1) a State agency (as defined in section 101(3)) which has the authority to acquire property by eminent domain under State law, and

“(2) a State agency or person which does not have such authority, to the extent provided by the head of the lead agency by regulation.”.

42 USC 4601
note.

SEC. 418. EFFECTIVE DATE.

The amendment made by section 412 of this title (to the extent such amendment prescribes authority to develop, publish, and issue regulations) shall take effect on the date of the enactment of this title. This title and the amendments made by this title (other than the amendment made by section 412 to such extent) shall take effect on the effective date provided in such regulations but not later than 2 years after such date of enactment.

Highway
Revenue Act of
1987.

TITLE V—HIGHWAY REVENUE ACT OF 1987

26 USC 1 note.

SEC. 501. SHORT TITLE.

This title may be cited as the “Highway Revenue Act of 1987”.

SEC. 502. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

(a) **EXTENSION OF TAXES.**—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out “1988” each place it appears and inserting in lieu thereof “1993”:

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

(4) Section 4081(e)(1) (as amended by the Tax Reform Act of 1986 and section 521(a)(1)(B) of the Superfund Revenue Act of 1986).

(5) Sections 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

Petroleum and
petroleum
products.
26 USC 1 *et seq.*
26 USC 4041.

26 USC 1 *et seq.*
100 Stat. 1774.

(b) **EXTENSION OF EXEMPTIONS, ETC.**—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out “1988” each place it appears and inserting in lieu thereof “1993”:

26 USC 1 *et seq.*

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

26 USC 4041.

(2) Section 4041(f)(3) (relating to exemption for farm use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to termination of exemptions for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems) (as in effect before its redesignation by section 1703(c) of the Tax Reform Act of 1986).

100 Stat. 2774.

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable purposes) (as in effect before its redesignation by section 1703(e)(1) of the Tax Reform Act of 1986).

(c) **EXTENSION OF REDUCED RATES OF TAX ON FUELS CONTAINING ALCOHOL.**—

(1) Paragraph (3) of section 4041(k) of such Code (relating to fuels containing alcohol) is amended by striking out “December 31, 1992” and inserting in lieu thereof “September 30, 1993”.

(2) Paragraph (4) of section 4081(c) of such Code (relating to gasoline mixed with alcohol), as amended by the Tax Reform Act of 1986, is amended by striking out “December 31, 1992” and inserting in lieu thereof “September 30, 1993”.

(d) **OTHER PROVISIONS.**—

(1) **FLOOR STOCKS REFUNDS.**—Paragraph (1) of section 6412(a) of such Code (relating to floor stocks refunds) is amended—

(A) by striking out “1988” each place it appears and inserting in lieu thereof “1993”, and

(B) by striking out “1989” each place it appears and inserting in lieu thereof “1994”.

(2) **INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.**—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out “1988” and inserting in lieu thereof “1993”.

SEC. 503. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND.

(a) **IN GENERAL.**—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) are each amended—

26 USC 9503.

(1) by striking out “1988” each place it appears and inserting in lieu thereof “1993”, and

(2) by striking out “1989” each place it appears and inserting in lieu thereof “1994”.

(b) **EXPENDITURES FROM HIGHWAY TRUST FUND.**—Paragraph (1) of section 9503(c) of such Code (relating to expenditures from Highway Trust Fund) is amended by striking out “or” at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following:

“(C) authorized to be paid out of the Highway Trust Fund under the Surface Transportation and Uniform Relocation Assistance Act of 1987, or

"(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on the date of the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987."

(c) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out "1988" and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

SEC. 504. CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MASS TRANSIT ACCOUNT.

26 USC 9503. Subsection (e) of section 9503 of the Internal Revenue Code of 1986 (relating to establishment of Mass Transit Account) is amended by adding at the end thereof the following new paragraph:

"(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—

26 USC 6427. "(A) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of paragraph (2)) and the Mass Transit Account; except that any such transfers to the extent attributable to section 6427(g) shall be borne only by the Highway Account.

"(B) HIGHWAY ACCOUNT.—For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account."

SEC. 505. TREATMENT OF LONG-TERM LESSORS OF HEAVY TRUCKS AND TRAILERS.

26 USC 4052. (a) INITIAL TAX NOT IMPOSED ON SALE TO LONG-TERM LESSORS.—Paragraph (1) of section 4052(a) of the Internal Revenue Code of 1986 (defining first retail sale) is amended by striking out "other than for resale" and inserting in lieu thereof "other than for resale or leasing in a long-term lease".

(b) CONSTRUCTIVE SALES PRICE IN THE CASE OF LONG-TERM LEASE.—Subsection (b) of section 4052 of such Code (defining price) is amended by adding at the end thereof the following new paragraph:

"(3) LONG-TERM LEASE.—

"(A) IN GENERAL.—In the case of any long-term lease of an article which is treated as the first retail sale of such article, the tax under this subchapter shall be computed on a price equal to—

"(i) the sum of—

"(I) the price (determined under this subchapter but without regard to paragraph (4)) at which such article was sold to the lessor, and

"(II) the cost of any parts and accessories installed by the lessor on such article before the first use by the lessee or leased in connection with such long-term lease, plus

“(ii) an amount equal to the presumed markup percentage of the sum described in clause (i).

“(B) PRESUMED MARKUP PERCENTAGE.—For purposes of subparagraph (A), the term ‘presumed markup percentage’ means the average markup percentage of retailers of articles of the type involved, as determined by the Secretary.

