

Public Law 95-599
95th Congress

An Act

To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes.

Nov. 6, 1978

[H.R. 11733]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Transportation Assistance Act of 1978".

Surface
Transportation
Assistance Act of
1978.
23 USC 101 note.
Federal-Aid
Highway Act of
1978.
23 USC 101 note.

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1978".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE
SYSTEM

SEC. 102. (a) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1980," and all that follows down through the period at the end of the sentence and by inserting in lieu thereof the following: "the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1980, the additional sum of \$3,500,000,000 for the fiscal year ending September 30, 1981, the additional sum of \$3,500,000,000 for the fiscal year ending September 30, 1982, the additional sum of \$3,200,000,000 for the fiscal year ending September 30, 1983, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1984, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1985, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1986, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1987, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1988, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1989, and the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1990."

23 USC 101 note.

(b) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is further amended by adding at the end thereof the following: "Beginning with funds authorized to be appropriated for fiscal year 1980, no such funds shall be available for projects to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February, 1967."

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTER-
STATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1980, the sums authorized to be appropriated for such periods by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors

23 USC 104 note.

contained in revised table 5 of Committee Print 95-49 of the Committee on Public Works and Transportation of the House of Representatives.

HIGHWAY AUTHORIZATION

Appropriation
authorization.

SEC. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, \$1,550,000,000 for the fiscal year ending September 30, 1979, \$1,700,000,000 for the fiscal year ending September 30, 1980, \$1,800,000,000 for the fiscal year ending September 30, 1981, and \$1,500,000,000 for the fiscal year ending September 30, 1982. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, \$500,000,000 for the fiscal year ending September 30, 1979, \$550,000,000 for the fiscal year ending September 30, 1980, \$600,000,000 for the fiscal year ending September 30, 1981, and \$400,000,000 for the fiscal year ending September 30, 1982.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, \$800,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(3) For the forest highways, out of the Highway Trust Fund, \$33,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(4) For public lands highways, out of the Highway Trust Fund, \$16,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(5) For forest development roads and trails, \$140,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(6) For public lands development roads and trails, \$10,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(7) For park roads and trails, \$30,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(8) For parkways, \$45,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982. The entire cost of any parkway project on any Federal-aid system paid under the authorization contained in this paragraph shall be paid from the Highway Trust Fund.

(9) For Indian reservation roads and bridges, \$83,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, \$50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(11) For necessary administrative expenses in carrying out section 131 and section 136 of title 23, United States Code, \$1,500,000 per fiscal

year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

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

(A) for the Virgin Islands, not to exceed \$5,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(B) for Guam, not to exceed \$5,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(C) for American Samoa, not to exceed \$1,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

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

23 USC 101 et
seq.

(13) For the Commonwealth of the Northern Mariana Islands, not to exceed \$1,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982. Sums authorized by this paragraph shall be expended in the same manner as sums authorized to carry out section 215 of title 23, United States Code. Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) For the Northeast corridor demonstration program under section 322 of title 23, United States Code, \$45,000,000 for the fiscal year ending September 30, 1979, and \$40,000,000 for the fiscal year ending September 30, 1980.

(15) For the Great River Road \$10,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, for construction or reconstruction of roads not on a Federal-aid highway system; and out of the Highway Trust Fund, \$25,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, for construction or reconstruction of roads on a Federal-aid highway system.

(16) For control of outdoor advertising under section 131 of title 23, United States Code \$30,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(17) For safer off-system roads under section 219 of title 23, United States Code, \$200,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(18) For access highways under section 155 of title 23, United States Code, \$15,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(b) (1) For each of the fiscal years 1980, 1981, 1982, and 1983, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate Sys-

23 USC 104 note.

87 Stat. 278.

tem in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, and rehabilitation of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), (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. In order to carry out this subsection, and section 158 of the Federal-Aid Highway Act of 1973, there are authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$125,000,000 per fiscal year for each of the fiscal years ending September 30, 1980, September 30, 1981, September 30, 1982, and September 30, 1983.

(2) In addition to funds otherwise authorized, \$85,000,000, out of the Highway Trust Fund, is hereby authorized for the purpose of completing routes designated under the urban high density traffic program prior to May 5, 1976. Such sums shall be in addition to sums previously authorized.

(c) In the case of priority primary routes, \$125,000,000 per fiscal year of the sums authorized for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, by subsection (a)(1) of this section for such routes, shall not be apportioned. Such \$125,000,000 of each such authorized sum shall be available for obligation on the date of apportionment of funds for each such fiscal year, in the same manner and to the same extent as the sums apportioned on such date, except that such \$125,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost or which require long periods of time for their construction. Any part of such \$125,000,000 not obligated by such Secretary on or before the last day of the fiscal year for which authorized shall be immediately apportioned in the same manner as funds apportioned for the next succeeding fiscal year for primary system routes, and available for obligation for the same periods as such apportionment.

(d) (1) Twenty per centum or more of the apportionment for each fiscal year to each State of the sum authorized in paragraph (1) of subsection (a) of this section for the Federal-aid primary system (including extensions in urban areas and priority primary routes) for such fiscal year shall be obligated in such State for projects for the resurfacing, restoration, and rehabilitation of highways on such system.

(2) Twenty per centum or more of the apportionment for each fiscal year to each State of the sum authorized in paragraph (1) of subsection (a) of this section for the Federal-aid secondary system for such fiscal year shall be obligated in such State for projects for the resurfacing, restoration, and rehabilitation of highways on such system.

INTERSTATE SYSTEM RESURFACING

Appropriation
authorization.

SEC. 105. In addition to any other funds authorized to be appropriated, there is authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$175,000,000 per fiscal year for each of the fiscal years ending September 30, 1980 and September 30, 1981, and not to exceed \$275,000,000 per fiscal year for each of the fiscal years ending September 30, 1982 and September 30, 1983. Such sums shall be obli-

Excess funds,
certification and
transfer.

gated for projects for resurfacing, restoring, and rehabilitating those lanes on the Interstate System which have been in use for more than five years and which are not on toll roads, except that where a State certifies to the Secretary that any part of such sums are excess to the needs of such State for resurfacing, restoring or rehabilitating Interstate System lanes and the Secretary accepts such certification, such State may transfer sums apportioned to it under section 104(b) (5) (B) to its apportionment under section 104(b) (1). Such sums may also be obligated for projects for resurfacing, restoring, and rehabilitating lanes in use for more than five years on a toll road which has been designated as a part of the Interstate System if an agreement satisfactory to the Secretary of Transportation has been reached with the State highway department and any 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. The agreement referred to in the preceding sentence shall contain 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 the preceding sentence, Federal funds used for projects on such toll road pursuant to this section shall be repaid to the Federal Treasury.

Toll roads,
agreement.

Federal
assistance,
repayment.

DEFINITIONS

SEC. 106. (a) The definition of "construction" in section 101(a) of title 23 of the United States Code is amended by adding at the end thereof the following new sentence: "The term also includes capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses."

(b) (1) The definition of "forest road or trail" in section 101(a) of title 23 of the United States Code is amended to read as follows:

"The term 'forest or trail' means a road or trail wholly or partly within, or adjacent to, and serving the National Forest system and which is necessary for the protection, administration, and utilization of the National Forest system and the use and development of its resources."

(2) The definition of "forest development roads and trails" in section 101(a) of title 23 of the United States Code is amended to read as follows:

"The term 'forest development roads and trails' means a forest road or trail under the jurisdiction of the Forest Service."

(3) The definition of "forest highway" in section 101(a) of title 23 of the United States Code is amended to read as follows:

"The term 'forest highway' means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel."

(4) Section 101(a) of title 23, United States Code, is amended by adding after the definition of the term "Federal-aid highways" the following new definition:

"The term 'highway safety improvement project' means a project which corrects or improves high hazard locations, eliminates roadside

obstacles, improves highway signing and pavement marking, or installs traffic control or warning devices at high accident potential locations.”.

COMPLETION OF INTERSTATE SYSTEM

SEC. 107. (a) (1) The fourth and fifth sentences of paragraph (2) of subsection (e) of section 103, of title 23, United States Code, are amended to read as follows: “The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph. The Secretary shall not designate any Interstate route or portion thereof under authority of this paragraph after the date of enactment of the Federal Aid Highway Act of 1978.

Federal share.

(2) The fourth sentence of section 103(e)(4) of title 23, United States Code, is amended to read as follows: “The Federal share of each substitute project shall not exceed 85 per centum of the cost thereof.”.

(b) Paragraph (4) of subsection (e) of section 103, title 23, United States Code, is amended by inserting immediately after the second sentence the following: “Substitute projects under this paragraph may not be approved by the Secretary under this paragraph after September 30, 1983, and the Secretary shall not approve any withdrawal of a route under this paragraph after such date, except that this sentence shall not apply to any route which on the date of enactment of the Federal-Aid Highway Act of 1978 is under judicial injunction prohibiting its construction”, and by adding at the end of such paragraph the following new sentences: “The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph. After the date of enactment of this sentence, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law.”

49 USC 1602.

Contracts and
agreements,
revisions.
23 USC 103 note.

(c) The amendment made by subsection (a) of this section shall apply to each route or portion thereof designated under section 103(e)(2) of title 23, United States Code, before January 1, 1978, the construction of which was not complete on such date, and the Secretary of Transportation shall make such revisions in existing contracts and agreements as may be necessary to carry out this section and the amendment made by subsection (a) of this section.

Environmental
impact statement,
requirement.
23 USC 103 note.

(d) Notwithstanding any other provision of law, including but not limited to section 103 of title 23, United States Code and this section, no route or portion thereof shall be constructed on the National System of Interstate and Defense Highways with respect to which an environmental impact statement has not been submitted to the Secretary of Transportation in accordance with the National Environmental Policy Act of 1969 by September 30, 1983. Any such route or portion thereof shall thereupon be removed from designation as part of such Interstate System.

42 USC 4321
note.

Contract
requirement.
23 USC 103 note.

(e) By September 30, 1986, all routes or portions thereof on the Interstate System (for which the Secretary of Transportation finds that sufficient Interstate authorizations are available) 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) must be under contract for con-

struction or construction must have commenced. Immediately after such date, the Secretary shall remove from designation as part of the Interstate System each route or portion thereof not complying with this subsection and in the case of a substitute project the Secretary shall withdraw approval and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code. Noncompliance.

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

(A) in paragraph (4), by striking out “In the event a withdrawal of approval is accepted pursuant to this section, the State shall not be required to refund to the Highway Trust Fund any sums previously paid to the State for the withdrawn route or portion of the Interstate System so long as said sums were applied to a transportation project permissible under this title.”.

(B) by redesignating paragraph (5) as paragraph (7); and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) Notwithstanding any other provision of law—

“(A) upon the withdrawal of approval of any route or portion thereof on the Interstate System under this section, a State, subject to the approval of the Secretary, shall not be required to refund to the Highway Trust Fund any sums paid to the State for intangible costs;

“(B) refund will not be required for the costs of construction items, materials, or rights-of-way of the withdrawn route or portion of the Interstate System which will be or have been applied (i) to a transportation project permissible under this title, (ii) to a public conservation or public recreation purpose, or (iii) to such other public purpose as may be determined by the Secretary to be in the public interest on condition that the State shall make assurances satisfactory to the Secretary that such construction items or materials or rights-of-way have been or will be so applied by the State of any political subdivision thereof to a project under clause (i), (ii), or (iii) within 10 years from the date of the withdrawal of approval; and

“(6) Nothing in this subsection shall in any way alter rights under State law of persons owning property within the right-of-way immediately prior to such property being obtained by the State. The Federal share of the cost of property sold or otherwise transferred to previous owners under State law shall be refunded and credited to the unobligated balance of the State's apportionment for interstate highways.”

(2) The amendment made by paragraph (1) of this subsection shall apply to any withdrawal of approval before the date of the enactment of this subsection. 23 USC 103 note.

INTERSTATE COST ESTIMATES

SEC. 108. Section 104(b)(5)(A) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: “The Secretary shall not include in any estimate submitted under this provision after December 31, 1978, any cost of a project to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February, 1967.”.

TRANSFERABILITY

SEC. 109. (a) Paragraph (1) of subsection (d) of section 104 of title 23, United States Code, is amended by striking out "40" each place it appears and inserting in lieu thereof at each such place "50".

(b) Paragraph (2) of subsection (d) of section 104 of title 23, United States Code, is amended by striking out "20" each place it appears and inserting in lieu thereof at each such place "50".

REPORT OF OBLIGATIONS

Monthly
submittals to
Congress.

SEC. 110. Section 104 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Secretary shall submit to Congress not later than the 20th day of each calendar month which begins after the date of enactment of this subsection a report on (1) the amount of obligation, by State, for Federal-aid highways and the highway safety construction programs during the preceding calendar month, (2) the cumulative amount of obligation, by State, for that fiscal year, (3) the balance as of the last day of such preceding month of the unobligated apportionment of each State by fiscal year, and (4) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for that fiscal year."

PROGRAM REQUIREMENTS

Selection,
consultation.

SEC. 111. Subsection (b) of section 105 of title 23, United States Code, is amended to read as follows:

"(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other, except in States where all public roads and highways are under the control and supervision of the State highway department such selection shall be made after consultation with appropriate local officials."

PROGRAMS

SEC. 112. Subsection (g) of section 105 of title 23, United States Code, is amended by striking out "public airports and public ports for water transportation," and inserting in lieu thereof "public airports, public ports for water transportation, new town communities, and new town-intown communities,".

UTILITIES ON RIGHTS-OF-WAY

SEC. 113. Section 109 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(1) (1) In determining whether any right-of-way on any Federal-aid system should be used for accommodating any utility facility, the Secretary shall—

"(A) first ascertain the effect such use will have on highway and traffic safety, since in no case shall any use be authorized or otherwise permitted, under this or any other provision of law, which would adversely affect any aspect of safety;

“(B) evaluate the direct and indirect environmental and economic effects of any loss of productive agricultural land or any impairment of the productivity of any agricultural land which would result from the disapproval of the use of such right-of-way for the accommodation of such utility facility; and

“(C) consider such environmental and economic effects together with any interference with or impairment of the use of the highway in such right-of-way which would result from the use of such right-of-way for the accommodation of such utility facility.

“(2) For the purpose of this subsection—

Definitions.

“(A) the term ‘utility facility’ means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public; and

“(B) the term ‘right-of-way’ means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway.”.

ACCESS TO RIGHTS-OF-WAY

SEC. 114. Section 111 of title 23, United States Code, is amended by adding at the end thereof the following new sentence: “Nothing in this section, or in any agreement entered into under this section, shall require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway or route on the Interstate System (1) if such establishment (A) was in existence before January 1, 1960, (B) is owned by a State, and (C) is operated through concessionaries or otherwise, and (2) if all access to, and exits from, such establishment conform to the standards established for such a highway under this title.”.

ACCELERATION OF CONSTRUCTION OF INTERSTATE SYSTEM

SEC. 115. (a) Section 118(b) of title 23, United States Code, is amended by striking the second and third sentences and inserting in lieu thereof the following sentences: “Except as provided in this subsection, sums apportioned for the Interstate System in any State shall remain available for expenditure in that State for the Interstate System until the end of the fiscal year for which authorized. Sums not obligated within the time period prescribed by the preceding sentence must be made available by the Secretary to any other State applying for such funds for the Interstate System, if the Secretary determines that the State has obligated all of its apportionments 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 such State to the Secretary for approval, and the applicant is willing and able to (1) obligate the funds within one year of the date the funds are made available; (2) apply them to a ready-to-commence project; and (3) in the case of construction work, begin work within ninety days of obligation. Sums made available under this subsection shall remain available until expended.

Sums
apportioned,
availability.

Bond retirement,
payment to
States.

(b) Section 122 of title 23, United States Code, is amended by striking out "the retirement of the principal of such bonds", and by inserting in lieu thereof the following: "the retirement of the principal of such bonds the proceeds of which were used for projects on the Federal-aid primary system or extensions of any of the Federal-aid highway systems in urban areas and the retirement of the principal and interest of such bonds the proceeds of which were used for projects on the Interstate System"; and by striking out "This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds." and inserting in lieu thereof the following: "This section shall not be construed as a commitment or obligation on the part of the United States to provide for the payment of the principal or interest of any such bonds. The payment of interest on such bonds and incidental costs in connection with the sale of such bonds shall not be included in the estimated cost of completing the Interstate System."

23 USC 122 note.

(c) No interest shall be paid under authority of section 122 of title 23, United States Code, on any bonds issued prior to the date of enactment of this Act, unless such bonds were issued for projects which were under construction on January 1, 1978. Interest on bonds issued in any fiscal year by a State after the date of enactment of this Act may be paid under authority of section 122 of title 23, United States Code, only if (1) such State was eligible to obligate funds of another State under subsection (a) of this section during such fiscal year and (2) the Secretary of Transportation certifies that such eligible State utilized, or will utilize, to the fullest extent possible during such fiscal year its authority to obligate funds under such subsection (a) of this section. No interest shall be paid under section 122 of title 23, United States Code, on that part of the proceeds of bonds issued after the date of enactment of this Act used to retire or otherwise refinance bonds issued prior to such date.

Certification.

INTERSTATE RESURFACING

SEC. 116. (a) Chapter 1 of title 23 of the United States Code is amended by inserting immediately after section 118 the following new section:

23 USC 119.

"§ 119. Interstate System resurfacing

Project approval.

"(a) Beginning with funds apportioned for fiscal year 1980, the Secretary may approve projects for resurfacing, restoring, and rehabilitating those lanes in use for more than five years on the Interstate System (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978). Sums authorized to be appropriated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(B) of this title and the Federal share shall be that set forth in section 120(a) of this title.

Ante, p. 2692.

Post, p. 2699.

23 USC 120.

Program,
certification and
compliance.

Post, p. 2699.

"(b) Not later than one year after the date of issuance of initial guidelines under section 109(m) of this title each State shall have a program for the Interstate system in accordance with such guidelines. Each State shall certify on October 1st of each year that it has such a program and the Interstate system is maintained in accordance with that program. If a State fails to certify as required or if the

Apportionment
reduction,
determination.

Secretary determines a State is not adequately maintaining the Interstate system in accordance with such program then the funds apportioned to such State for that fiscal year for the Interstate system shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title. If, within one year from the date the apportionment for a State is reduced under this subsection, the Secretary determines that such State is maintaining the Interstate system in accordance with the guidelines the apportionment of such State shall be increased by an amount equal to the reduction. If the Secretary does not make such a determination within such one year period the amount so withheld shall be reapportioned to all other eligible States.”

(b) The material following the colon in section 104(b)(5)(B) of title 23, United States Code, is amended to read as follows:

“Seventy-five per centum in the ratio that lane miles in use for more than five years on the Interstate System (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and 25 per centum in the ratio that vehicle miles traveled on lanes in use for more than five years on the Interstate System (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States.”

Ante, p. 2692.

(c) The analysis of chapter 1 of title 23, United States Code, is amended by deleting:

“119. Repealed.”

and inserting in lieu thereof:

“119. Interstate System resurfacing.”

(d) Section 109 of title 23, United States Code, is amended by adding at the end thereof the following subsection:

Interstate System
maintenance,
guidelines.

“(m) The Secretary shall issue guidelines describing the criteria applicable to the Interstate System in order to insure that the condition of these routes is maintained at the level required by the purposes for which they were designed. The initial guidelines shall be issued no later than October 1, 1979.”