“(C) EXCEPTIONS UNDER REGULATIONS.—To the extent provided in regulations prescribed by the Secretary, subparagraph (A) shall not apply to specified types of leases where its application is not necessary to carry out the purposes of this subsection.”

(c) LONG-TERM LEASE DEFINED.—Section 4052 of such Code is amended by adding at the end thereof the following new subsection:

26 USC 4052.

“(f) LONG-TERM LEASE.—For purposes of this section, the term ‘long-term lease’ means any lease with a term of 1 year or more. In determining a lease term for purposes of the preceding sentence, the rules of section 168(i)(3)(A) shall apply.”

26 USC 168.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles sold by the manufacturer, producer, or importer on or after the first day of the first calendar quarter which begins more than 90 days after the date of the enactment of this Act.

26 USC 4052 note.

SEC. 506. DETERMINATION OF PRICE WHERE TAX PAID BY MANUFACTURER.

(a) IN GENERAL.—Subsection (b) of section 4052 of the Internal Revenue Code of 1986 (defining price) is amended by adding at the end thereof the following new paragraph:

26 USC 4052.

“(4) SPECIAL RULE WHERE TAX PAID BY MANUFACTURER, PRODUCER, OR IMPORTER.—

“(A) IN GENERAL.—In any case where the manufacturer, producer, or importer of any article (or a related person) is liable for tax imposed by this subchapter with respect to such article, the tax under this subchapter shall be computed on a price equal to the sum of—

“(i) the price which would (but for this paragraph) be determined under this subchapter, plus

“(ii) the product of the price referred to in clause (i) and the presumed markup percentage determined under paragraph (3)(B).

“(B) RELATED PERSON.—For purposes of this paragraph—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘related person’ means any person who is a member of the same controlled group (within the meaning of section 5061(e)(3)) as the manufacturer, producer, or importer.

26 USC 5061.

“(ii) EXCEPTION FOR RETAIL ESTABLISHMENT.—To the extent provided in regulations prescribed by the Secretary, a person shall not be treated as a related person with respect to the sale of any article if such article is sold through a permanent retail establishment in the normal course of the trade or business of being a retailer.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to articles sold by the manufacturer, producer, or importer on or after the 1st day of the 1st calendar quarter which begins more than 90 days after the date of the enactment of this Act.

26 USC 4052 note.

SEC. 507. IMPOSITION OF HIGHWAY USE TAX ON ALL MOTOR VEHICLES OPERATING IN UNITED STATES.

26 USC 4481.

(a) **IN GENERAL.**—Subsection (b) of section 4481 of the Internal Revenue Code of 1986 (relating to tax paid by whom) is amended by inserting “or contiguous foreign country” after “State”.

(b) **REDUCTION IN TAX FOR TRUCKS BASE-PLATED IN A CONTIGUOUS FOREIGN COUNTRY.**—Section 4483 of such Code (relating to exemptions) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) **REDUCTION IN TAX FOR TRUCKS BASE-PLATED IN A CONTIGUOUS FOREIGN COUNTRY.**—If the base for registration purposes of any highway motor vehicle is in a contiguous foreign country for any taxable period, the tax imposed by section 4481 for such period shall be 75 percent of the tax which would (but for this subsection) be imposed by section 4481 for such period.”

26 USC 4481
note.

(c) **REGULATIONS REQUIRED WITHIN 120 DAYS.**—The Secretary of the Treasury or the delegate of the Secretary shall within 120 days after the date of the enactment of this section prescribe regulations governing payment of the tax imposed by section 4481 of the Internal Revenue Code of 1986 on any highway motor vehicle operated by a motor carrier domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country. Such regulations shall include a procedure by which the operator of such motor vehicle shall evidence that such operator has paid such tax at the time such motor vehicle enters the United States. In the event of the failure to provide evidence of payment, such regulations may provide for denial of entry of such motor vehicle into the United States.

26 USC 4481
note.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on July 1, 1987.

SEC. 508. APPLICATION OF CERTAIN REVENUE RULINGS.

Motor vehicles.

Revenue Rulings 85-196 and 86-43 shall not apply to any vehicle acquired by a retail dealer before January 1, 1986, continuously held in such dealer's inventory through September 30, 1986, and sold by such dealer after September 30, 1986.

JIM WRIGHT

Speaker of the House of Representatives.

JOHN C. STENNIS

President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,

March 31, 1987.

The House of Representatives having proceeded to reconsider the bill (H.R. 2) entitled “An Act to authorize funds for construction of highways, for highway safety

programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

DONNALD K. ANDERSON

Clerk.

I certify that this Act originated in the House of Representatives.

DONNALD K. ANDERSON

Clerk.

IN THE SENATE OF THE UNITED STATES,

April 2 (legislative day, March 30), 1987.

The Senate having proceeded to reconsider the bill (H.R. 2) entitled "An Act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

WALTER J. STEWART

Secretary.

LEGISLATIVE HISTORY—H.R. 2 (S. 387):

HOUSE REPORTS: No. 100-27 (Comm. of Conference).

SENATE REPORTS: No. 100-4 accompanying S. 387 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Jan. 21, considered and passed House.

Feb. 2, 3, S. 387 considered in Senate.

Feb. 4, H.R. 2 considered and passed Senate, amended, in lieu of S. 387.

Feb. 19, House disagreed to Senate amendments.

Mar. 18, House agreed to conference report.

Mar. 19, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):

Mar. 27, Presidential veto messages.

CONGRESSIONAL RECORD, Vol. 133 (1987):

Mar. 31, House overrode veto.

Apr. 2, Senate overrode veto.