TRAFFIC CONTROL SIGNALIZATION

SEC. 117. Section 120(d) of title 23, United States Code, is amended by inserting after “section 130 of this title,” the following: “and for any project for traffic control signalization.”

ADVANCES TO STATES

SEC. 118. Section 124 of title 23, United States Code, is amended by inserting immediately before the first sentence thereof the following: “(a)”. Such section 124 is further amended by adding at the end thereof the following new subsection:

“(b) Notwithstanding subsection (a) of this section, if the Secretary of Transportation determines that any toll bridge, toll tunnel, or approach thereto, which meets the requirements of section 129 of this title is necessary to complete an essential gap in the Interstate System then, upon request of the State highway department, the Secretary

Determination.

23 USC 129.

- shall, at any time during construction of such bridge, tunnel, or approach and for one year after it is opened to traffic, and subject to the conditions and limitations of such section 129, advance to such State 100 per centum of the cost of construction of such bridge, tunnel, or approach. So much of the amount so advanced that exceeds the Federal share of such construction cost shall be repaid to the United States as follows:
- “(1) 50 per centum within one year of the date such bridge, tunnel, or approach is opened to traffic,
 - “(2) 25 per centum within two years of such date of opening, and
 - “(3) 25 per centum within three years of such date of opening.
- Any advance made to a State under this subsection shall be from the funds apportioned to said State for the Interstate System. So much of any advance made to a State under this subsection required to be repaid shall be repaid with interest at a rate determined by the Secretary. If a State receives any advance under this subsection with respect to any toll bridge, tunnel, or approach thereto, then the provisions of section 103(e)(4) of this title shall not apply to such bridge, tunnel, or approach.”.
- 23 USC 129. Federal share excess, repayment.
- Interest rate.
- 23 USC 103.

EMERGENCY RELIEF

SEC. 119. The second sentence of subsection 125(a) of title 23, United States Code, is amended by—

- (1) inserting the words “prior to the fiscal year ending September 30, 1978,” immediately after “(2)”;
- and
- (2) inserting the following words before the period at the end of the sentence: “, and for any fiscal year thereafter, 100 per centum of such expenditures are authorized to be appropriated out of the Highway Trust Fund”.

TOLL BRIDGES STUDY

- Federal funding.
- 23 USC 301.
- SEC. 120. Section 129 of title 23, United States Code, is amended by adding a new subsection (i) as follows:
- “(i) Notwithstanding section 301 of this title, the Secretary may permit Federal participation, through funds for any Federal-aid system other than the Interstate System, in any engineering and fiscal assessments, traffic analyses, network studies, preliminary modification planning, and any other study necessary to determine whether a privately owned toll bridge should be acquired by a state or political subdivision thereof.”

ADVERTISING BY NONPROFIT ORGANIZATIONS

- SEC. 121. Section 131(c) of title 23, United States Code, is amended—
- (1) by striking out “and (4)” and inserting in lieu thereof “(4)”;
 - and
 - (2) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “and (5) signs, displays, and devices advertising the distribution of nonprofit organizations of free coffee to individuals traveling on the Interstate

System or the primary system. For the purposes of this subsection, the term 'free coffee' shall include coffee for which a donation may be made, but is not required."

"Free coffee."

CONTROL OF OUTDOOR ADVERTISING

SEC. 122. (a) Subsection (g) of section 131, title 23, United States Code, is amended by striking the period at the end of the first sentence and adding the following "and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section."

(b) Subsection (k) of section 131, title 23, United States Code, is amended by striking the first word and inserting in lieu thereof the following: "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing".

(c) Clause (3) of subsection (c) of section 131 of title 23, United States Code, is amended by inserting immediately after "devices," the following: "including those which may be changed at reasonable intervals by electronic process or by remote control,".

(d) Subsection (j) of section 131 of title 23, United States Code, is amended by inserting immediately after "agreement" at the end of the first sentence, the following: ": *Provided*, That permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertise activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder."

ENFORCEMENT OF VEHICLE WEIGHT LIMITATIONS

SEC. 123. (a) Not later than the one-hundred-eightieth day after the date of enactment of this section, the Secretary of Transportation, hereunder referred to as the "Secretary", in consultation with each State shall inventory the existing system of penalties for violations of vehicle weight laws, rules, and regulations on any portion of any Federal-aid system in such State. Each State shall annually thereafter report to the Secretary its current inventory.

Inventory,
consultation.
23 USC 141 note.

(b)(1) Not later than the one-hundred-eightieth day after the date of enactment of this section, the Secretary, in consultation with each State, shall inventory the existing system in such State for the issuance of special permits. Each State shall annually thereafter report to the Secretary its current inventory.

Annual report.

Inventory,
consultation.

Annual report.

(2) For purposes of this subsection, the term "special permit" means a license or permit issued pursuant to State law, rule, or regulation which authorizes a vehicle to exceed the weight limitation for such vehicle established under State law, rule, or regulation.

"Special permit."

(c) Not later than January 1 of the second calendar year which begins after the date of enactment of this section and each calendar year thereafter the Secretary shall submit to Congress an annual report together with such recommendations as the Secretary deems necessary on (1) the latest annual inventory of State systems of penalties required by subsection (a) of this section; (2) the latest annual inventory of State systems for the issuance of special permits

Annual report
and
recommendations
to Congress.

required by subsection (b) of this section; (3) the annual certification submitted by each State required by section 141(b) of title 23, United States Code.

(d) Section 141 of title 23, United States Code, is amended to read as follows:

“§ 141. Enforcement of requirements.

Certifications.

“(a) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this subsection.

23 USC 154.

23 USC 106.

“(b) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title.

23 USC 127.

State verification
information,
regulations.

“(c) (1) Each State shall submit to the Secretary such information as the Secretary shall, by regulation, require as necessary, in his opinion, to verify the certification of such State under subsection (b) of this section.

Funds, reduction
and withholding.

“(2) If a State fails to certify as required by subsection (b) of this section or if the Secretary determines that a State is not adequately enforcing all State laws respecting such maximum vehicle size and weights, notwithstanding such a certification, then Federal-aid highway funds apportioned to such State for such fiscal year shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title.

23 USC 104.

“(3) If within one year from the date that the apportionment for any State is reduced in accordance with paragraph (2) of this subsection the Secretary determines that such State is enforcing all State laws respecting maximum size and weights, the apportionment of such State shall be increased by an amount equal to such reduction. If the Secretary does not make such a determination within such one-year period, the amounts so withheld shall be reapportioned to all other eligible States.”.

23 USC 141 note.

(e) Section 141(c) (2) and (3) of title 23, United States Code, shall be applicable to certifications required by such section 141 to be filed on or after January 1, 1980.

HIGHWAY BRIDGE REPLACEMENT PROGRAM

SEC. 124. (a) Section 144 of title 23 of the United States Code is amended to read as follows:

“§ 144. Highway bridge replacement and rehabilitation program

“(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a highway bridge replacement and rehabilitation program be established to enable the several States to replace or rehabilitate highway bridges over waterways, other topographical barriers, other highways, or railroads when the States and the Secretary finds that a bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

"(b) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on any Federal-aid system which are bridges over waterways, other topographical barriers, other highways, and railroads; (2) classify them according to serviceability, safety, and essentiality for public use; (3) based on that classification, assign each a priority for replacement or rehabilitation; and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

Inventory,
consultation.

Classification.

Cost
determination.

"(c) (1) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on public roads, other than those on any Federal-aid system, which are bridges over waterways, other topographical barriers, other highways, and railroads, (2) classify them according to serviceability, safety, and essentiality for public use, (3) based on the classification, assign each a priority for replacement or rehabilitation and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

Inventory,
consultation.

Classification.

Cost
determination.

"(2) The Secretary may, at the request of a State, inventory bridges, on and off the Federal-aid system, for historic significance.

Inventory.

"(d) Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsection (b) and (c) of this section shows to be eligible, the Secretary may approve Federal participation in replacing or rehabilitating such bridge with a comparable facility. The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State. In approving projects under this section, the Secretary shall give consideration to those projects which will remove from service those highway bridges most in danger of failure.

Assistance to
States, approval.

Eligibility
determination.

"(e) Funds authorized to carry out this section shall be apportioned on October 1 of the fiscal year for which authorized. Funds authorized to carry out this section for the fiscal year ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, shall be apportioned to the States in accordance with revised table 1 of Committee Print 95-49 of the Committee on Public Works and Transportation of the House of Representatives. Funds authorized to carry out this section which are 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 reapportioned by the Secretary to other States in accordance with revised table 1 of Committee Print 95-49 of the Committee on Public Works and Transportation of the House of Representatives.

Funds,
apportionment.

"(f) The Federal share payable on account of any highway bridge replaced or rehabilitated under this section shall be 80 per centum of the cost thereof.

Federal share.

"(g) To carry out this section, there is authorized to be appropriated out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending June 30, 1972, \$150,000,000 for the fiscal year ending June 30, 1973, \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, and \$125,000,000 for the fiscal year ending June 30, 1976, to be available until expended. Of the amount authorized per fiscal year for each of the fiscal years

Appropriation
authorization.

ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, authorized by paragraph (6) of section 202 of the Highway Safety Act of 1978, all but \$200,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. \$200,000,000 per fiscal year of the amount authorized for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, 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 \$200,000,000 shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than \$10,000,000. Not less than 15 per centum nor more than 35 per centum of the amount apportioned to each State in each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, 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 a State, reduce the requirement for expenditure for bridges not on a Federal aid system when he determines that such State has inadequate needs to justify such expenditure.

Reduction,
consultation.

33 USC 525.
33 USC 401.

“(h) Notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525-533) shall apply to bridges authorized to be replaced, in whole or in part, by this section, except that subsection (b) of section 502 of such Act of 1946 and section 9 of the Act of March 3, 1899 (30 Stat. 1151) shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title, if such bridge is over waters which are not subject to the ebb and flow of the tide, and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

Annual reports.

“(i) The Secretary shall report annually on projects approved under this section, shall annually revise and report the current inventories authorized by subsections (b) and (c) of this section, and shall report such recommendations as he may have for improvement of the program authorized by this section.

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

Review.

“(k) Not later than six months after the date of enactment of this subsection, and periodically thereafter, the Secretary shall review the procedure used in approving or disapproving applications submitted under this section to determine what changes, if any, may be made to expedite such procedure. Any such changes shall be implemented by the Secretary as soon as possible. Not later than nine months after the date of enactment of this subsection, the Secretary shall submit a report to Congress which describes such review and such changes, including any recommendations for legislative changes.

Report and
legislative
recommendations
to Congress.

“(l) Notwithstanding any other provision of law, any bridge which is owned and operated by an agency (1) which does not have taxing powers, (2) whose functions include operating a federally assisted public transit system subsidized by toll revenues, shall be eligible for

assistance under this section but the amount of such assistance shall in no event exceed the cumulative amount which such agency has expended for capital and operating costs to subsidize such transit system. Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement or rehabilitation project.

“(m) As used in this section the term ‘rehabilitate’ in any of its forms means major repairs necessary to restore the structural integrity of a bridge as well as work necessary to correct a major safety defect.”.

“Rehabilitate.”

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

“144. Special bridge replacement program.”

and inserting in lieu thereof:

“144. Highway bridge replacement and rehabilitation program.”.

(c) The Secretary of Transportation shall complete the requirements of subsection (c) of section 144 of title 23, United States Code, as amended by subsection (a) of this section not later than the last day of the second full calendar year which begins after the date of the enactment of this section.

23 USC 144 note.

(d) Subsection (d) of section 116 of title 23, United States Code, is amended (1) by striking out “on any of the Federal-aid highway system” at the end of the first sentence, and (2) by striking out “on the Federal-aid system” at the end of the last sentence.

SPUR HIGHWAYS—GREAT RIVER ROAD

SEC. 125. (a) Section 148 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

Construction authorization.

“(h) The Secretary is authorized to provide for the construction of such spur highways as he determines necessary to connect the Great River Road, by the most direct feasible routes, with existing bridges across the Mississippi for the purpose of providing persons traveling such road with access to significant scenic, historical, recreational, or archeological features on the opposite side of the Mississippi River from the Great River Road.”.

(b) Section 148(a)(5) of title 23, United States Code, is amended to read as follows:

“(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section, except for parks, recreational areas, and historical sites operated by State or local governments where admission fees may be charged to cover operational costs.”.

CARPOOLS AND VANPOOLS

SEC. 126. (a) Chapter 1 of title 23, United States Code, is amended by adding after section 145 the following new section:

“§ 146. Carpool and vanpool projects

23 USC 146.

“(a) In order to conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing

23 USC 104.
"Carpool."

highways and parking facilities, the Secretary may approve for Federal financial assistance from funds apportioned under sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title, projects designed to encourage the use of carpools and vanpools. (As used hereafter in this section, the term 'carpool' includes a vanpool.) Such a project may include, but is not limited to, such measures as providing carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of convenient carpool opportunities, acquiring vehicles appropriate for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use as preferential parking for carpools.

"(b) A project authorized by this section shall be subject to and carried out in accordance with all provisions of this title, except those provisions which the Secretary determines are inconsistent with this section."

Repeals.

23 USC 101 note.
23 USC 101 note.
23 USC 101 note.

(b) Section 3 of the Emergency Highway Energy Conservation Act (Public Law 93-239), section 120 of the Federal-Aid Highway Amendments of 1974 (Public Law 93-643), and section 143 of the Federal-Aid Highway Act of 1976 (Public Law 94-280), are repealed.

49 USC 303.

(c) Section 203(b)(7a) of part II of the Interstate Commerce Act is amended by inserting after "aircraft" a semicolon and the following: "or (7b) vehicles carrying up to fifteen persons in a single daily roundtrip for the purpose of commuting to and from work;"

23 USC 146 note.

(d) It is hereby declared to be national policy that special effort should be made to promote commuter modes of transportation which conserve energy, reduce pollution, and reduce traffic congestion. The Secretary is directed to assist both public and private employers and employees who wish to establish carpooling and vanpooling programs where they are needed and desired, and to assist local and State governments, and their instrumentalities, in encouraging such modes by removing legal and regulatory barriers to such programs, supporting existing carpooling and vanpooling programs, and providing technical assistance, for the purpose of increasing participation in such modes.

Assistance.

Grants and loans.

(e) The Secretary of Transportation is authorized to make grants and loans to States, counties, municipalities, metropolitan planning organizations, and other units of local and regional government consistent with the policy of subsection (d) of this section. Such grants and loans shall be awarded in a manner which emphasizes energy conservation, although the Secretary may use other factors as he deems appropriate. The Federal share of the costs of any project approved under this subsection shall not exceed 75 per centum. No grant awarded under this subsection may be used for the purchase or lease of vehicles.

Federal share.

Appropriation
authorization.

(f) There is hereby authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$1,000,000 for the fiscal year ending September 30, 1979, \$1,000,000 for the fiscal year ending September 30, 1980, and \$1,000,000 for the fiscal year ending September 30, 1981, for expenditures incurred by the Secretary of Transportation in carrying out the provisions of subsection (d) of this section, and \$3,000,000 for the fiscal year ending September 30, 1979, and \$9,000,000 for the fiscal year ending September 30, 1980, for the purpose of carrying out the program described in subsection (e) of this section.

(g) The Secretary of Transportation shall not approve any project under subsection (d) or (e) of this section or under section 146 of title 23, United States Code, which will have an adverse effect on any mass transportation system.

(h) The Secretary of Transportation is directed to study the administrative effectiveness of carpooling and vanpooling programs within the Department of Transportation, including programs of the Federal Highway Administration, the Urban Mass Transportation Administration, and the Office of the Secretary. Such study shall be completed no later than September 30, 1979. Upon completion of such study, the Secretary shall propose a plan to centralize or modify such programs to make delivery of services and grants more efficient, more cost-effective, and to avoid duplication of effort. Such plan shall list statutory changes needed to implement such a plan, which shall be sent to Congress no later than March 30, 1980.

Administration
study and plan.

Submittal to
Congress.

PAVEMENT MARKING

SEC. 127. Section 151 (e) of title 23, United States Code, is amended by striking the period at the end thereof and adding the following: "for the Federal-aid primary system. On October 1 of 1978, 1979, and 1980 the Secretary shall allocate the sums authorized to carry out this section for that fiscal year among the several States in such manner as he deems most appropriate to expedite the completion of pavement marking of all highways. Any amounts allocated to the States remaining unobligated at the end of the fiscal year following the fiscal year for which such amounts are authorized shall immediately be reallocated by the Secretary among the other States."

Funds, allocation.

BRIDGES ON DAMS

SEC. 128. (a) Subsection (d) of section 320 of title 23, United States Code, is amended by striking out "\$50,000,000" and inserting in lieu thereof "\$65,000,000".

(b) Sums appropriated or expended under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be appropriated out of the Highway Trust Fund for the fiscal year ending September 30, 1978, and for subsequent fiscal years.

23 USC 320 note.

FEDERAL SHARE

SEC. 129. (a) The first sentence of subsection (a) of section 120 of title 23, United States Code, is amended by striking out "70 per centum" each place it appears and inserting in lieu at each such place "75 per centum".

(b) Subsection (d) of section 120 of title 23, United States Code, is amended by striking out "70 per centum" and inserting in lieu thereof "75 per centum".

(c) The first sentence of subsection (f) of section 120 of title 23, United States Code, is amended by striking out "70 per centum" and inserting in lieu thereof "75 per centum".

(d) Subsection (e) of section 148 of title 23, United States Code, is amended by striking out "70 per centum" and inserting in lieu thereof "75 per centum".

(e) Subsection (b) of section 155 of title 23, United States Code, is amended by striking out "70 per centum" and inserting in lieu thereof "75 per centum".

(f) Subsection (a) of section 215 of title 23, United States Code, is amended by striking out "70 per centum" and inserting in lieu thereof "100 per centum".

(g) The last sentence of subsection (c) of section 406 of title 23, United States Code, is amended by striking out "title shall not exceed 70 per centum" and inserting in lieu thereof "section shall not exceed 75 per centum".

23 USC 120 note.

(h) The amendments made by subsections (a) through (g) of this section shall take effect with respect to obligations incurred after the date of enactment of this section.

Federal share.

(i) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) Notwithstanding any other provision of this section or of this title, the Federal share payable on account of any project under this title in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands shall be 100 per centum of the total cost of the project."

BALTIMORE-WASHINGTON PARKWAY

84 Stat. 1739.

SEC. 130. Section 146(a) of the Federal-Aid Highway Act of 1970 is amended (1) by striking out "to six lanes" and (2) by striking out "for the National System of Interstate and Defense Highways" and inserting in lieu thereof a comma and "agreed upon by the Secretary of Transportation and the Secretary of Transportation of the State of Maryland, which preserve the Parkway characteristics".

MULTIMODAL CONCEPT

87 Stat. 272.

SEC. 131. Section 143 of the Federal-Aid Highway Act of 1973 is amended by adding at the end thereof the following new subsection:

"(c) Based upon the report submitted to Congress under subsection (b) of this section, the Secretary of Transportation is authorized to provide for the preparation of preliminary engineering and design plans and the construction of models in connection with the development of the multimodal concept along the route described in paragraph (1) of subsection (a) of this section. There is authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$9,000,000 to carry out this subsection."

Appropriation
authorization.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROJECT

23 USC 142 note.

SEC. 132. Subsection (a) of section 147 of the Federal-Aid Highway Act of 1973 is amended by adding at the end thereof the following: "A demonstration project shall be carried out under this section in and in the vicinity of the Sherman, Texas-Denison, Texas area."

FRANCONIA NOTCH, NEW HAMPSHIRE

Appropriation
authorization.

SEC. 133. Section 158 of the Federal-Aid Highway Act of 1973 is amended by adding at the end thereof the following: "Upon approval by the Secretary of such Franconia Notch parkway, there is authorized

to be appropriated to the State of New Hampshire, out of the Highway Trust Fund, an amount equal to 90 per centum of the difference between the cost of such parkway as established in the 1979 Interstate System cost estimate and the cost of constructing a four-lane Interstate System highway at that location as such cost would be established in such 1979 cost estimate if such Interstate System highway were to be constructed. The funds authorized by the preceding sentence shall be available only for expenditure on highways on any of the Federal-aid highway systems, other than the Interstate System, which serve as alternative routes around Franconia Notch. Such funds shall be available in the same manner and to the same extent as any of the funds authorized by section 104(b)(1) of the Federal-Aid Highway Act of 1978, shall be available until expended, and shall be subject to all other applicable provisions of chapter 1 of title 23, United States Code.”

Ante, p. 2691.

DEMONSTRATION PROJECTS—RAILROAD HIGHWAY CROSSINGS

SEC. 134. (a) (1) Section 163 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) is amended by adding immediately after subsection (1) the following new subsection:

23 USC 130 note.

“(m) The Secretary of Transportation 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 purposes of eliminating highway railroad grade crossings.”

(2) Existing subsections (m), (n), (o), and (p) of such section 163 are relettered as (n), (o), (p), and (q), respectively, including any references thereto.

(b) Subsection (n) (as relettered by this section) of section 163 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) is amended to read as follows:

“(n) The Federal share payable on account of such projects shall be 95 per centum of the cost.”

(c) Subsection (p) (relettered by this section) of such section 163 is amended by striking out “and \$51,400,000 for the fiscal year ending September 30, 1978, except that” and inserting in lieu thereof the following: “\$51,400,000 for the fiscal year ending September 30, 1978, \$70,000,000 for the fiscal year ending September 30, 1979, and \$90,000,000 for the fiscal year ending September 30, 1980, \$100,000,000 for the fiscal year ending September 30, 1981, and \$100,000,000 for the fiscal year ending September 30, 1982, except that”.

Federal share.

(d) Title III of the National Mass Transportation Systems Act of 1974 (Public Law 93-503) is hereby repealed.

Repeal.
49 USC 1605
note.

OVERSEAS HIGHWAY

SEC. 135. Section 118(b) of the Federal-Aid Highway Amendments of 1974 (88 Stat. 2288, Public Law 93-643), as amended, is amended by striking “\$109,200,000” and inserting in lieu thereof “\$118,000,000”.

ACCELERATION OF PROJECTS

SEC. 136. Section 141 of the Federal-Aid Highway Act of 1976 (90 Stat. 444-445) is amended by adding at the end thereof the following new sentence: “Not later than six months after the completion of

Report to
Congress.
23 USC 124 note.

such project, the Secretary of Transportation shall submit a report to Congress which includes, but is not limited to, a description of the methods used to reduce the time necessary for the completion of such project, recommendations for applying such methods to other highway projects, and any changes which may be necessary to existing law to permit further reductions in the time necessary to complete highway projects.”

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

23 USC 101 note. SEC. 137. (a) Section 154(c) of the Federal-Aid Highway Act of 1976 is amended by striking out “December 31, 1978” and inserting in lieu thereof “July 1, 1979.”

Expenses. (b) (1) Subsection (h) (1) of section 154 of the Federal Aid Highway Act of 1976 is amended by inserting after the second sentence thereof the following new sentence: “The personnel shall be entitled to reimbursement for travel expenses, per diem in accordance with the Rules of the House of Representatives or subsistence, and other necessary expenses incurred by them in performance of their duties as personnel of the Commission.”

(2) The amendment made by paragraph (1) of this subsection shall take effect on May 5, 1976.

APPALACHIAN DEVELOPMENT HIGHWAYS

Federal share. SEC. 138. (a) Subsection (f) of section 201 of the Appalachian
40 USC app. 201. Regional Development Act of 1965 is amended to read as follows:

“(f) Federal assistance to any construction project under this section shall not exceed 80 per centum of the costs of such project.”

(b) The third sentence of section 201(a) of the Appalachian Regional Development Act of 1965 is amended by striking out “two thousand nine hundred miles.” and inserting in lieu thereof “three thousand and twenty-five miles.”

40 USC app. 201 note. (c) In any case where an Appalachian development highway on the Federal-aid primary system, is the final section of an approved Appalachian development corridor highway within an urbanized area, transects an unincorporated jurisdiction, and is a necessary element of a flood control project for the protection of a commercially zoned area containing not less than seventy commercial and industrial establishments which is authorized under section 205 of the Flood Control Act of 1948, the Secretary of Transportation shall provide to the State highway department so much of the costs, not to exceed \$1,800,000, as may be necessary to permit construction of that portion of such development highway as is necessary to permit completion of the flood control project. The Federal share of the total cost of any complete Appalachian development highway a portion of which receives assistance under this subsection shall not exceed (including all assistance under this subsection) that percentage of such total cost which, but for this subsection, would otherwise be applicable to such development highway.

33 USC 701s.

Federal share.

USE OF TOLL RECEIPTS

SEC. 139. The second sentence of subsection (b) of section 2 of the Act entitled “An Act granting the consent of Congress to the State of

California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland", approved February 20, 1931, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and new approaches to the San Mateo Bridge in the San Francisco Bay Area."

46 Stat. 1192.

ROUTE DESIGNATION

SEC. 140. Notwithstanding the amendments made by section 107(b) of this Act, the Secretary of Transportation shall, not later than sixty days after the date of enactment of this Act, designate as routes on the National System of Interstate and Defense Highways 20.5 miles of existing State Route 11 in the city of Los Angeles, California, between FAI Route 10 and State Route 47/Community of San Pedro, 4.2 miles of the proposed Lockport Expressway in the town of Amherst, Erie County, New York, and 5.1 miles of proposed Interstate Route I-481, connecting Exit 34-A of I-90 to the Bear Road Interchange of I-81 in Onondaga County, New York.

BICYCLE PROGRAM

SEC. 141. (a) For the purposes of this section, the term—

- (1) "Secretary" means the Secretary of Transportation;
- (2) "bikeway" means a new or improved lane, path, or shoulder, a traffic control device, lighting, or a shelter or parking facility for bicycles;
- (3) "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

Definitions.
23 USC 217 note.

(b) The Secretary shall, by regulation, establish design and construction standards for bikeway construction projects for which grants are authorized in subsection (c) and section 217 of title 23, United States Code. Such regulations shall contain criteria for pavements, adequate widths, sight distances and lighting; appropriate design speeds and grades; and such other requirements as the Secretary may deem necessary.

Bikeway design and construction standards, regulations.

(c) The Secretary is authorized to make grants to States and to political subdivisions thereof for (1) the construction of bikeways which (A) comply with regulations promulgated pursuant to subsection (b), or (B) prior to promulgation of such regulations, reflect current state of the Art design standards, or (2) nonconstruction programs or projects which can reasonably be expected to enhance the safety and use of bicycles. Projects in urban areas financed with grants under this subsection shall be in accordance with the continuing, comprehensive planning process in section 134 of title 23, United States Code.

Grants.

(d) The Federal share of any project or program for which a grant is made under subsection (c) shall not exceed 75 per cent.

Federal share.

(e) Grants made under this section shall be in addition to any sums available for bicycle projects under section 217 of title 23, United States Code.

(f) Section 109(f) of title 23, United States Code, is amended by adding after the words "median strips," the following: "bikeways."

(g) Section 109 of title 23, United States Code, is amended by adding a new subsection as follows:

“(n) The Secretary shall not approve any project under this title that will result in the severance or destruction of an existing major route for nonmotorized transportation traffic and light motorcycles, unless such project provides a reasonably alternate route or such a route exists.”

Construction.

(h) Section 217(a) of title 23, United States Code, is amended to read as follows:

23 USC 104.

“(a) To encourage energy conservation and the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation and the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, as Federal-aid highway projects, construct new or improved lanes, paths, or shoulders; traffic control devices, shelters for and parking facilities for bicycles; and pedestrian walkways. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for bicycle projects and pedestrian walkways authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.”

Appropriation
authorization.

23 USC 217 note.

(i) There is authorized to be appropriated to the Secretary to carry out subsection (c), for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, out of the Highway Trust Fund \$10,000,000, and \$10,000,000 out of any other money in the Treasury not otherwise appropriated.

RAIL OPERATION PROJECTS IN NONHIGHWAY AREAS

Federal financial
assistance,
approval.

SEC. 142. (a) The Secretary may approve for Federal financial assistance from funds apportioned for the Federal-aid primary system under section 104(b)(1) of title 23, United States Code, projects to provide such assistance for the operation of those portions of the Alaska Railroad from Whittier to Portage, Alaska, for the purpose of linking up highways or other transportation modes receiving Federal financial assistance from funds apportioned under such section. Not more than 5 per centum of the funds apportioned for the Federal-aid primary system under section 104(b)(1) of title 23, United States Code shall be expended in any fiscal year under this section. Any such approval shall be subject to the conditions that—

Conditions.

(1) fares or other charges made in such operations shall be under the control of a Federal or State agency or official; and

(2) all revenues derived from operation of such portions shall be used to pay for the cost of construction or acquisition of the railroad (including equipment) involved in such operation, debt service thereon, and actual and necessary costs of operation, maintenance, repair, and replacement.

(b) A project authorized by this section shall be subject to and carried out in accordance with all provisions of title 23, United States Code, except those provisions which the Secretary determines are inconsistent with this section.

INTERSTATE ROUTE I-90

SEC. 143. (a) Notwithstanding section 129 of title 23, United States Code, or any regulation or agreement to the contrary, the Secretary of Transportation is authorized to approve projects on the Interstate

System for the construction of approaches and interchanges connecting route I-88 to route I-90 if all lanes on I-90 between exits 25 and 26 are free of tolls and connecting route I-87 to route I-90 if all lanes on I-90 between exits 24 and 26 are free of tolls, in New York State although such projects have no use other than as approaches to route I-90, if such projects are otherwise eligible for such approval.

(b) The Secretary of Transportation is authorized to approve as a project on the Interstate System the construction of an additional lane in each direction on route I-90 connecting route I-88 to such route I-90 between exits 25 and 26 on condition that all lanes on I-90 between exits 24 and 26 are free of tolls.

METRIC SYSTEM SIGNING

SEC. 144. (a) No Federal funds may be expended to construct, erect, or otherwise place any sign relating to any speed limit, any distance, or other measurement, on any highway if such sign establishes such speed limit, distance, or other measurement solely using the metric system, unless Congress after the date of enactment of this Act specifically authorizes such expenditure. 23 USC 109 note.

(b) No Federal funds may be expended to modify any sign relating to any speed limit, any distance, or any other measurement on any highway for the conversion of such sign solely to the metric system unless Congress, after the date of the enactment of this Act specifically authorizes such expenditure.

(c) For purposes of subsections (a) and (b)—

Definitions.

(1) the term "highway" means a highway as defined in section 101 of title 23, United States Code; and

(2) the term "metric system" means metric system of measurement as defined in section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

THE MAINE TURNPIKE

SEC. 145. (a) Upon satisfaction by the State of Maine or the Maine Turnpike Authority of the following conditions and subject to the requirements of subsection (b), the State of Maine and the Maine Turnpike Authority shall be free of all restrictions with respect to the imposition and collection of tolls or other charges on the Maine Turnpike or for the use thereof contained in title 23, United States Code, or in any regulation or agreement thereunder:

(1) repayment by the State of Maine or the Maine Turnpike Authority to the Treasurer of the United States of the sum of \$3,055,000 which is the amount of Federal-aid highway funds received for the construction of interchanges or connections with the Maine Turnpike at West Gardiner, Kennebec County, Maine, and at York, York County, Maine; and

Repayment.

(2) destruction and removal of any existing toll plaza and toll collection facility within three years after repayment of bonds outstanding with respect to the Maine Turnpike on Interstate 295 at a location known as Exit 6A to the Maine Turnpike.

The amount to be repaid 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 the Federal-aid highway funds of the same class last apportioned to the State

of Maine. 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 title 23, United States Code.

(b) The State of Maine and the Maine Turnpike Authority are deemed to be in compliance with section 129(c) of title 23, United States Code: *Provided*, That the conditions of subsection (a) are satisfied and that no toll shall be imposed or collected three years after repayment of bonds outstanding with respect to the Maine Turnpike by the State of Maine or the Maine Turnpike Authority for the use of the following interchange or connection with the Maine Turnpike: The segment of the National System of Interstate and Defense Highways in South Portland, Cumberland County, Maine, and Scarborough, Cumberland County, Maine, and identified as Interstate 295, connecting Interstate 295 and the Maine Turnpike.

FOREIGN BUILT HOVERCRAFT IN ALASKA

- 46 USC 883 note. SEC. 146. (a) Effective during the five-year period beginning on the date of enactment of this Act, nothing in section 27 of the Merchant Marine Act, 1920, or any other provision of law restricting the coastwise trade to vessels of the United States shall prohibit the transportation within the State of Alaska of merchandise or passengers by foreign built hovercraft.
- 46 USC 883.
- "Hovercraft." (b) For the purpose of this section the term "hovercraft" means a vehicle which travels over land or water in a cushion of air generated by such vehicle.

ACCELERATION OF BRIDGE PROJECTS

- 23 USC 144 note. SEC. 147. The Secretary of Transportation shall carry out two projects to construct or replace high traffic volume bridges located on the Federal-aid system and which traverse major bodies of water in order to demonstrate the feasibility of reducing the time required to replace unsafe bridges. One project shall demonstrate the feasibility of reducing the time required from the time of a request for project approval through completion of construction. The other project shall demonstrate the feasibility of reducing the time to complete construction of bridge projects on which all Federal environmental and navigational reviews and assessments have been completed. Not to exceed \$54,000,000 of the amount authorized for the fiscal year ending September 30, 1979, by section 202(6) of the Highway Safety Act of 1978 to be apportioned under section 144(e) of title 23, United States Code, shall be set aside before any such apportionment and shall be available for obligation to carry out this section 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 such funds shall be available until expended. The Federal share of the projects authorized by this section shall be that provided in section 120(c) of title 23, United States Code. Not later than six months after completion of each such project, the Secretary of Transportation shall submit a report to Congress which includes, but is not limited to, a description of the methods used to reduce the time necessary for the completion of such bridge project, recommendations for applying such methods to other bridge projects, and any changes which may be necessary to existing laws to permit further reductions in the time necessary to complete bridge projects.
- Apportionment set aside.
- Post, p. 2728.
- 23 USC 101 *et seq.*
Federal share.
Report to Congress.

THOUSAND ISLANDS BRIDGE AUTHORITY

SEC. 148. The facility owned by the Thousand Islands Bridge Authority located in part on the right-of-way of Interstate Route I-81 in New York State six hundred feet from the border with Canada is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on such rights-of-way. Such exemption shall be only for the purpose of permitting the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

Exemption.

BLOOMINGTON FERRY BRIDGE

SEC. 149. There is authorized to be appropriated to the Secretary of Transportation, out of the Highway Trust Fund, \$200,000 for expenditure through the State of Minnesota in preparing environmental impact statements required by Federal law in connection with the construction of the Scott County-Hennepin County Highway 18 Bridge (Bloomington Ferry Bridge) in the vicinity of Bloomington, Minnesota. 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.

Appropriation authorization.

ACCESS CONTROL DEMONSTRATION PROJECTS

23 USC 101 *et seq.*

SEC. 150. (a) The Secretary of Transportation is authorized to carry out access control demonstration projects designed to demonstrate whether preserving the capacity of existing highways to move traffic safely by acquiring and controlling the right of access to such a highway is a cost effective alternative to the construction of additional highways. Such demonstration projects shall be carried out (1) on highways which are on the Federal-aid primary or secondary system, and are well maintained and in good condition, and (2) in traffic corridors which are not already subject to heavy industrial, commercial, or residential development. The Secretary of Transportation shall carry out one such demonstration project in each of three States.

23 USC 307 note.

(b) On or before September 30, 1983, the Secretary shall report to Congress the results of the projects carried out under this section.

Report to Congress.

(c) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, not to exceed \$10,000,000 for the fiscal year ending September 30, 1979, and \$20,000,000 for the fiscal year ending September 30, 1980.

Appropriation authorization.

(d) 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.

CONNECTOR PRIMARY DEMONSTRATION

SEC. 151. (a) The Secretary of Transportation, in cooperation with the States of New Mexico and Texas, shall conduct a demonstration project to upgrade routes on the Federal-aid primary system between Las Cruces, New Mexico, and Amarillo, Texas, and between Lubbock, Texas, and Interstate Route 10. The project shall demonstrate means by which the service provided by the Interstate System can efficiently and effectively be supplemented by such improvement.

(b) Funds to carry out the project authorized by subsection (a) shall come either (1) from funds apportioned to the States of New Mexico and Texas under section 104(b)(1) of title 23, United States Code with the Federal share of the project cost at 90 per centum, or (2) from funds available for obligation at the discretion of the Secretary of Transportation for priority primary routes with the Federal share of the project cost that applicable to such priority primary routes, without regard to whether such routes are in fact designated as priority primary routes.

DEMONSTRATION PROJECT—BYPASS HIGHWAY

Federal share.
23 USC 10 *et seq.*

Report to
Congress.

Appropriation
authorization.

SEC. 152. The Secretary of Transportation is authorized to carry out a demonstration project on the Federal-aid primary system for the construction of a bypass highway from a point south of Prairie Creek Redwood State Park through the drainage of May Creek and Boyes Creek to extend along the eastern boundary of Prairie Creek Redwood State Park within Humboldt County, California, for the purpose of determining the extent such bypass highway will divert motor vehicle traffic around such park so as to best serve the needs of the traveling public while preserving the natural beauty of the park. Such project shall be subject to the provisions of chapter 1 of title 23, United States Code, applicable to highway projects on the Federal-aid system, except that the Federal share of the cost of such project shall not exceed 90 per centum. The Secretary shall report to Congress upon completion of the project the results of this demonstration project, together with any recommendations the Secretary deems necessary. There is authorized to be appropriated, out of the Highway Trust Fund, \$5,000,000 for fiscal year 1979, \$25,000,000 for fiscal year 1980, and \$20,000,000 for fiscal year 1981, to carry out this section. Such sums shall remain available until expended.

DEMONSTRATION PROJECT—VENDING MACHINES

23 USC 111 note.

Report to
Congress.

SEC. 153. The Secretary of Transportation shall carry out a demonstration project on the Interstate System, which, notwithstanding section 111 of title 23, United States Code, would permit the placement of vending machines in rest and recreation areas and in safety rest areas constructed or located on the rights-of-way of such System. The vending machines shall dispense such food, drink, and other articles as the Secretary of Transportation determines necessary to ascertain the need for, and desirability of, this service to the traveling public. The Secretary of Transportation shall report to Congress not later than two years after the date of enactment of this section on the results of the demonstration project authorized by this section together with any recommendations he deems necessary.

DEMONSTRATION PROJECT OF INTEGRATED MOTORIST INFORMATION SYSTEM

23 USC 135 note.

SEC. 154. (a) The Secretary of Transportation is authorized to carry out a demonstration project of the use of a sophisticated automated roadway management system to increase the capacity and safety of automobile travel in high density travel corridors without providing additional lanes of pavement. The management system shall

coordinate the traffic flow in major freeways and arterials servicing the travel corridor by use of an integrated system of vehicle sensors to monitor traffic, computers to assess traffic conditions throughout the corridor, and devices to communicate with drivers, police, and emergency equipment.

(b) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, not to exceed \$1,500,000 for the fiscal year ending September 30, 1979, not to exceed \$2,500,000 for the fiscal year ending September 30, 1980, and not to exceed \$26,000,000 for the fiscal year ending September 30, 1981.

Appropriation authorization.

(c) The Federal share payable on account of any project authorized under this section shall not exceed 90 per centum of the total cost thereof.

Federal share.

(d) 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 any project under this section shall not exceed 90 per centum.

23 USC 101 *et seq.*

DEMONSTRATION PROJECT—RESTRICTED ACCESS

SEC. 155. (a) The Secretary of Transportation is authorized to carry out a demonstration project in a metropolitan area having a population of five hundred thousand, or more, to restrict the access of motor vehicles to the central business district of such area during hours of peak traffic for the purpose of determining the practicability of this method of reducing motor vehicle congestion in this area.

23 USC 134 note.

(b) The Secretary of Transportation shall submit a progress report annually on the project authorized by this section and a final report, together with his recommendations, not later than three years after the date of enactment of this Act.

Reports.

(c) There is authorized to be appropriated, out of the Highway Trust Fund, such sums as may be necessary to carry out this section.

Appropriation authorization.

ALASKA AND PUERTO RICO INTERSTATE STUDY

SEC. 156. The Secretary of Transportation shall study and report to the Congress by July 1, 1979, on the feasibility and desirability of designating routes in the State of Alaska and Commonwealth of Puerto Rico as part of the National System of Interstate and Defense Highways. The study shall consider the transportation needs in such areas and shall include, but not be limited to, necessity for intercity routes of a standard greater than the primary system, expected traffic volume, requirements for movement of goods, and need for connectivity. The Secretary shall also report on appropriate design standards required for Interstate routes in the State of Alaska.

Report to Congress.
23 USC 307 note.

EAST-WEST TOLL ROAD—INDIANA STUDY

SEC. 157. The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall study the possibility of relieving the Indiana Toll Road Commission of obligations resulting from the use of certain Federal funds and report the results of such study to the Congress by November 15, 1978. Such study shall be limited to the following:

Report to Congress.

(1) Additional Indiana East-West Toll Road entrances and exits in locations designated as metropolitan areas by the United States Census Bureau, 1970 census or cities of twenty-five thousand or more population, and the approximate cost and course of funding of each interchange.

(2) Methods of economical toll collections assuring fair and equitable payment from the individual user and ascertainment of urban toll free areas.

(3) Improvements necessary to insure compliance of the Indiana East-West Toll Road with Interstate Highway Standards and the approximate cost and source of payment for such improvements.

(4) Projection of maintenance costs and revenues of the Indiana East-West Toll Road until 1994 under various toll systems and charges.

(5) Formula of toll distribution by which Indiana communities directly affected by ingress to or egress from the Indiana East-West Toll Road (limited to Indiana communities within fifteen miles of the Indiana East-West Toll Road) may be reimbursed for costs incurred due to the toll road from revenues remaining after expenditures are made for the upgrading of the Indiana East-West Toll Road to Federal highway standards, the maintenance of the toll road, the construction of new interchanges and bond obligations, specifically including reserves.

(6) The total cost to the State highway commission if tolls are removed.

(7) An estimate of the time frame for the earliest construction of whatever improvements are recommended, based upon each of the following alternative methods of financing: by proceeds from the sale of toll supported bonds, by funds provided solely by the State of Indiana, and by funds principally provided by the Federal Government.

COLUMBIA RIVER BRIDGE STUDY

Report. SEC. 158. The Secretary of Transportation, in cooperation with the States of Washington and Oregon, shall conduct a feasibility study of an additional bridge across the Columbia River between Vancouver, Washington, and Portland, Oregon. The Secretary shall report the results of such study, together with his recommendations, not later than January 1, 1979.

STUDY CONCERNING URBAN BLIGHT

23 USC 134 note. SEC. 159. The Secretary shall conduct a study of the potential for reducing urban blight adjacent to Federal-aid primary and interstate highways located in central business districts, which shall include but not be limited to the following—

(a) a catalogue and evaluation of adverse impacts on adjacent land use;

(b) development of a list of potential ways that these adverse impacts could be eliminated or reduced;

(c) estimates of potential increases in value of adjacent land and air rights resulting from reduction of adverse highway impacts together with estimates of potential costs of highway

improvements and related measures needed to reduce adverse impacts;

(d) an assessment of the feasibility of using air rights and adjacent land after the improvements are completed to contribute to urban employment, recreational opportunities, low and moderate income housing, and commercial, retail, institutional and higher income residential development;

(e) the development of financing proposals, including legislative proposals, involving all appropriate levels of government and private capital where appropriate, which would finance improvements identified as desirable;

(f) such other matters as the Secretary shall deem appropriate.

Such study shall be conducted in cooperation with appropriate State and local governments and shall be submitted to Congress two years after the date of enactment.

Submittal to
Congress.

INTERDEPARTMENTAL COORDINATION STUDY

SEC. 160. (a) The Secretary of Transportation shall make a full and complete investigation and study with the cooperation of the Secretaries of the Departments of Energy, Housing and Urban Development, and Commerce, the Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget of—

49 USC 1653
note.

(1) all those factors affecting the integration of the Clean Air Act, the Energy Policy and Conservation Act, the Urban Mass Transportation Act of 1964, and title 23, United States Code and related highway laws;

42 USC 1857
note, 6201 note.
49 USC 1601
note.

(2) the parallel among all rules, regulations, administrative reviews, and approvals pursuant to the Acts referred to in paragraph (1) of this subsection;

(3) all those factors affecting the availability and coordination of funding sources to achieve improved air quality, energy conservation, and transportation efficiency;

(4) the degree to which urban growth, development, and Federal funding to urban areas is predicated upon compliance with the Clean Air Act requirements and plans to attain air quality standards;

(5) the feasibility of permitting tolls and other user charges on roads and highways on the Federal-aid systems as part of a State implementation plan under the Clean Air Act.

(b) The results of the investigation and study described in subsection (a) of this section shall be reported to the President and the Congress no later than one year following the date of enactment of this section.

(c) Nothing in this section shall be construed to amend, stay, or in any other way restrict or limit any authority or duty under the Clean Air Act, the Energy Policy and Conservation Act, the Urban Mass Transportation Act of 1964, and title 23, United States Code and related highway laws.

VEHICLE WEIGHTS—INTERSTATE

SEC. 161. (a) (1) The Secretary of Transportation is hereby authorized and directed, in cooperation with other Federal officers and

Study and
investigation.
23 USC 307 note.

agencies, the State departments of transportation or highway departments, and other affected parties, to make a study and investigation of—

(A) the need for, and desirability of, uniformity in maximum truck size and weight limits throughout the United States;

(B) the effect upon the construction, reconstruction and maintenance of roads, upon the economy of a State or region upon energy consumption, and upon carriers of reducing to limits set forth in section 127, title 23, United States Code, those maximum size and weight limits currently higher than limits in such section;

(C) the relation of highway and bridge design, construction practices, and maintenance costs in those States with weights above the Federal maximum, including an analysis of the adequacy of such design practices for these weights, as compared to the same factors in States adhering to the weight limits set forth in section 127 of title 23, United States Code; and

(D) the adequacy of current highway and bridge design standards with respect to the present and future transportation needs, considering costs, economy of transportation and fuel efficiency.

Report to
Congress.

(2) The Secretary shall report to the Congress the findings and recommendations of this study no later than January 15, 1981. Such report shall include recommendations on the desirability of uniform maximum truck weights and, if desirable, appropriate means to bring about such uniformity, and the appropriateness of current maximum vehicle weights.

IMPACT OF INCREASED UNIT TRAIN TRAFFIC

Investigation and
study.
23 USC 130 note.

SEC. 162. (a) The Secretary of Transportation, in cooperation with the State highway departments, and appropriate officials of local government, is authorized and directed to undertake a comprehensive investigation and study of techniques for alleviating the environmental, social, economic, and developmental impacts of increased unit train traffic to meet national energy requirements in communities located along rail corridors experiencing such increased traffic. Such study and investigation shall include, but not be limited to, the following:

(1) identification of specific adverse impacts on affected communities;

(2) examination of specific techniques to alleviate such impacts, including but not limited to low cost systems management methods, grade crossing separation, and rail line relocation, together with an assessment of the cost and benefits of each such technique;

(3) delineation of criteria to determine whether grade crossing separation or rail line relocation is appropriate for a given location;

(4) determination of the proper share of the cost of implementation for each such technique to be borne by the railroad or railroads based on the net benefit derived; and

(5) determination of various costs for different types of separation construction based on such factors as number of rail lines and number of highway lanes intersecting at the crossing.

(b) In the conduct of the investigation and study authorized by subsection (a) of this section, the Secretary shall specifically consider the following rail corridors:

(1) the Burlington Northern mainline from Beach, North Dakota to Staples, Minnesota, from Staples, Minnesota to Minneapolis/St. Paul, Minnesota and from Staples, Minnesota to Duluth, Minnesota/Superior, Wisconsin;

(2) the Burlington Northern line from Joder, Nebraska to Rulo, Nebraska;

(3) the Chicago Northwestern line from Harrison, Nebraska to Blair, Nebraska; and

(4) the Union Pacific line from Scottsbluff, Nebraska to Steele City, Nebraska.

(c) The Secretary shall report to the Congress on the results of the investigation and study authorized by subsection (a) of this section not later than March 31, 1979. Such report shall include the information required by subsection (a) together with the Secretary's conclusions and recommendations for appropriate legislation.

Report and legislative recommendations to Congress.

(d) There is hereby authorized to be appropriated not to exceed \$350,000 to carry out this section.

Appropriation authorization.

BRIDGE DIVERSION STUDY

SEC. 163. The Secretary of Transportation shall make a full and complete investigation and study of the need for, and ways and means of accomplishing, diverting a portion of the traffic from the bridges on the Interstate System across the Mississippi River presently operating above designed capacity to other bridges in the vicinity of any such Interstate System bridge. The Secretary shall report to Congress not later than two years after the date of enactment of this section the results of such investigations and study together with recommendations for necessary legislation.

Report and legislative recommendations to Congress.

BONDED INDEBTEDNESS STUDY

SEC. 164. The Secretary of Transportation shall conduct a study to determine the extent of outstanding bonded indebtedness for each State as of January 1, 1979, incurred by each State or public authority within each State prior to June 29, 1956, for the construction of toll roads or portion thereof incorporated into the Interstate System. The study should determine a method of allocating bonded indebtedness between portions of toll roads which have been incorporated into the Interstate System and portions which remain free to public travel. The study should determine what specific encumbrances there are to expeditious removal of tolls and recommended alternative methods for equitable payment of debt service for the purpose of making toll roads incorporated into the Interstate System free to public travel. The Secretary shall report his findings to Congress not later than July 1, 1980.

23 USC 129 note.

Report to Congress.

DULLES AIRPORT ACCESS HIGHWAY STUDY

SEC. 165. The Secretary of Transportation shall, not later than ninety days after the date of enactment of this section, complete the ongoing study of commuter access to the Dulles Airport Access Highway and report the findings and recommendations to Congress.

Report to Congress.

STUDY—FACTORS AFFECTING TRANSPORTATION OPERATIONS

23 USC 307 note.

SEC. 166. The Secretary of Transportation shall make a full and complete investigation and study of all those factors affecting the safe and efficient operation of bridges, tunnels, and roads within the United States, including, but not limited to, structural, operational, environmental, and civil disturbance factors.

OBLIGATION LIMITATION

SEC. 167. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1979 shall not exceed \$8,500,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code.

(b) Notwithstanding the limitation contained in subsection (a) of this section, the Secretary shall not in any way control—

(1) the rate of obligation of such limitation by allocation of such limitation or in any other manner; and

(2) by priority or otherwise, programs or projects eligible for Federal financial assistance from those funds for such programs and projects which are subject to such limitation, if such programs or projects are otherwise eligible for such assistance under title 23, United States Code, or any other applicable provision of law.

HAZARD ELIMINATION PROGRAM

SEC. 168. (a) Section 152 of title 23, United States Code, is amended to read as follows:

“§ 152. Hazard elimination program.

Survey and
improvement
schedule.

“(a) Each State shall conduct and systematically maintain an engineering survey of all public roads to identify hazardous locations, sections, and elements, including roadside obstacles and unmarked or poorly marked roads, which may constitute a danger to motorists and pedestrians, assign priorities for the correction of such locations, sections, and elements, and establish and implement a schedule of projects for their improvement.

“(b) The Secretary may approve as a project under this section any highway safety improvement project.

“(c) Funds authorized to carry out this section shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System) except in the Virgin Islands, Guam, and American Samoa.

Federal share.

“(d) The Federal share payable on account of any project under this section shall be 90 percent of the cost thereof.

23 USC 402.
Waiver.

“(e) Funds authorized to be appropriated to carry out this section shall be apportioned to the States as provided in section 402(c) of this title. Such funds shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive provisions he deems inconsistent with the purposes of this section.

23 USC 104.

Evaluation
process.

“(f) Each State shall establish an evaluation process approved by the Secretary, to analyze and assess results achieved by highway

safety improvement projects carried out in accordance with procedures and criteria established by this section. Such evaluation process shall develop cost-benefit data for various types of corrections and treatments which shall be used in setting priorities for highway safety improvement projects.

"(g) Each State shall report to the Secretary of Transportation not later than September 30 of each year, on the progress being made to implement highway safety improvement projects for hazard elimination and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1 of each year on the progress being made by the States in implementing the hazard elimination program. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the hazard elimination program.

State progress reports.

Report to Congress.

"(h) For the purposes of this section the term 'State' shall have the meaning given it in section 401 of this title."

"State."

(b) Section 153 of title 23, United States Code, is repealed.

Repeal.

(c) The analysis of chapter I of title 23 is amended by striking out: "Projects for high-hazard locations." and inserting in lieu thereof "Hazard elimination program." and by striking out: "153. Program for the elimination of roadside obstacles." and inserting in lieu thereof: "153. Repealed."

(d) Subsection (c) of section 219 of title 23, United States Code, is amended by adding at the end thereof the following: "Not less than 50 per centum of the funds obligated in any State under this section in any fiscal year shall be obligated for highway safety construction projects."

PLANNING

SEC. 169. (a) Section 134(a) of title 23, United States Code, is amended to read as follows:

"(a) It is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with the State and local officials in the development of transportation plans and programs which are formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. The planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities. The process shall consider all modes of transportation and shall be continuing, cooperative, and compre-

Cooperation.

- 23 USC 105. hensive to the degree appropriate based on the complexity of the transportation problems. After July 1, 1965, the Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section. No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location, and design of the project."
- 23 USC 134. (b) Section 134 is further amended by adding a new subsection (b) as follows and redesignating existing subsection (b) as subsection (c):
- Redesignation, agreement. "(b) (1) Within one year after enactment of this subsection, in the absence of State law to the contrary, units of general purpose local government within an urbanized area or contiguous urbanized areas for which a metropolitan planning organization has been designated prior to enactment of this subsection, may by agreement of at least 75 per centum of the units of general purpose local government representing at least 90 per centum of the population of such urbanized area or areas, and in cooperation with the Governor, redesignate as the metropolitan planning organization any representative organization.
- "(2) Except as provided in paragraph (1), after the date of enactment of this subsection designations of metropolitan planning organizations shall be by agreement among the units of general purpose local government and the Governor."

NATIONAL ALCOHOL FUELS COMMISSION

Establishment.
42 USC 5904
note.
Investigation and
study.

SEC. 170. (a) (1) There is hereby established a Commission to be known as the National Alcohol Fuels Commission hereinafter referred to as the "Commission".

(2) The Commission shall make a full and complete investigation and study of the long- and short-term potential for alcohol fuels, from biomass (including, but not limited to, animal, crop and wood waste, municipal and industrial waste, sewage sludge, and oceanic and terrestrial crops) and coal, to contribute to meeting the Nation's energy needs. It shall take into consideration the technical, economic, legal, environmental, and social factors associated with the production, manufacture, distribution, and use of such fuels. It will evaluate the costs and benefits of alternative feedstocks, and their possible end uses, and analyze the feasibility and desirability of converting these resources to alcohol fuels. Based on such study it shall recommend those policies, and their attendant costs and benefits, most likely to minimize our dependence on petroleum, insure adequate energy supplies, and contribute to the economic health of the Nation.

(3) Members of the Commission shall be appointed by February 1, 1979. The Commission shall be established within sixty days of being provided with funds. The Commission shall be comprised of nineteen members as follows:

(A) a Chairman and five members appointed by the President pro tempore of the Senate from the membership of the Committee

Membership.

on Energy and Natural Resources, the Committee on Appropriations, and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate;

(B) a Vice Chairman and five members appointed by the Speaker of the House of Representatives from the membership of the Committee on Appropriations, the Committee on Science and Technology, and the Committee on Agriculture of the United States House of Representatives; and

(C) seven members of the public appointed by the President, including a broad representation from industrial, labor, agricultural, small business, and consumer groups.

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

Final report to President and Congress.
Termination.
Records and papers, deposition.

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

(1) the long- and short-term potential of alcohol fuels contributing to domestic energy supply;

(2) the relative costs and benefits of developing alcohol fuels from alternative feedstocks, taking into account technical, economic, legal, competitive, environmental, and social factors associated with their production, distribution, and use; their most appropriate end uses; and a recommended time frame for their introduction into the Nation's energy mix;

(3) the existing policies and programs of the Federal Government which affect the development of such alternative fuels; and

(4) new policies and programs required to develop alcohol fuels from coal and alcohol and other fuels from the biomass to meet the Nation's projected short-term and long-term energy needs.

(d) (1) The Chairman of the Commission shall request the head of each Federal department or agency which has an interest in or a responsibility with respect to a national alcohol fuels policy to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section. Such departments and agencies shall include, but not be limited to, the Department of Energy, the Department of Agriculture, the Department of Transportation, the Environmental Protection Agency, the Department of the Interior, the Department of Justice, the Department of the Treasury, and the Small Business Administration.

Federal agencies, liaison.

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

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

Hearings and meetings.

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

Compensation
and expenses.

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

5 USC 5332
note.

(2) Members of the Commission, except Members of Congress, shall each receive compensation for such periods of time as they are engaged in the business of the Commission at a rate not in excess of the maximum rate of pay for GS-18 as provided in the General Schedule under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel expenses, per diem in accordance with the rules of the Senate, or subsistence and other necessary expenses incurred by them in performance of duties while serving as a Commission member.

5 USC 5101 *et*
seq., 5331.

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

Experts and
consultants.

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

5 USC 5311.

(3) The Director and Commission personnel shall be reimbursed for travel, per diem in accordance with the rules of the Senate, or subsistence, and other necessary expenses incurred by them in performance of duties while serving the Commission staff.

Contracts or
agreements.

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

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

(j) Subject to the provisions of the Federal Advisory Committee Act, the Chairman may appoint advisory committees to aid in the work of the Commission.

Advisory
committees.

(k) The Commission is exempt from the requirements of sections 4301 through 4308 of title 5, United States Code.

Performance
rating,
exemption.
Appropriation
authorization.

(l) There is hereby authorized to be appropriated for the fiscal year ending September 30, 1979, to the Commission not to exceed \$1,500,000 to carry out the purposes of this section.

LIMITATIONS

SEC. 171. To the extent that any section of this Act provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

TITLE II

Highway Safety
Act of 1978.

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1978".

23 USC 401 note.

HIGHWAY SAFETY

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

Appropriation
authorization.

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund \$175,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and \$200,000,000 per fiscal year for each of the fiscal years ending September 30, 1981, and September 30, 1982.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, \$50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, \$25,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(4) For carrying out in accordance with section 402(c) of title 23, United States Code, section 154 of such title (relating to the national maximum speed limit), other than subsection (i), out of the Highway Trust Fund, \$50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982. For carrying out section 154(i) of such title, out of the Highway Trust Fund, \$17,500,000 per fiscal year for each of the fiscal years ending September 30, 1980, September 30, 1981, and September 30, 1982.

(5) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, \$10,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(6) For bridge reconstruction and replacement under section 144 of title 23, United States Code, out of Highway Trust Fund, \$900,000,000 for the fiscal year ending September 30, 1979, \$1,100,000,000 for the fiscal year ending September 30, 1980, \$1,300,000,000 for the fiscal year ending September 30, 1981, and \$900,000,000 for the fiscal year ending September 30, 1982.

(7) For carrying out section 151 of title 23, United States Code (relating to pavement marking), out of the Highway Trust Fund, \$65,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981.

(8) For projects for elimination of hazards under section 152 of title 23, United States Code, out of the Highway Trust Fund, \$125,000,000 for the fiscal year ending September 30, 1979, \$150,000,000 for the fiscal year ending September 30, 1980, \$150,000,000 for the fiscal year ending September 30, 1981, and \$200,000,000 for the fiscal year ending September 30, 1982.

(9) For carrying out section 406 of title 23, United States Code (relating to schoolbus driver training), out of the Highway Trust Fund, \$2,500,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(10) For carrying out section 407 of title 23, United States Code (relating to innovative project grants), out of the Highway Trust Fund, \$5,000,000 for the fiscal year ending September 30, 1980, \$10,000,000 for the fiscal year ending September 30, 1981, and \$15,000,000 for the fiscal year ending September 30, 1982.

RAIL-HIGHWAY CROSSINGS

Appropriation
authorization.
23 USC 130 note.

SEC. 203. (a) Subsection (b) of section 203 of the Highway Safety Act of 1973 (Public Law 93-87), as amended by the Highway Safety Act of 1976 (Public Law 94-280), is amended to read as follows:

“(b) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated, out of the Highway Trust Fund, for projects for the elimination of hazards of railway-highway crossings on any public road, \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, \$75,000,000 for the fiscal year ending June 30, 1976, \$125,000,000 for the fiscal year ending September 30, 1977, \$125,000,000 for the fiscal year ending September 30, 1978, \$190,000,000 for the fiscal year ending September 30, 1979, and \$190,000,000 for each of the fiscal years ending September 30, 1980, September 30, 1981, and September 30, 1982. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated by this subsection shall be available for obligation in the same manner as funds apportioned under section 104(b)(1) of title 23, United States Code.”.

Repeal.

(b) Subsection (c) of section 203 of the Highway Safety Act of 1973 is hereby repealed.

(c) Subsection (d) of section 203 of the Highway Safety Act of 1973 is amended to read as follows: 23 USC 130 note.

"(d) 25 percent of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under section 104(b)(2) of title 23, United States Code, 25 percent of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under section 104(b)(6) of title 23, United States Code, and 50 percent of the funds made available in accordance with subsection (b) shall be apportioned to the States in the ratio that total rail-highway crossings in each State bears to the total of such crossings in all States. The Federal share payable on account of any project shall be 90 percent of the cost thereof."

Federal share.

NATIONAL DRIVER REGISTER STUDY

SEC. 204. The Secretary of Transportation shall make a full and complete investigation and study of the need for, and, if necessary, ways and means to establish, a national driver register to assist States in electronically exchanging information regarding motor vehicle driving records of certain individuals. Such investigation and study shall include, but not be limited to, the information to be placed in the register, the accessibility of such information (including privacy safeguards), the necessary computer-electronic equipment, and means of keeping such register current. The Secretary shall issue a final report to Congress on the results of such investigation and study, together with the recommendations of the Secretary, not later than one year after the date of enactment of this section.

23 USC 403 note.

Report to Congress.

NATIONAL MAXIMUM SPEED LIMIT

SEC. 205. Section 154 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) Each State shall submit to the Secretary such data as the Secretary determines by rule is necessary to support its certification under section 141 of this title for the twelve-month period ending on September 30 before the date the certification is required, including data on the percentage of motor vehicles exceeding fifty-five miles per hour on public highways with speed limits posted at fifty-five miles per hour in accordance with criteria to be established by the Secretary, including criteria which takes into account the variability of speedometer readings and criteria based upon the speeds of all vehicles or a representative sample of all vehicles.

State data, submittal.
23 USC 141.

"(f)(1) For the twelve-month period ending September 30, 1979, if the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 70 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1981.

Apportionment reductions.

23 USC 104.

"(2) For the twelve-month period ending September 30, 1980, if the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 60 per centum, the Secretary shall reduce the

23 USC 104.

State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1982.

"(3) For the twelve-month period ending September 30, 1981, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 50 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1983.

"(4) For the twelve-month period ending September 30, 1982, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 40 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 10 per centum of the amount to be apportioned for the fiscal year ending September 30, 1984.

"(5) For the twelve-month period ending September 30, 1983, and for each succeeding twelve-month period thereafter, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 30 per centum, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6), of this title in an aggregate amount of up to 10 per centum of the amount to be apportioned for the fiscal year ending September 30, 1985, and for each succeeding fiscal year thereafter.

"(g) In any case where the Secretary determines, in accordance with criteria established by the Secretary, that a reduction in apportionment required by subsection (f) of this section would result in hardship to a State, the fiscal year apportionment reduced for such State shall be the apportionment for one fiscal year later than the fiscal year to which such reduction would apply under subsection (f) but for such hardship determination.

"(h) The Secretary shall promptly apportion to a State any funds which have been withheld pursuant to subsection (f) of this section if he determines that the percentage of motor vehicles in such State exceeding fifty-five miles per hour has dropped to the level specified for the fiscal year for which the funds were withheld.

Incentive grants.

"(i) (1) For the twelve-month period ending September 30, 1979, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 60 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1980.

"(2) For the twelve-month period ending September 30, 1980, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 50 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1981.

"(3) For the twelve-month period ending September 30, 1981, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 40 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1982.

"(4) For the twelve-month period ending September 30, 1982, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 30 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1983.

"(5) For the twelve-month period ending September 30, 1983, and for each succeeding twelve-month period thereafter, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 20 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1984 and succeeding fiscal years.

"(6) An incentive grant made to a State under this subsection shall be equal to 10 per centum of the apportionment to such State for the fiscal year on the basis of the data for which such incentive grant is to be made. The apportionment on which such incentive grant is based shall be that made under section 402(c) of this title for carrying out those provisions of section 402 relating to highway safety programs administered by the National Highway Traffic Safety Administration. Incentive grants made under this subsection may be expended for carrying out any provision of section 402 of this title."

23 USC 402.

ACCIDENT DATA

SEC. 206. There is authorized to be appropriated, out of the Highway Trust Fund, to the Secretary of Transportation not to exceed \$5,000,000 per fiscal year for the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, for the acquisition, storage, and retrieval of highway accident data and for establishing procedures for reporting accidents on a nationwide basis.

Appropriation
authorization.

HIGHWAY SAFETY PROGRAMS

SEC. 207. (a) The last sentence of subsection (a) of section 402 of title 23, United States Code, is amended by inserting immediately after "one or more States," the following: "including, but not limited to, such programs for identifying accident causes, adopting measures to reduce accidents, and evaluating effectiveness of such measures,".

(b)(1) Subparagraph (A) of paragraph (1) of subsection (b) of section 402 of title 23, United States Code, is amended by striking out "State agency" and inserting in lieu thereof "State highway safety agency".

(2) The amendment made by paragraph (1) of this subsection shall take effect January 1, 1979.

(c) Paragraph (1) of subsection (b) of section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subparagraph:

Effective date.
23 USC 402 note.

“(G) provide for programs (which may include financial incentives and disincentives) to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.”

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by inserting immediately after “State highway safety program” the following: “(other than planning and administration)” and by inserting immediately after “non-Federal share of the cost of any project under this section” the following: “(other than one for planning or administration)”.

INNOVATIVE PROJECT GRANTS

SEC. 208. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following new section:

23 USC 407.

“§ 407. Innovative project grants

“(a) In addition to other grants authorized by this chapter, the Secretary may make grants in any fiscal year to those States, political subdivisions thereof, and nonprofit organizations which develop innovative approaches to highway safety problems in accordance with criteria to be established by the Secretary in cooperation with the States, political subdivisions thereof, and such nonprofit organizations as the Secretary deems appropriate.

Application
selection
procedure,
consultation.

“(b) The Secretary shall establish a procedure for the selection of grant applications submitted under this section. In developing such procedure, the Secretary shall consult with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary deems appropriate.

Applications.

“(c) Any State, political subdivision thereof, and nonprofit organization may make an application under this section to carry out an innovative project described in subsection (a) of this section. Such application shall be in such form and contain such information as the Secretary, by regulation, prescribes.

“(d) Not to exceed 2 per centum of the funds authorized to be appropriated to carry out this section shall be available to the Secretary for the necessary costs of administering the provisions of this section.

Annual report to
Congress.

“(e) The Secretary shall submit an annual report to the Congress which provides a description of each application received for a grant under this section and an evaluation of innovative projects carried out with grants made under this section.”

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

“407. Innovative project grants.”.

HIGHWAY SAFETY EDUCATION AND INFORMATION

Pilot projects.
23 USC 401 note.

SEC. 209. (a) The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall carry out six pilot projects designed, through the use of television and radio, to develop and evaluate techniques, methods, and practices to achieve maximum measurable effectiveness in reducing traffic accidents, injuries, and deaths.

(b) Each pilot project authorized by this section shall be in operation not later than the one hundred and eightieth day after the date

of the first appropriation of funds made under authority of this section, and shall be conducted for a one-year period. Not later than the ninetieth day after the end of each such one-year period, the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall report to Congress the results of such project, including, but not limited to, an evaluation of the effectiveness of such project and a statistical analysis of the traffic accidents and fatalities within the project area during such one-year period.

Report to Congress.

(c) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out subsections (a) and (b) of this section, \$6,000,000, to remain available until expended.

Appropriation authorization.

(d) Not later than the one hundred and eightieth day after the date of submission of the final report to Congress required by subsection (b) of this section, and utilizing those techniques, methods, and practices determined most effective, the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, 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.

National campaign.

(e) Such campaign is authorized to be conducted in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, and shall utilize to the extent possible nongovernmental professional organizations equipped and experienced to conduct such campaign.

(f) The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall engage such private firms or organizations as he determines necessary to conduct an on-going evaluation of the national campaign authorized by subsection (d) of this section to determine ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to on-going highway safety programming for evaluating the effectiveness of such programs in terms of the number of lives saved and the reduction in injuries, and for the purpose of developing new programs for the promotion of highway safety. Such evaluation shall include determinations of those programs designed to encourage the voluntary use of safety belts which are most effective and shall include recommendations for new methods and approaches which will result in greater voluntary utilization of safety belts by the public.

Evaluation.

(g) The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall submit a report to the Congress on July 1 of each year in which the campaign is in progress on the results of such evaluation and on the steps being taken by the Federal Highway Administration to implement the recommendations of such evaluation.

Annual report to Congress.

(h) For the purpose of carrying out subsections (d), (e), (f), and (g) of this section, there is authorized to be appropriated out of the Highway Trust Fund, \$10,000,000, to remain available until expended.

Appropriation authorization.

MOTORCYCLE HELMET STUDY

SEC. 210. The Secretary of Transportation shall make a full and complete study of the effect of the provision contained in the eighth sentence of subsection (c) of section 402 of title 23 of the United

23 USC 402 note.

Report to
Congress.

States Code relating to requirements, or lack thereof, concerning the wearing of safety helmets by operators and passengers on motorcycles. Such investigation and study shall include, but not be limited to, deaths, accidents, severity of injuries, length of time of recuperation, and permanent disabilities. The Secretary shall report the results of such study, together with his recommendations, to Congress not later than one year after the date of enactment of this section.

STUDY OF OUTSIZED VEHICLES

23 USC 307 note.

Report to
Congress.

SEC. 211. The Secretary of Transportation shall make a complete study of outsized vehicles for operation on the highways constructed in a manner which exceed the standardized industry configurations. The Secretary shall report the results of his study to Congress, with his recommendations, not later than six months after the date of enactment of this section.

MARIJUANA AND OTHER DRUG REPORT

Submittal to
Congress.
23 USC 403 note.

Legislative
recommendations.
"Drug."

SEC. 212. The Secretary shall report to Congress not later than December 31, 1979, concerning the progress of efforts to detect and prevent marijuana and other drug use by operators of motor vehicles. Such report shall include, but not be limited to, information concerning the frequency of marijuana and drug use by motor vehicle operators, capabilities of law enforcement officials to detect the use of marijuana and drugs by motor vehicle operators, and a description of Federal and State projects undertaken into methods of detection and prevention. The report shall include the Secretary's recommendations on the need for legislation and specific programs aimed at reducing marijuana and other drug use by motor vehicle operators. For the purpose of this section the term "drug" means a controlled substance within the meaning of section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6)).

SAFETY BELT PROGRAM

23 USC 202.

SEC. 213. Each State shall expend each fiscal year not less than 2 per centum of the amount apportioned to it for such fiscal year of the sums authorized by section 202(1) of this title, for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

SAFETY BELT STUDY

Arrangements
23 USC 402 note.

Report to
Secretary and
Congress.

SEC. 214. The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of methods of encouraging the use of safety belts by drivers of, and passengers in, motor vehicles, including, but not limited to, the use of various types of financial incentives and financial disincentives to encourage such use. 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 the Congress not later than one year after the date of enactment of this Act on the results of such study and investigation, together with its recommendations. 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.

PROHIBITION

SEC. 215. None of the funds authorized by this title (including any amendment made by this title) shall be expended for the purchase, directly or indirectly, of any passive restraint system for any motor vehicle owned by any State (including a political subdivision of a State) or by the United States, except for a motor vehicle primarily used in an educational program.

Passive restraint system.

TITLE III

SHORT TITLE

SEC. 301. This title may be cited as the "Federal Public Transportation Act of 1978".

Federal Public Transportation Act of 1978.

49 USC 1601 note.

DISCRETIONARY GRANT OR LOAN PROGRAM

SEC. 302. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

49 USC 1602.

"(a) (1) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as the Secretary may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing—

"(A) the construction of new fixed guideway systems and extensions to existing fixed guideway systems, including the acquisition of real property, the initial acquisition of rolling stock needed for such systems, and the detailed alternative analyses relating to the development of such systems;

"(B) the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service and the coordination of such service with highway and other transportation. Eligible facilities and equipment may include personal property such as buses and other rolling stock, and rail and bus facilities, and real property and improvements (but not public highways other than fixed guideway facilities) needed for an efficient and coordinated public transportation system. No project for the replacement or purchase of buses and related equipment or the construction of bus-related facilities shall be approved unless the Secretary finds that such project cannot be reasonably funded out of the apportionments under section 5(a) (4) of this Act;

Post, p. 2741.

"(C) the introduction into public transportation service of new technology in the form of innovative and improved products;

"(D) transportation projects which enhance the effectiveness of any mass transportation project and are physically or functionally related to such mass transportation project or which create new or enhanced coordination between public transportation and other forms of transportation, either of which enhance urban economic development or incorporate private investment including commercial and residential development. The term

"Eligible costs."

"eligible costs" includes property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and the acquisition, construction, and improvement of facilities and equipment for intermodal transfer facilities and transit malls, but does not include the construction of commercial revenue-producing facilities, whether publicly or privately owned, or of those portions of public facilities not related to mass transportation. The Secretary shall require that all grants and loans under this paragraph be subject to such terms, conditions, requirements, and provisions as the Secretary determines necessary or appropriate for purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section. The Secretary shall require in all grants and loans under this subparagraph that any person or entity that contracts to occupy space in facilities funded under this subparagraph shall pay a fair share of the cost of such facilities, through rental payments and other means;

Fair share
payment.

(E) the modification of equipment and fixed facilities (other than stations) which the Secretary determines to be necessary to avoid any adverse effects resulting from the implementation of the Northeast Corridor project pursuant to title VII of Public Law 94-210. Notwithstanding the Federal share provisions of section 4(a) of this Act, the Secretary is authorized to make grants for 100 per centum of the net project cost of projects assisted under this subparagraph.

45 USC 851.
Federal share.
49 USC 1603.

Determinations.

"(2) (A) No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(i) the legal, financial, and technical capacity to carry out the proposed project; and

"(ii) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment.

"(B) The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the determination required by subparagraph (A), that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period.

"(C) No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses, nor shall any grant or loan funds be used to support procurements utilizing exclusionary or discriminatory specifications.

"(3) The Secretary shall not approve a grant or loan for a project under this section unless the Secretary finds that such project is part of an approved program of projects required by section 8 of this Act.

"(4) The Secretary is authorized to announce an intention to obligate for a project under this section through the issuance of a letter of intent to the applicant. Such an action shall not be deemed an obligation as defined under section 1311 of the Act of August 26, 1954, as amended (31 U.S.C. 200), nor shall such a letter be deemed an administrative commitment. The letter shall be regarded as an intention to obligate from future available budget authority provided in an appropriation Act not to exceed an amount stipulated as the Secretary's financial participation in the defined project under this section. The amount stipulated in the letter, when issued for a fixed guideway

Post, p. 2743.
Obligative letter
of intent,
issuance.

project, shall be sufficient to complete an operable segment. No obligation or administrative commitment may be made pursuant to such a letter of intent except as funds are provided in appropriations Acts. The total estimated amount of future Federal obligations covered by all outstanding letters of intent shall not exceed the amount authorized in section 4(c) of this Act, less an amount reasonably estimated by the Secretary to be necessary for grants under this section which are not covered by a letter of intent. The total amount covered by new letters issued shall not exceed any limitation that may be specified in an appropriations Act. Nothing in this paragraph shall affect the validity of letters of intent issued prior to the enactment of the Federal Public Transportation Act of 1978."

*Infra.**Ante*, p. 2735.
49 USC 1602.

(b) Section 3(b) of the Urban Mass Transportation Act of 1964 is amended by striking out "including the net cost of property management" and inserting in lieu thereof the following: "including reconstruction, renovation, and the net cost of property management".

(c) Section 3(e) (1) of the Urban Mass Transportation Act of 1964 is amended by striking out "the Secretary finds that such assistance is essential to a program, proposed or under active preparation, for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area" and inserting in lieu thereof "the Secretary finds that such assistance is essential to the program of projects required by section 8 of this Act".

Post, p. 2743.
Buses and related facilities, expenditures.

(d) Section 3(h) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

49 USC 1604.

"(h) Notwithstanding any other provision of this Act, the Secretary, upon application by a local public body, may approve a project which utilizes funds available under sections 3 and 5 of this Act, but in any such project, none of the funds available under section 3 may be expended in connection with the acquisition of buses, bus equipment, or bus related facilities unless the combined project includes new buses, bus equipment, or bus related facilities the cost of which is at least equal to the total amount that reasonably could have been provided for such purposes with funds available under section 5(a) (4)."

AUTHORIZATIONS

SEC. 303. (a) The caption of section 4 of the Urban Mass Transportation Act of 1964 is amended to read as follows: "NET PROJECT COST, FEDERAL SHARE, AND AUTHORIZATIONS".

49 USC 1603.

(b) Section 4(a) of the Urban Mass Transportation Act of 1964 is amended by striking out the first three sentences.

(c) Section 4(c) of the Urban Mass Transportation Act of 1964 is amended by inserting "(1)" immediately after "(c)"; by inserting after the word "Act" the second time it appears in the first sentence the words "as it read prior to enactment of the Federal Public Transportation Act of 1978"; by striking out the last sentence; and by adding at the end thereof the following new paragraphs:

"(2) Notwithstanding paragraph (1) of this subsection or any other provision of this Act, the unobligated balance of contract authority established pursuant to paragraph (1) shall not be available for administrative commitment after September 30, 1978, and shall lapse on September 30, 1980.

"(3) (A) To finance additional grants and loans under section 3 of this Act and to finance grants and contracts under subsection (i)

Appropriation authorization.

Post, p. 2743.

of this section and section 8 of this Act, there are authorized to be appropriated not to exceed \$1,375,000,000 for the fiscal year ending September 30, 1979; \$1,410,000,000 for the year ending September 30, 1980; \$1,515,000,000 for the year ending September 30, 1981; \$1,600,000,000 for the fiscal year ending September 30, 1982; and \$1,580,000,000 for the fiscal year ending September 30, 1983. In any fiscal year not more than five and one-half per centum of such fiscal years appropriation pursuant to this subparagraph shall be used for the purposes of subsection (i) of this section and section 8 of this Act. Appropriations pursuant to the authority of this paragraph and subsection (g) of this section may be in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation and shall remain available for three years following the close of the fiscal year for which such appropriation is made.

Ante, p. 2735.

"(B) In each fiscal year, not more than \$200,000,000 of the sums appropriated pursuant to subparagraph (A) shall be available for grants and loans approved under section 3(a)(1)(D) of this Act.

"(C) Not more than \$45,000,000 of the total sums appropriated pursuant to subparagraph (A) shall be available for grants approved under section 3(a)(1)(E) of this Act.

"(D) In each fiscal year, at least \$350,000,000 of the sums appropriated pursuant to subparagraph (A) shall be available for grants for the reconstruction and improvement of existing public mass transportation systems."

49 USC 1603.

(d) Section 4(d) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

Post, p. 2745.

"(d) There are authorized to be appropriated \$10,000,000 in each fiscal year for the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, to carry out the functions of section 11(b) of this Act. Sums appropriated pursuant to this subsection shall remain available until expended."

(e) Section 4 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsections:

Post, p. 2748.

"(e) To finance grants under section 18 of this Act, there are authorized to be appropriated not to exceed \$90,000,000 for the fiscal year ending September 30, 1979; \$100,000,000 for the fiscal year ending September 30, 1980; \$110,000,000 for the fiscal year ending September 30, 1981; \$120,000,000 for the fiscal year ending September 30, 1982. Sums appropriated pursuant to this subsection shall remain available until expended.

Ante, p. 2735,
Post, pp. 2739,
2748, 2754,
2755.

"(f) There are authorized to be appropriated to carry out the functions of this Act, other than sections 3, 5, 8, 11(b), 16(b), 18, 21, and 22, not to exceed \$90,000,000 for the fiscal year ending September 30, 1979; \$95,000,000 for the fiscal year ending September 30, 1980; \$100,000,000 for the fiscal year ending September 30, 1981; and \$105,000,000 for the fiscal year ending September 30, 1982. Sums appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.

49 USC 1605.

"(g) There are authorized to be appropriated such sums as may be necessary to carry out public transportation projects substituted for Interstate segments withdrawn under section 103(e)(4) of title 23, United States Code.

Reports to
Congress.

"(h) (1) On or before the twentieth day of each calendar quarter the Secretary shall submit to Congress a report on (1) obligations, commitments, and reservations by State, designated recipient, and

applicant, made under authority of this Act; (2) the balance as of the last day of each quarter of the unobligated, uncommitted, and unreserved apportionments made under this Act; (3) the balance of unobligated, uncommitted, and unreserved sums available for expenditure at the discretion of the Secretary under this Act as of the end of such quarter; (4) a listing of letters of intent issued; and (5) a status report on all outstanding letters of intent.

“(2) On or before October 1, 1979, the Secretary shall report to Congress on authorization requests for sections 3 and 5 of this Act for fiscal years 1981 through 1984. On or before October 1, 1981, the Secretary shall report to Congress on authorization requests for sections 3 and 5 of this Act for fiscal years 1983 through 1986. Such authorization requests shall contain a description and analysis of the methods used and the assumptions relied upon by the Secretary.

Ante, p. 2735,
infra.

“(i) The Secretary is authorized to make grants to States and local public bodies, using sums available pursuant to section 4(c)(3)(A) of this section, for projects for the deployment of innovative techniques and methods in the management and operation of public transportation services. In each fiscal year grants for any one State shall not exceed twelve and one-half per centum of the funds available for the purposes of this subsection.”

Grants.

URBAN MASS TRANSIT PROGRAM

SEC. 304. (a) Subsections (a) and (b) of section 5 of the Urban Mass Transportation Act of 1964 are amended to read as follows:

Funds,
apportionment.
49 USC 1604.

“(a) (1) (A) To make grants for construction or operating assistance purposes under this subsection, the Secretary shall apportion for expenditure in fiscal years 1975 through 1980 the sums authorized by subsection (c) (1) of this section and appropriated pursuant to subsection (c) (2) of this section. For subsequent fiscal years, the Secretary shall apportion the sums appropriated pursuant to subparagraph (B) of this paragraph. Such sums shall be made available for expenditure in urbanized areas or parts thereof on the basis of a formula under which urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of—

“(i) one-half of the total amount so apportioned multiplied by the ratio which the population of such urbanized area or part thereof, as designated by the Bureau of Census, bears to the total population of all the urbanized areas in all the States as shown by the latest available Federal census; and

“(ii) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

As used in this section, the term ‘density’ means the number of inhabitants per square mile.

“Density.”

“(B) There are authorized to be appropriated for the purposes of this paragraph, \$900,000,000 in each fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982.

Appropriation
authorization.

“(2) (A) To make grants for construction or operating assistance purposes under this subsection, the Secretary shall apportion for expenditure in each fiscal year the sums appropriated pursuant to subparagraph (C) of this paragraph.

“(i) Eighty-five per centum of such sums shall be made available for expenditure in only those urbanized areas or parts thereof with

a population of 750,000 or more, and on the basis of a formula under which such urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of—

“(1) one-half of the total amount so apportioned multiplied by the ratio which the population of such an urbanized area or part thereof, as designated by the Bureau of the Census, bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census; and

“(2) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

“Density.”

As used in the preceding sentence, the term ‘density’ means the number of inhabitants per square mile.

“(ii) Fifteen per centum of such sums shall be made available for expenditure in only those urbanized areas or parts thereof with a population of less than 750,000 and on the basis of a formula under which such urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of—

“(1) one-half of the total amount so apportioned multiplied by the ratio which the population of such an urbanized area or part thereof, as designated by the Bureau of the Census, bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census; and

“(2) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

“Density.”

As used in the preceding sentence, the term ‘density’ means the number of inhabitants per square mile.

Appropriation
authorization.

“(C) There are authorized to be appropriated for the purposes of this paragraph \$250,000,000 for the fiscal year ending September 30, 1979; \$250,000,000 for the fiscal year ending September 30, 1980; \$250,000,000 for the fiscal year ending September 30, 1981; and \$250,000,000 for the fiscal year ending September 30, 1982.

“(3) (A) To make grants for construction and operating assistance projects under this subsection involving commuter rail or other fixed guideway systems, the Secretary shall apportion for expenditure in each fiscal year the sums appropriated pursuant to subparagraph (B) of this paragraph. Such sums shall be made available for expenditure in urbanized areas or parts thereof on the basis of a formula under which urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of—

“(i) two-thirds of the total amount to be apportioned as follows: one-half multiplied by a ratio which the number of commuter rail train miles operated within or serving the urbanized area in the prior fiscal year bears to the total number of commuter rail train miles operated in or serving all urbanized areas in the prior fiscal year, and one-half multiplied by a ratio which the number of commuter rail route miles operated within or serving the urbanized area in the prior fiscal year bears to the total number of commuter rail route miles operated in or serving all urbanized areas in the prior fiscal year. No single eligible State’s portion of an urbanized area shall receive in any fiscal year less than one-half per centum

or more than thirty per centum of the sums appropriated for such fiscal years pursuant to this clause;

“(ii) one-third of the total amount to be apportioned multiplied by the ratio that the number of fixed guideway system route miles (excluding commuter rail route miles) in the urbanized area in the prior fiscal year bears to the total number of such fixed guideway system route miles (excluding commuter rail route miles) in all urbanized areas in the prior fiscal year. For the purposes of the calculation to be made under this subparagraph, no single State’s portion of an urbanized area shall receive more than 30 per centum of the sums appropriated for such fiscal year pursuant to this clause.

Sums apportioned under this paragraph shall be available for expenditure only for capital or operating assistance projects involving commuter rail or other fixed guideway systems.

“(B) There are authorized to be appropriated for the purposes of this paragraph, \$115,000,000 for the fiscal year ending September 30, 1979; \$130,000,000 for the fiscal year ending September 30, 1980; \$145,000,000 for the fiscal year ending September 30, 1981; and \$160,000,000 for the fiscal year ending September 30, 1982.

Appropriation
authorization.

“(4) (A) To make grants under this subsection for the purchase of buses and related equipment, or the construction of bus related facilities, the Secretary shall apportion in each fiscal year the sums appropriated pursuant to subparagraph (B) of this paragraph. In fiscal years 1979 and 1980, the apportionments shall be made in accordance with the population density formula set out in subsection (a) (1) (A) of this section. Sums apportioned under this paragraph shall be available only for projects for the purchase of buses and related equipment, in the construction of bus related facilities, except that projects assisted pursuant to section 3(h) of this Act may utilize funds apportioned under this section for any eligible construction project.

Ante, p. 2737.

“(B) There are authorized to be appropriated for the purposes of this paragraph \$300,000,000 for the fiscal year ending September 30, 1979; \$300,000,000 for the fiscal year ending September 30, 1980; \$370,000,000 for the fiscal year ending September 30, 1981; and \$455,000,000 for the fiscal year ending September 30, 1982.

Appropriation
authorization.

“(b) (1) The Governor, responsible local officials, and publicly owned operators of mass transportation services, in accordance with the planning process required under section 8 of this Act, with the concurrence of the Secretary, shall designate a recipient or recipients to receive and dispense the funds apportioned under subsection (a) that are attributable to urbanized areas of two hundred thousand or more population. In any case in which a statewide or regional agency or instrumentality is responsible under State laws for the financing, construction and operation, directly, by lease, contract or otherwise, of public transportation services, such agency or instrumentality shall be the recipient to receive and dispense such funds. The term ‘designated recipient’ as used in this section shall refer to the recipient selected according to the procedures required by this paragraph.

Recipient
designation.
Post, p. 2743.

“(2) Sums apportioned under subsection (a) not made available for expenditure by designated recipients in accordance with the terms of paragraph (1) of this subsection shall be made available to the Governor for expenditures in urbanized areas or parts thereof in accordance with the planning process required under section 8 of this Act and shall be fairly and equitably distributed. The Governor shall

“Designated
recipient.”

Appropriation
authorization.
49 USC 1604.

submit annually a report to the Secretary concerning the allocation of funds made available under this paragraph.”.

(b) Section 5(c)(2) of the Urban Mass Transportation Act of 1964 is amended to read as follows: “In addition to sums authorized in paragraph (1) of this subsection, there is authorized to be appropriated for the fiscal year ending September 30, 1980, the additional amount of \$125,000,000. This amount shall be available for apportionment pursuant to subsection (a)(1) of this section.”.

(c) Section 5(c) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraphs:

“(3) Appropriations pursuant to this section shall be available until expended.

“(4) Sums apportioned under this section shall be available for obligation by the Governor or designated recipient for a period of three 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, except that any funds authorized by section 5(a)(3) and (4) which are so reapportioned shall remain subject to the limitations applicable to the original apportionment of such funds.”.

(d) Section 5(f) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(f) Federal funds available for expenditure for mass transportation projects under this section and apportioned for fiscal years ending prior to October 1, 1981, shall be supplementary to and not in substitution for the average amount of State and local government funds and other transit revenues such as advertising concessions, and property leases, excluding reimbursement payments for the transportation of schoolchildren, expended on the operation of mass transportation service in the area involved for the two fiscal years preceding the fiscal year for which the funds are made available: *Provided, however,* That if such State and local government funds or other transit revenues are reduced, there shall be no loss of Federal assistance under this section if such reduction is offset by an increase in operating revenues through changes in fare structure. Nothing in the preceding sentence shall be construed as preventing State or local tax revenues which are used for the operation of mass transportation service in the area involved from being credited (to the extent necessary) toward the non-Federal share of the cost of the project. Where the Secretary finds that a recipient has reduced operating costs without reducing service levels the recipient shall be entitled to make a proportionate reduction in the amount of transit revenues required to be expended under this subsection.”.

(e) Section 5(g) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(g) The Secretary shall not approve a grant or loan for a project under this section unless he finds that such project is part of the approved program of projects required by section 8 of this Act, and that the applicant or responsible agency has or will have—

“(1) the legal, financial, and technical capacity to carry out the proposed project; and

“(2) satisfactory continuing control, through operation or lease or otherwise, over the use of project facilities and equipment.”.

(f) Section 5(i) of the Urban Mass Transportation Act of 1964 is amended by striking out “and (2)” and inserting in lieu thereof

Post, p. 2743.

"(2)"; by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and (3) assurances satisfactory to the Secretary that any public mass transportation system receiving financial assistance under such project will not change any fare and will not substantially change any service except (A) after having held public hearings or having afforded an adequate opportunity for such hearings, after adequate public notice, (B) after having given proper consideration to views and comments expressed in such hearings, and (C) after having given consideration to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service."

Notice and
hearings.

PLANNING AND TECHNICAL STUDIES

SEC. 305. (a) Sections 8 and 9 of the Urban Mass Transportation Act are repealed.

Repeals.
49 USC 1607,
1607a.

(b) The Urban Mass Transportation Act is amended by inserting after section 7 the following new section:

"PLANNING AND TECHNICAL STUDIES

"Sec. 8. (a) It is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with the State and local officials in the development of transportation plans and programs which are formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. The planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities. The process shall consider all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems.

49 USC 1607.

Cooperation.

"(b) (1) The urbanized area planning process shall be carried on by local officials acting through a metropolitan planning organization in cooperation with the State.

Metropolitan
planning
organizations,
designations.

"(2) Within one year after enactment of this subsection, in the absence of State law to the contrary, units of general purpose local government within an urbanized area or contiguous urbanized areas for which a metropolitan planning organization has been designated prior to enactment of this subsection, may by agreement of at least 75 per centum of the units of general purpose local government representing at least 90 per centum of the population of such urbanized area or areas and in cooperation with the Governor, redesignate as the metropolitan planning organization any representative organization.

"(3) Except as provided in subparagraph (B), after the date of enactment of this subsection, designations of metropolitan planning organizations shall be by agreement among the units of general purpose local government and the Governor.

Program,
approval.

“(c) A program of projects eligible for assistance under this Act shall be submitted for approval to the Secretary. The Secretary shall not approve for an urbanized area any such program of projects in whole or in part unless (1) the Secretary finds that the planning process on which such program is based is being carried on in conformance with the objectives of this section, and (2) the Secretary finds that the program of projects is based on the planning process.

Contracts and
grants.

“(d) The Secretary is authorized to contract for and make grants to States and local public bodies and agencies thereof for the planning, engineering, designing, and evaluation of public transportation projects, and for other technical studies. Activities assisted under this section may include (1) studies relating to management, operations, capital requirements, and economic feasibility; (2) preparation of engineering and architectural surveys, plans, and specifications; (3) evaluation of previously funded projects; and (4) other similar or related activities preliminary and in preparation for the construction, acquisition, or improved operation of mass transportation systems, facilities, and equipment. A grant or contract under this section shall be made in accordance with criteria established by the Secretary.

“(e) The plans and programs required by this section shall encourage to the maximum extent feasible the participation of private enterprise. Where facilities and equipment are to be acquired which are already being used in mass transportation service in the urban area, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area.”.

FELLOWSHIP ASSISTANCE

SEC. 306. Section 10 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“GRANTS FOR TRAINING PROGRAMS

49 USC 1607b.

“SEC. 10. The Secretary is authorized to make grants to States, local public bodies, and agencies thereof (and operators of public transportation services) to provide fellowships for training of personnel employed in managerial, technical, and professional positions in the public transportation field. Fellowships shall be for not more than one year of training in public or private training institutions offering programs having application in the public transportation industry. The recipient of a fellowship under this section shall be selected by the grantee on the basis of demonstrated ability and for the contribution which the recipient can be reasonably expected to make to an efficient public transportation operation. The assistance under this section toward each fellowship shall not exceed the lesser of \$24,000 or 75 per centum of the sum of (1) tuition and other charges to the fellowship recipient, (2) any additional costs incurred by the training institution in connection with the fellowship and billed to the grantee, and (3) the regular salary of the fellowship recipient for the period of the fellowship (to the extent that salary is actually paid or reimbursed by the grantee).”.

Selections.

TRANSPORTATION CENTERS

SEC. 307. Subsection (b) of section 11 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

Grants.
49 USC 1607c.

“(b) (1) In addition to grants authorized by subsection (a) of this section, the Secretary is authorized to make grants for the purpose of establishing and operating transportation centers at nonprofit institutions of higher learning.

“(2) The institutions receiving assistance under this subsection shall be selected by the Secretary, in coordination with State transportation agencies or departments, on the basis of demonstrated research and extension resources capable of contributing to the solution of State and regional transportation problems.

“(3) The responsibilities and duties of each transportation center shall include, but not be limited to, the conduct of competent research investigations, both scientific and policy oriented, and experiments of either a basic or practical nature in relation to transportation problems.

Duties.

“(4) In order for an institution to receive Federal funds under this subsection, subject to the conditions set forth therein, such institution, in coordination with the State in which the institution is located (or, in the case of multi-institutional programs authorized under paragraph (6) of this subsection, in coordination with the States in which the participating institutions are located) shall submit to the Secretary for his approval a program or programs of proposed projects for the academic year for the utilization of such funds. The Secretary shall act upon programs submitted to him by March 15 preceding the fiscal year for which application for assistance is made (except in the case of fiscal year 1979, for which the Secretary shall act upon programs submitted to him as soon as practicable).

Projects program,
approval.

“(5) As a condition to project approval, the State in which a selected institution is located must equally match from other than Federal funds, the amount of the Federal grant.

State matching
grants.

“(6) Upon the joint application of two or more institutions of higher learning, the Secretary may approve a multi-institutional program to address regional transportation problems, subject to conditions set forth in this subsection.

“(7) On or before July 1 of each fiscal year for which funds have been appropriated under this subsection, each participating institution shall submit a report to the Secretary on its activities and progress in solving transportation problems. On or before October 1 of each such fiscal year, the Secretary shall submit a report to Congress on the activities and progress of the program authorized by this subsection in solving transportation problems and achieving national transportation policy objectives.”.

Report.

Annual report to
Congress.

DEFINITIONS AND GENERAL PROVISIONS

SEC. 308. Section 12 of the Urban Mass Transportation Act of 1964 is amended as follows:

49 USC 1608.

(a) Subsection (b) is amended—

(1) by inserting “(1)” after “(b)”;

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

“(2) After September 30, 1979, contracts for the acquisition of rolling stock, including buses, which will result in the expenditure of Federal financial assistance under this Act, may be awarded based on

Evaluations.

consideration of performance, standardization, life-cycle costs, and other factors the Secretary may deem relevant, in addition to the consideration of initial capital costs. Where necessary, the Secretary shall assist grantees in making such evaluations."

Definitions.

(b) Subsection (c) is amended to read as follows:

"(c) As used in this Act—

"(1) the term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the acquisition, construction, or reconstruction of facilities and equipment for use in public transportation, including designing, engineering, location surveying, mapping, acquisition of rights-of-way, relocation assistance, acquisition of replacement housing sites, acquisition and rehabilitation, relocation, and construction of replacement housing;

"(2) the term 'fixed guideway' means any public transportation facility which utilizes and occupies a separate right-of-way for the exclusive use of public transportation service including, but not limited to, fixed rail, automated guideway transit, and exclusive facilities for buses and other high occupancy vehicles;

"(3) the term 'Governor' means the ranking executive officer or his designate for each of the jurisdictions included in the definition of 'State';

"(4) the term 'handicapped person' means any individual who by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including any person who is wheelchair bound or has semiambulatory capabilities, is unable without special facilities or special planning or design to utilize public transportation facilities and services effectively. The Secretary may, by regulation, adopt modifications of this definition for purposes of section 5 (m) of this Act;

"(5) the term 'local public bodies' includes municipalities and other political subdivisions of States; public agencies and instrumentalities of one or more States, municipalities and political subdivisions of States; Indian tribes; and public corporations, boards, and commissions established under the laws of any State;

"(6) the term 'mass transportation' means transportation by bus, or rail, or other conveyance, either publicly or privately owned, which provides to the public general or special service (but not including school buses or charter or sightseeing service) on a regular and continuing basis;

"(7) the term 'public transportation' means mass transportation;

"(8) the term 'Secretary' means the Secretary of Transportation;

"(9) The term 'States' means the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands;

"(10) the term 'urban area' means any area that includes a municipality or other built-up place which is appropriate, in the judgment of the Secretary, for a public transportation system to serve commuters or others in the locality taking into consideration the local patterns and trends of urban growth; and

"(11) the term 'urbanized area' means an area so designated by the Bureau of Census, within boundaries which shall be fixed by

49 USC 1604.

responsible State and local officials in cooperation with each other, subject to approval by the Secretary, and which shall at a minimum, in case of any such area, encompass the entire urbanized area within a State as designated by the Bureau of Census.”

(c) Subsections (d) and (f) of section 12 of the Urban Mass transportation Act of 1964 are repealed and section 12(e) is redesignated as section 12(d).

Repeals.
49 USC 1608.

(d) Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

“(e) None of the provisions of this Act shall be construed to authorize Federal financial assistance for the purpose of financing the acquisition by one public body of land, facilities, or equipment used in mass transportation from another public body in the same geographic area.

“(f)(1) A State or local public body may petition the Interstate Commerce Commission for an exemption from part II of the Interstate Commerce Act for mass transportation services provided by such State or local public body or provided to such State or local public body by contract. Not later than one hundred and eighty days after the date such petition is received by the Commission, the Commission shall, after notice and reasonable opportunity for a hearing on such petition, by order, exempt such State or local public body or contractor from part II of the Interstate Commerce Act with respect to such mass transportation services to the extent and for such time as it specifies in such order, unless the Commission finds that—

Exemption,
petition.
49 USC 301.
Notice and
hearing.

“(A) the public interest would not be served by such exemption,

“(B) the exemption requested would result in an undue burden on the interstate or foreign commerce, or

“(C) the mass transportation services, including rates, proposed to be exempt are not subject to regulation by any State or local public agency.

“(2) Any State or local public body granted an exemption under paragraph (1) of this subsection shall be subject to all applicable Federal laws pertaining to (A) safety, (B) the representation of employees for purposes of collective bargaining, (C) retirement, annuities, and unemployment systems, and (D) all other provisions of law relating to employee-employer relations. The Commission, upon its own initiative or upon petition of an interested party, may alter, amend, or revoke any exemption under paragraph (1) of this subsection if it subsequently finds that new evidence, material error, or changed circumstances exist which materially affect its original order.

“(g) In the case of any buses acquired with Federal financial assistance provided under this Act, the Secretary shall permit the State or local body which is acquiring such buses to provide in advertising for bids for passenger seats functional specifications (which equal or exceed the performance specifications prescribed by the Secretary), based on that State or local body's determination of local requirements for safety, comfort, maintenance and life cycle costs. This subsection shall apply to the initial advertising for bids for the acquisition of buses occurring on or after the date of enactment of the Federal Public Transportation Act of 1978.”

Bus seat
specifications.

Ante, p. 2735.

PROCUREMENT STUDY

Evaluation.
49 USC 1604
note.
49 USC 1601
note.

Report to
Congress.

SEC. 309. The Secretary of Transportation shall make an evaluation of the procurement process utilized for the purchase of rolling stock and other technical equipment purchased with Federal financial assistance under the Urban Mass Transportation Act of 1964, and from whom purchased. Such evaluation shall consider the benefits of more widespread utilization of negotiated procurements. The Secretary shall, not later than July 1, 1979, report to Congress the results of such evaluation together with his recommendations for necessary legislation.

REPORTING SYSTEM

Legislative
recommendations
to Congress.
49 USC 1611.

SEC. 310. Section 15 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:
“(c) The Secretary shall, not later than July 1, 1979, report to Congress on the systems prescribed under authority of this section, together with his recommendations for any further legislation, if any, he deems necessary in connection with such systems.”.

SET ASIDE FOR ELDERLY AND HANDICAPPED

49 USC 1612.

SEC. 311. (a) The last sentence of subsection (b) of section 16 of the Urban Mass Transportation Act of 1964 is amended to read as follows: “Of the total amount authorized to be appropriated pursuant to section 4(c)(3) of this Act, 2 per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs).”.

Repeal.

(b) Section 16(d) of the Urban Mass Transportation Act of 1964 is repealed.

COMMUTER RAIL OPERATING ASSISTANCE

Emergency
financial
assistance.
49 USC 1613.

SEC. 312. (a) Section 17(d) of the Urban Mass Transportation Act of 1964 is amended by inserting the word “and” immediately after the semicolon in paragraph (3); by striking out “180-day period succeeding the period specified in subparagraph (3) of this subsection” and inserting “period ending September 30, 1978.” in paragraph (4); and by striking out paragraph (5).

Appropriation
authorization.

(b) Section 17(f) of the Urban Mass Transportation Act of 1964 is amended by striking out “\$185,000,000” in the first sentence and inserting in lieu thereof “\$125,000,000” and by amending the second sentence to read as follows: “There are authorized to be appropriated for liquidation of the obligations incurred under this section not to exceed \$40,000,000 by September 30, 1976, \$95,000,000 by September 30, 1977 and \$125,000,000 by September 30, 1978, such sums to remain available until expended.”.

Repeal.
49 USC 1614.

(c) Section 18 of the Urban Mass Transportation Act of 1964 is repealed.

FORMULA GRANT PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

Apportionment.
49 USC 1614.
Ante, p. 2738.

SEC. 313. (a) The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

“SEC. 18. (a) The Secretary shall apportion for expenditure in each fiscal year the sums appropriated pursuant to section 4(e) of this Act. Such sums shall be made available for expenditure for public trans-

portation projects in areas other than urbanized areas on the basis of a formula under which the Governor of each State will be entitled to receive an amount equal to the total amount so apportioned, multiplied by the ratio which the population of areas other than urbanized areas in such State, as designated by the Bureau of the Census, bears to the total population of areas other than urbanized areas in all the States as shown by the latest available Federal census. Appropriations pursuant to the authority of this section may be made in an appropriation Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation.

“(b) Funds made available under this section may be used for public transportation projects which are included in a State program of projects for public transportation services in areas other than urbanized areas. Such program shall be submitted annually to the Secretary for his approval. The Secretary shall not approve the program unless he finds that it provides for a fair and equitable distribution of funds within the State, including Indian reservations within the State, and provides for the maximum feasible coordination of public transportation services assisted under this section with transportation services assisted by other Federal sources.

Annual program
approval.

“(c) Sums apportioned under this subsection shall be available for obligation by the Governor for a period of three years following the close of the fiscal year for which the sums are apportioned and any amounts remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year. States may utilize sums apportioned under this section for any projects eligible under this Act which are appropriate for areas other than urbanized areas, including purchase of service agreements with private providers of public transportation service, to provide local transportation service, as defined by the Secretary, in areas other than urbanized areas. Eligible recipients may include State agencies, local public bodies and agencies thereof, nonprofit organizations, and operators of public transportation services.

Eligible
recipients.

“(d) The Secretary may permit an amount, not to exceed 15 per centum of the amount apportioned, to be used by each State for administering this section and for providing technical assistance to recipients of funds under this section. Such technical assistance may include project planning, program development, management development, coordination of public transportation programs (public and private), and such research as the State may deem appropriate to promote effective means of delivering public transportation service in areas other than urbanized areas.

Technical
assistance.

“(e) The Federal share under this Act for any construction project under this section shall not exceed 80 per centum of the net cost of such construction project, as determined by the Secretary. The Federal share under this Act for any project for the payment of subsidies for operating expenses, as defined by the Secretary, shall not exceed 50 per centum of the net cost of such operating expense project. At least 50 per centum of the remainder shall be provided in cash, from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement, or depreciation funds or reserves available in cash or new capital.

Federal share.

Terms and
conditions.

49 USC 1602,
1609.
Waiver.

Evaluation,
cooperation.

Report and
legislative
recommendations
to Congress.

"(f) Grants under this section shall be subject to such terms and conditions (which are appropriate to the special needs of public transportation in areas other than urbanized areas) as the Secretary may prescribe. The provisions of sections 13(c) and 3(e)(4) of this Act shall apply in carrying out projects under this section. For the purposes of this section, the Secretary of Labor may waive any provisions of section 13(c) of this Act. Nothing under this subsection shall affect or discharge any responsibility of the Secretary under any other provision of Federal law.

"(g) The Secretary shall, in cooperation with State regulatory commissions, make an evaluation of the escalation of insurance rates for operators of public transportation in rural areas and for providers of special transportation services for elderly and handicapped persons. The Secretary shall, not later than January 1, 1980, report to Congress the results of this evaluation together with his recommendations for necessary legislation."

NONDISCRIMINATION

SEC. 314. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"NONDISCRIMINATION

49 USC 1615.

"SEC. 19. (a) (1) GENERAL.—No person in the United States shall on the grounds of race, color, creed, national origin, sex, or age be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part through financial assistance under this Act. The provisions of this section shall apply to employment and business opportunities and shall be considered to be in addition to and not in lieu of the provisions of title VI of the Civil Rights Act of 1964.

42 USC 2000d.

"(2) AFFIRMATIVE ACTION.—The Secretary shall take affirmative action to assure compliance with subsection (a) (1) of this section.

"(3) COMPLIANCE.—(A) Whenever the Secretary determines that any person receiving financial assistance, directly or indirectly, under this Act, has failed to comply with subsection (a) (1) of this section, with any Federal civil rights statute, or with any order or regulation issued under such statute, the Secretary shall give notice of such determination and shall require necessary action to be taken to assure compliance with such subsection.

"(B) If, within a reasonable period of time after receiving notification pursuant to paragraph (a) of this subsection, such person fails or refuses to comply with subsection (a) (1) of this section, the Secretary shall—

"(i) direct that no further Federal financial assistance under this Act be provided to such person;

"(ii) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(iii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); or

"(iv) take such other actions as may be provided by law.

"(4) CIVIL ACTION.—Whenever a matter is referred to the Attorney General pursuant to subsection (a) (3) (B) (ii) of this section, or whenever the Attorney General has reason to believe that any person

is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may commence a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

“(5) DEFINITION.—For purposes of this section, the term ‘person’ includes one or more governmental agencies, political subdivisions, authorities, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.”

“Person.”

HUMAN RESOURCE PROGRAMS

SEC. 315. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

“HUMAN RESOURCE PROGRAMS

“SEC. 20. The Secretary is authorized to undertake, or provide financial assistance by grant or contract for, national and local programs that address human resource needs as they apply to public transportation activities. Such programs may include but are not limited to employment training programs; outreach programs to increase minority and female employment in public transportation activities; research on public transportation manpower and training needs; and training and assistance for minority business opportunities. Such assistance may include assistance in seeking venture capital, obtaining surety bonding, obtaining management and technical services, and contracting with public agencies organized for such purposes.”

Assistance, grant or contract.
49 USC 1616.

LOAN FORGIVENESS

SEC. 316. (a) The Secretary of Transportation may convert equipment and facilities loans heretofore made under section 3(a) of the Urban Mass Transportation Act of 1964 or title II of the Housing Amendments of 1955 (42 U.S.C. 14924), to grants under the conditions set forth below. A grant agreement for the acquisition, construction, reconstruction, or improvement of facilities and equipment under section 3(a) of the Urban Mass Transportation Act of 1964 may provide for forgiveness of principal and interest on a loan previously made in lieu of a cash grant in the amount forgiven. Such grant shall be subject to such terms and conditions as the Secretary may deem necessary and appropriate, taking into account the degree of completion of the project financed with the loan.

Conversion to grants, conditions.
49 USC 1602-1.
Ante, p. 2735.
42 USC 1491.

(b) In lieu of the local matching share otherwise required, the grant agreement may provide that State or local funds shall be committed to public transportation projects in the urbanized area, on a schedule acceptable to the Secretary, in an amount equal to the local share that would have been required had the amount of principal and interest forgiven been the Federal share of a capital grant made when the original loan was made. The State or local funds contributed under the terms of the preceding sentence shall be made available for capital projects eligible for funding under section 3(a) of the Urban Mass Transportation Act of 1964 and may not be used to satisfy the local matching requirements for any other grant project.

Terms and conditions.

RETREAD TIRE MANUFACTURERS EXEMPTION FROM RECORDKEEPING

SEC. 317. Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended by inserting "except the manufacturer of tires which have been retreaded," immediately after "or tires" in the first and second sentences thereof.

BASIC TRANSPORTATION SYSTEM STUDY

49 USC 1607
note.

Report to
Congress.

SEC. 318. The Secretary of Transportation shall make a full and complete investigation and study of establishing and operating a mass transportation system, in whole or in part, which would provide basic services with a minimum of amenities, at low costs. The Secretary shall report to the Congress the results of such investigation and study not later than one year after the date of enactment of this section.

STUDIES OF DISTRIBUTION OF FUNDS

49 USC 1604
note.

Ante, p. 2741.

Report to
Congress.

Report and
legislative
recommendations
to congressional
committees.

SEC. 319. (a) The Secretary of Transportation shall conduct a study of the alternative methods of distributing, by formula, funds apportioned for capital purposes under section 5(a)(4) of the Urban Transportation Act of 1964. The study shall include an evaluation of the appropriate goals of a formula program for the distribution of such capital assistance and an analysis of the various factors which may be used to measure transit usage or need, including vehicle miles, seat miles, fleet or vehicle age, fleet size, population and population density, and such other factors as the Secretary considers necessary or appropriate to achieve such goals. The Secretary shall report to Congress the results of this study not later than January 1, 1980, together with his recommendations for legislation.

(b) The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation and the Committee on Interior and Insular Affairs of the House of Representatives, on or before January 1, 1980, recommendations (including draft legislative proposals to accomplish such recommendations) as to ways and means by which Federal mass transit funds can be allocated on a basis which considers the nature and extent of air pollution as a criterion for the distribution of such funds. In formulating such recommendations, the Secretary (in consultation with the Administrator) shall consider and report back to such committees his findings with respect to, but not limited to, the following:

(1) the most appropriate and feasible standards of air quality to be utilized as a criterion of air pollution, including, but not limited to, standards for ozone, carbon monoxide, nitrogen oxide, and hydrocarbons;

(2) the most appropriate and reliable methods for measuring and monitoring the above air quality standards, including, but not limited to, measuring devices, placement of such devices, frequency of readings, and other procedures relating to measuring air quality;

(3) the most appropriate, feasible, and equitable manner in which air pollution measures can be adjusted to take into account seasonal, meteorological, and other variations so that

air measures accurately reflect average air quality over a reasonable period of time;

(4) which Federal mass transit program funds should be allocated on a basis utilizing air pollution as a criterion, including, but not limited to, programs under sections 3 and 5 of the Urban Mass Transportation Act of 1964;

(5) the relative weight which such an air pollution criterion should be given for the purpose of allocating funds under the above Federal mass transit programs; and

(6) alternative approaches to modifying criteria for allocating Federal mass transit funds which would assure that areas with extensive air pollution receive a proportionately greater amount of funds than areas with a lesser extent of air pollution.

Ante, p. 2735,
2739.

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

SEC. 320. (a) The Secretary of Transportation shall carry out a demonstration project using high-speed water-borne transportation equipment and facilities and operating in, and in the vicinity of, New York, New York, for the purpose of determining the feasibility of utilizing this technology in providing certain public mass transportation service. The Secretary shall report to Congress the results of such project no later than September 30, 1981, together with his recommendations.

49 USC 1605
note.

Report to
Congress.

(b) There is authorized to be appropriated to carry out the provisions of subsection (a) not to exceed \$25,000,000.

Appropriation
authorization.

RAIL RETROFIT EVALUATION

SEC. 321. (a) (1) Beginning in fiscal year 1979, the Secretary of Transportation shall provide Federal financial assistance under section 8 of the Urban Mass Transportation Act of 1964 to operators of fixed-guideway public mass transportation systems for the purpose of developing detailed estimates of the cost of making improvements to existing fixed-guideway public mass transportation systems to make such systems accessible to and usable by handicapped persons. Not later than January 30, 1980, the Secretary shall compile the results of these evaluations and report to Congress the results, together with his recommendations for such legislation as may be necessary to finance the improvements set forth in the cost estimates.

Federal financial
assistance.

49 USC 1612
note.

Ante, p. 2743.

Report and
legislative
recommendations
to Congress.

(2) In developing detailed estimates of the cost of improvements needed to make existing fixed-guideway public mass transportation systems accessible to and usable by handicapped persons, operators of such system shall provide comments on the desirability of the improvements, taking into account projected use of the improvements, the operational characteristics of the system, and such other factors as the operators may deem appropriate. Under rules set forth by the Secretary of Transportation, operators shall submit all such comments and cost estimates to organizations representing handicapped persons. Such organizations shall be afforded ninety days to submit comments to the Secretary.

Cost estimates
and comments.

(3) Cost estimates developed with assistance under this section, to the extent they are not deemed unreasonable by the Secretary of Transportation, may serve as the basis for cost estimates in plans required by the Secretary for meeting the requirements of section 504 of the Rehabilitation Act of 1973.

29 USC 794.

Report and
legislative
recommendations
to Congress.

(b) The Secretary of Transportation shall make an evaluation of the light-rail public mass transportation mode (including trolleys, streetcars, cablecars, and other fixed-guideway conveyances utilizing at-grade rights-of-way portions of which are shared with other street traffic) and the commuter rail public mass transportation mode to determine ways to make, and the desirability of making, such modes accessible to and usable by handicapped persons. The Secretary shall report to Congress the results of this evaluation not later than January 30, 1980, together with his recommendations for legislation necessary to clarify or to change Federal laws or provisions pertaining to accessibility requirements affecting the light-rail and commuter rail modes.

TERMINAL DEVELOPMENT PROGRAM

SEC. 322. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"TERMINAL DEVELOPMENT PROGRAM

Grants, terms and
conditions.
49 USC 1617.

"SEC. 21. (a) The Secretary is authorized, in accordance with this Act, and on such other terms and conditions as he may prescribe, to make grants to States and local bodies and agencies thereof to acquire, construct, or alter facilities (directly operated, operated through a lease, or otherwise) primarily for use in providing intercity bus service and in coordinating such service with other modes of transportation. Eligible facilities include, but are not limited to, real property, bus terminals, intermodal terminals, and bus passenger loading areas (including shelters). No grants shall be provided under this section unless the Secretary determines the applicant has or will have (1) the legal, financial, and technical capacity to carry out the proposed project, and (2) satisfactory continuing control, through operation, lease, or otherwise, over the use of the facilities.

"(b) No financial assistance shall be provided under this section to any State or local public body or agency thereof for the acquisition, construction, or alteration of eligible facilities unless the Secretary finds that fair and equitable arrangements have been made for the use of such facilities by privately owned bus companies. Assistance under this section shall encourage, to the maximum extent feasible, the participation of private enterprise and the use of the facilities assisted under this section by other modes of transportation.

49 USC 1603.

"(c) A grant for a project under this section shall be for 80 per centum of the net project cost determined in accordance with section 4(a) of this Act. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds.

Appropriation
authorization.

"(d) There is authorized to be appropriated to carry out subsection (a) of this section \$40,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

49 USC 1602,
1609.

"(e) The provisions of sections 13(c) and 3(e)(4) of this Act shall apply in carrying out projects under this section."

INTERCITY BUS SERVICE

SEC. 323. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"INTERCITY BUS SERVICE

"SEC. 22. (a) The Secretary is authorized to make grants for the initiation, improvement, or continuation of intercity bus service for residents of rural areas and residents of urban places designated by the Bureau of the Census as having a population of five thousand or more which are not within an urbanized area as defined in section 12 of this Act. As used in this subsection and subsection (b) of this section, the term 'intercity bus service' means transportation provided to the public as a private bus operator authorized to transport passengers in interstate commerce by the Interstate Commerce Commission or in intrastate commerce by a State regulatory commission or comparable State agency (1) between one urban place as designated under this subsection and another such urban place, (2) between an urban place designated in accordance with this subsection and an urbanized area, or (3) between one urbanized area and another urbanized area, through rural areas or urban places, or both. Such term does not include local service.

Grants.
49 USC 1618.

Definition.

"(b) Grants for the initiation, improvement, or continuation of intercity bus service under subsection (a) of this section shall be made only to States and local public bodies and agencies thereof, only for payment of operating expenses incurred in furnishing such intercity bus service, and shall not exceed 50 per centum of the net cost of such an operating expense project. The remainder of such cost shall be provided in cash from sources other than Federal funds and other than revenues from the operation of such intercity bus service. Such grants shall be subject to such other terms, conditions, and requirements as the Secretary may deem necessary to promote the initiation, improvement, or continuation of privately owned and operated intercity bus service. To the maximum extent feasible assistance shall be distributed by the Secretary only for privately owned intercity bus companies to subsidize deficit operations considering the profitability of the route as a whole. The determination of profitability shall include all income generated by the route and only direct costs of the operation of the route. In making any such grant, preference shall be given to a private bus operator who lawfully has provided intercity bus service to a rural area or urban place during the one-year period preceding the date of application for such a grant over routes or within the general area for which financial assistance is to be provided, over any other operator to provide such service in such area or place.

"(c) There is authorized to be appropriated to carry out subsections (a) and (b) of this section not to exceed \$30,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

Appropriation
authorization.

"(d) The Secretary shall, in cooperation with States, local public bodies, and intercity bus carriers, make an evaluation of the needs of the intercity bus industry for public subsidy of expenses incurred in the provision of intercity bus service as it serves local transportation needs in areas other than urbanized areas. The Secretary shall, not later than September 30, 1979, report to Congress the results of this evaluation together with his recommendations for necessary legislation.

Evaluation.

"(e) The provisions of section 13(c) and 3(e)(4) of this Act shall apply in carrying out projects under this section."

Report and
legislative
recommendations
to Congress.
49 USC 1602,
1609.

TITLE IV

BUY AMERICA

49 USC 1602
note.

SEC. 401. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act and administered by the Department of Transportation, whose total cost exceeds \$500,000 unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project.

Exceptions.

(b) The provisions of subsection (a) of this section shall not apply where the Secretary determines—

(1) their application would be inconsistent with the public interest;

(2) in the case of acquisition of rolling stock their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues;

(3) supplies of the class or kind to be used in the manufacture of articles, materials, supplies that are not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 10 per centum.

TITLE V—HIGHWAY REVENUE ACT OF 1978

23 USC 101 note.

SEC. 501. SHORT TITLE.

This title may be cited as the "Highway Revenue Act of 1978".

SEC. 502. 5-YEAR EXTENSION OF THE TAXES WHICH ARE TRANSFERRED INTO THE HIGHWAY TRUST FUND.

(a) GENERAL RULE.—The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1979" each place it appears and inserting in lieu thereof "1984":

26 USC 4041.

(1) Section 4041(e) (relating to rate reduction).

26 USC 4061.

(2) Section 4061(a) (1) (relating to imposition of tax on trucks, buses, etc.).

(3) Section 4061(b) (1) (relating to imposition of tax on parts and accessories).

26 USC 4071.

(4) Section 4071(d) (relating to imposition of tax on tires and tubes).

26 USC 4081.

(5) Section 4081(b) (relating to imposition of tax on gasoline).

26 USC 4481.

(6) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(7) Section 4481(e) (relating to period tax in effect).

26 USC 4482.

(8) Section 4482(c) (4) (defining taxable period).

26 USC 6156.

(9) Section 6156(e) (2) (relating to installment payments of tax on use of highway motor vehicles).

26 USC 6421.

(10) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) AMENDMENT OF SECTION 4041(c)(3).—Paragraph (3) of section 4041(c) of such Code (relating to rate of tax) is amended to read as follows: 26 USC 4041.

“(3) RATE OF TAX.—The rate of tax imposed by paragraph (2) is 3 cents a gallon.”

(c) AMENDMENT OF SECTION 6412(a)(1).—Section 6412(a)(1) of such Code (relating to floor stocks refunds) is amended— 26 USC 6412.

(1) by striking out “1979” each place it appears and inserting in lieu thereof “1984”; and

(2) by striking out “1980” each place it appears and inserting in lieu thereof “1985”.

SEC. 503. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND.

(a) HIGHWAY TRUST FUND.—Subsections (c), (e)(1), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

(1) by striking out “1979” each place it appears and inserting in lieu thereof “1984”; and

(2) by striking out “1980” each place it appears and inserting in lieu thereof “1985”.

(b) 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. 16 USC 4601-11.

(1) by striking out “1979” and inserting in lieu thereof “1984”; and

(2) by striking out “1980” each place it appears and inserting in lieu thereof “1985”.

SEC. 504. BYRD AMENDMENT MADE APPLICABLE TO ALL APPORTIONMENTS.

(a) GENERAL RULE.—Subsection (g) of section 209 of the Highway Revenue Act of 1956 is amended to read as follows: 23 USC 120 note.

“(g) ADJUSTMENTS OF APPORTIONMENTS.—

“(1) ESTIMATES OF AMOUNT AVAILABLE FOR EXPENDITURE.—The Secretary of the Treasury shall from time to time, after consultation with the Secretary of Transportation, estimate the amounts which will be available in the Trust Fund (excluding repayable advances) to defray the expenditures which will be required to be made from the Trust Fund. Consultation.

“(2) INITIAL PROCEDURE WHERE THERE IS SHORTFALL.—If the Secretary of the Treasury determines that, after all other expenditures required to be made from the Trust Fund have been defrayed, the amounts which will be available in the Trust Fund (excluding repayable advances) will be insufficient to defray the expenditures which will be required as a result of the apportionment to the States of the amounts authorized to be appropriated from the Trust Fund for any fiscal year—

“(A) he shall so advise the Secretary of Transportation, and Advisement.

“(B) he shall further advise the Secretary of Transportation as to the amount which, after all other expenditures required to be made from the Trust Fund have been defrayed, will be available in the Trust Fund (excluding repayable advances) to defray the expenditures required as a result of the apportionment to the States for such fiscal year.

“(3) DETERMINATION OF PERCENTAGE.—The Secretary of Transportation shall determine the percentage which the amount

referred to in paragraph (2) (B) is of the amount authorized to be appropriated from the Trust Fund for such fiscal year for apportionment to the States.

"(4) **ADJUSTMENT OF APPORTIONMENTS.**—Notwithstanding any other provision of law, the Secretary of Transportation shall (after determining a percentage for a fiscal year under paragraph (3)) apportion to the States for such fiscal year (in lieu of the amount which but for the provisions of this subsection would be so apportioned) the amount obtained by multiplying the amount authorized to be appropriated for such fiscal year by such percentage.

"(5) **APPORTIONMENT OF AMOUNTS PREVIOUSLY WITHHELD FROM APPORTIONMENT.**—Whenever the Secretary of the Treasury determines that there will be available in the Trust Fund (excluding repayable advances) amounts which, after all other expenditures required to be made from the Trust Fund have been defrayed, will be available to defray the expenditures required as a result of the apportionment of funds previously withheld from apportionment for any fiscal year, he shall so advise the Secretary of Transportation. The Secretary of Transportation shall apportion to the States such portion of the funds so withheld from apportionment as the Secretary of the Treasury has advised him may be so apportioned without causing expenditures from the Trust Fund to exceed amounts available in the Trust Fund (excluding repayable advances) to defray such expenditures. Any funds apportioned pursuant to the preceding sentence shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned pursuant to the preceding sentence."

23 USC 120 note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to fiscal years beginning after September 30, 1978.

SEC. 505. CREDIT OR REFUND FOR CERTAIN TAXICABS OF EXCISE TAXES ON GASOLINE AND OTHER MOTOR FUELS.

(a) **GENERAL RULE.**—Section 6427 of the Internal Revenue Code of 1954 (relating to fuels not used for taxable purposes) is amended—

26 USC 6427.

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) **USE IN CERTAIN TAXICABS.**—

Payment.

"(1) **IN GENERAL.**—Except as provided in subsection (h), if—

26 USC 4081.

"(A) any gasoline on which tax is imposed by section 4081, or

26 USC 4041.

"(B) any fuel on the sale of which tax is imposed by section 4041,

is used in a qualified taxicab while engaged exclusively in furnishing qualified taxicab services, the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline or fuel an amount equal to the aggregate amount of the tax imposed on such gasoline or fuel.

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

“(A) QUALIFIED TAXICAB SERVICES.—The term ‘qualified taxicab services’ means the furnishing of nonscheduled passenger land transportation for a fixed fare by a taxicab which is operated by a person who—

“(i) is licensed to engage in the trade or business of furnishing such transportation by a Federal, State, or local authority having jurisdiction over a substantial portion of such transportation furnished by such person, and

“(ii) is not prohibited under the laws, regulations, or procedures of such Federal, State, or local authority, and is not prohibited by company policy, from furnishing (with consent of the passengers) shared transportation.

“(B) QUALIFIED TAXICAB.—Except as provided by subparagraph (C), the term ‘qualified taxicab’ means any land vehicle the passenger capacity of which is less than 10 adults, including the driver.

“(C) CERTAIN GAS-GUZZLING TAXICABS EXCLUDED.—The term ‘qualified taxicab’ does not include any vehicle if—

“(i) such vehicle was acquired by the person operating such vehicle after 1978,

“(ii) the model year of such vehicle is 1978 or later, and

“(iii) the fuel economy of the model type of such vehicle is less than or equal to the average fuel economy standard applicable under section 502(a) of the Motor Vehicle Information and Cost Savings Act to the model year of such vehicle.

15 USC 2002.

The preceding sentence shall not apply to any vehicle manufactured by a manufacturer to which an exemption under section 502(c) of the Motor Vehicle Information and Cost Savings Act was granted (or on application could have been granted) for the model year of such vehicle. Terms used in this subparagraph shall have the same meaning as when used in title V of the Motor Vehicle Information and Cost Savings Act.

15 USC 2001.

“(3) TERMINATION.—This subsection shall not apply after December 31, 1980.”

(b) REFUND ALLOWED WHERE \$50 OR MORE PAYABLE FOR CALENDAR QUARTER.—Subsection (f) (2) of section 6427 of such Code (as redesignated by subsection (a)) is amended to read as follows:

26 USC 6427.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—If—

“(i) \$1,000 or more is payable under subsections (a), (b), (d), and (e), or

“(ii) \$50 or more is payable under subsection (e), to any person with respect to fuel used during any of the first three quarters of his taxable year, a claim may be filed under this section by the purchaser with respect to fuel used during such quarter.

“(B) SPECIAL RULE.—If a claim may be filed by any person under subparagraph (A) (ii) but not under subparagraph (A) (i) for any quarter, such person may file a claim under

subparagraph (A) for such quarter only with respect to amounts payable under subsection (e).

“(C) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.”

(c) TECHNICAL AMENDMENTS.—

26 USC 39.

(1) Subsections (a) (4) and (b) of section 39 of such Code are each amended by striking out “6427(g)” and inserting in lieu thereof “6427(h)”.

26 USC 6427.

(2) Subsections (a), (b) (1), (c), and (d) of section 6427 of such Code are each amended by striking out “(g)” and inserting in lieu thereof “(h)”.

(3) Subsection (f) (1) of such section 6427 (as redesignated by subsection (a)) is amended by striking out “(a), (b), (c), or (d)” and inserting in lieu thereof “(a), (b), (c), (d), or (e)”.

(4) Subsection (h) (2) of such section 6427 (as redesignated by subsection (a)) is amended by striking out “(e) (2)” and inserting in lieu thereof “(f) (2)”.

26 USC 7210,
7603, 7604,
7605.

(5) Sections 7210, 7603, 7604(b), and 7605(a) of such Code are each amended by striking out “6427(f) (2)” each place it appears and inserting in lieu thereof “6427(g) (2)”.

26 USC 7609,
7610.

(6) Sections 7604(c) (2), 7609(c) (1), and 7610(c) of such Code are each amended by striking out “6427(e) (2)” and inserting in lieu thereof “6427(g) (2)”.

26 USC 6427
note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1979.

23 USC 307 note.

SEC. 506. REQUIREMENT FOR A COST ALLOCATION STUDY.

(a) STUDY DIRECTED.—The Secretary of Transportation is hereby authorized and directed, in cooperation with the State highway departments, to undertake a full and complete investigation and study of—

(1) the costs occasioned in design, construction, rehabilitation, and maintenance of Federal-aid highways by the use of vehicles of different dimensions, weights, and other specifications, and by the frequency of such vehicles in the traffic stream;

(2) the proportionate share of such design, construction, rehabilitation, and maintenance costs attributable to each class of persons and vehicles using such highways; and

(3) the need for long-term or continuous monitoring of roadway deterioration to determine the relative damage attributable to traffic and environmental factors.

(b) EVALUATION BY CONGRESSIONAL BUDGET OFFICE.—To assist the Secretary of Transportation in the conduct of the investigation and study authorized and directed by subsection (a) of this section, the Congressional Budget Office is hereby authorized and directed to make an evaluation of—

(1) the procedures to be employed in determining the equitable allocation of highway costs;

(2) the information to be collected to apply the procedures identified pursuant to paragraph (1);

(3) any special studies essential to the conduct of the investigation which can be identified and completed within the deadlines established by this section; and

(4) the procedures to be employed to ensure a continuing equitable allocation of highway costs after study termination. The Congressional Budget Office shall report its findings to the Congress and to the Secretary of Transportation within ninety days after the date of the enactment of this section. These findings shall be employed by the Secretary as guidelines in the design of the investigation and study authorized and directed by subsection (a) of this section.

Report to Congress and Transportation Secretary.

(c) **REPORTS.**—

Submittals to Congress.

(1) Within one hundred and eighty days after the date of the enactment of this section, the Secretary of Transportation shall report to the Congress on a plan for the investigation and study. Such plan shall include, but not be limited to, the data to be gathered; the sources of such data; the method to be used to allocate costs; the method to be used to attribute revenues; the criteria to be employed in arriving at an equitable distribution of the tax burden; the agency or agencies responsible for performance and review of the study; a projected schedule for study performance; and the estimated costs of the study.

(2) On or before January 15, 1980, and January 15, 1981, the Secretary of Transportation shall report to the Congress the progress which has been made in carrying out the study and investigation required by this section. Such progress reports shall include, but not be limited to, a discussion of any changes from the study plan as submitted under provisions of this section and of preliminary findings of the investigation.

(3) The Secretary shall report to the Congress the findings and recommendations of the study no later than January 15, 1982. Such recommendations shall include any alternative tax structures which the Secretary believes would more nearly achieve an equitable distribution of the tax burden among classes of persons and vehicles using Federal-aid highways, and the projected impact of such structures on affected industries and other users.

SEC. 507. STUDY OF EXISTING HIGHWAY EXCISE TAX STRUCTURE AND OF POSSIBLE ALTERNATIVES TO SUCH EXISTING STRUCTURE.

23 USC 120 note.

(a) **IN GENERAL.**—The Secretary of the Treasury, in consultation with the Secretary of Transportation and the staff of the Joint Committee on Taxation, shall—

Consultation.

(1) review and analyze each excise tax now dedicated to the Highway Trust Fund with respect to such factors as ease or difficulty of administration of such tax and the compliance burdens imposed on taxpayers by such tax, and

(2) on or before April 15, 1982, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate as to the matters set forth in paragraph (1) and other findings, as well as recommendations on—

Report to congressional committees.

(A) improvements in excise taxation which would enhance tax administration, equity, and compliance, or

(B) a new system of raising revenues to fund the Highway Trust Fund which would meet the objectives set forth in subparagraph (A).

The recommendations described in paragraph (2) shall be formulated in conjunction with the recommendations of the cost allocation study under section 506 of the equitable distribution of the highway excise taxes.

Consultation and
filing with
congressional
committees.

(b) **INTERIM REPORTS.**—The Secretary of the Treasury, in consultation with the Secretary of Transportation and the staff of the Joint Committee on Taxation, shall file an interim report with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on or before April 15, 1980, and a second interim report on or before April 15, 1981.

Approved November 6, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-1485 (Comm. on Public Works and Transportation) and No. 95-1797 (Comm. of Conference).

SENATE REPORT: No. 95-833 accompanying S. 3073 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Aug. 18, 21, 28, S. 3073 considered in Senate.

Sept. 15, 21, 22, 27, 28, considered and passed House.

Oct. 3, considered and passed Senate, amended, in lieu of S. 3073.

Oct. 15, Senate and House agreed to conference report.