

from the Reader's Digest Association, which sponsored the National Youth of the Year Award. Those combined scholarships will cover the costs of Jason's tuition, books, and room and board for the next 4 years.

Mr. President, I had the pleasure to meet briefly with Jason at my constituent coffee last week when he was in Washington, D.C., with the other four finalists. Jason has the commitment and the integrity to lead the Nation's youth. And I have great confidence that his year as the National Youth will not only benefit him personally, but will have a positive impact on the millions of kids in Boys & Girls Clubs throughout the country.●

#### COMMEMORATING 1995 HEALTHY CHOICE AMERICAN HEART WALK

● Mr. BRADLEY. Mr. President, I rise today to call attention to a wonderful opportunity for my colleagues and their staff to do something good for both themselves and for America; to participate in the Healthy Choice American Heart Walk on September 28 at noon. America's national campaign to fight heart disease will start in the Nation's Capital with a walk on the National Mall involving thousands of our fellow Government and congressional leaders, celebrities, Federal workers, and others.

It is fitting to begin this event in our Nation's Capital because heart disease is a national problem. It is our Nation's No. 1 killer and disabler, and it exacts a devastating emotional and financial toll each year. Of the 10 leading causes of death in our country, heart disease leads the list, and kills more of us each year than the next 9 causes combined. And the financial impact of heart disease and stroke accounts for about one-seventh of our Nation's entire health care bill.

Local American Heart Association chapters have organized more than 800 walks involving thousands of people in cities and towns from coast-to-coast in late September and early October. The steps that will be taken on The Mall this Thursday begin a national round of Heart Walks in which over 400,000 Americans will participate. In the next few weeks, this army of walkers will cover more than 1.2 million miles and will raise more than \$13 million for the American Heart Association.

With the Heart Walk, we can all—quite literally—take meaningful steps toward conquering this killer. We can also advance our cause in two critical ways—by taking steps toward a heart-smart lifestyle and helping others by raising funds to support the ongoing education and research efforts of the American Heart Association.

I urge my colleagues in the Senate to fit this into their schedules and to encourage their staff to participate as well.●

#### NOTE

In the RECORD of Friday, September 22, 1995, during the consideration of the message from the House on S. 440, at page S14144, the text of the House message was inadvertently omitted. The permanent RECORD will be corrected to reflect the following.

#### NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995—MESSAGE FROM THE HOUSE

Mr. CHAFEE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 440) entitled "An Act to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "National Highway System Designation Act of 1995".

(b) *TABLE OF CONTENTS*.—

Sec. 1. Short title; table of contents.

Sec. 2. Secretary defined.

#### TITLE I—NATIONAL HIGHWAY SYSTEM

Sec. 101. National Highway System designation.

#### TITLE II—HIGHWAY FUNDING RESTORATION

Sec. 201. Short title.

Sec. 202. Findings and purposes.

Sec. 203. State high priority project restoration program.

Sec. 204. Rescissions.

Sec. 205. State unobligated balance flexibility.

Sec. 206. Minimum allocation.

Sec. 207. Relief from mandates.

Sec. 208. Definitions.

#### TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Distribution of transit operating assistance limitation.

Sec. 302. Accountability for high cost Federal-aid projects.

Sec. 303. Letters of intent and full financing grant and early systems work agreements.

Sec. 304. Report on capital projects.

Sec. 305. Repeal and modification of existing projects.

Sec. 306. Miscellaneous transit projects.

Sec. 307. Metropolitan planning for transit projects.

Sec. 308. Contracting for engineering and design services.

Sec. 309. Ferry boats and terminal facilities.

Sec. 310. Utilization of the private sector for surveying and mapping services.

Sec. 311. Formula grant program.

Sec. 312. Accessibility of over-the-road buses to individuals with disabilities.

Sec. 313. Alaska Railroad.

Sec. 314. Alcohol and controlled substances testing.

Sec. 315. Alcohol-impaired driving counter-measures.

Sec. 316. Safety research initiatives.

Sec. 317. Public transit vehicles exemption.

Sec. 318. Congestion mitigation and air quality improvement program.

Sec. 319. Quality improvement.

Sec. 320. Applicability of transportation conformity requirements.

Sec. 321. Quality through competition.

Sec. 322. Applicability of certain vehicle weight limitations in Wisconsin.

Sec. 323. Treatment of Centennial Bridge, Rock Island, Illinois, agreement.

Sec. 324. Metric requirements and signs.

Sec. 325. ISTEA technical clarification.

Sec. 326. Metropolitan planning for highway projects.

Sec. 327. Non-Federal share for certain toll bridge projects.

Sec. 328. Discovery and admission as evidence of certain reports and surveys.

Sec. 329. National recreational trails.

Sec. 330. Identification of high priority corridors.

Sec. 331. High priority corridor feasibility studies.

Sec. 332. High cost bridge projects.

Sec. 333. Congestion relief projects.

Sec. 334. High priority corridors on National Highway System.

Sec. 335. High priority corridor projects.

Sec. 336. Rural access projects.

Sec. 337. Urban access and mobility projects.

Sec. 338. Innovative projects.

Sec. 339. Intermodal projects.

Sec. 340. Miscellaneous revisions to Surface Transportation and Uniform Relocation Assistance Act of 1987.

Sec. 341. Eligibility.

Sec. 342. Orange County, California, toll roads.

Sec. 343. Miscellaneous studies.

Sec. 344. Collection of bridge tolls.

Sec. 345. National driver register.

Sec. 346. Roadside barrier technology.

Sec. 347. Motorist call boxes.

Sec. 348. Repeal of national maximum speed limit compliance program.

Sec. 349. Elimination of penalty for noncompliance for motorcycle helmets.

Sec. 350. Safety rest areas.

Sec. 351. Exemptions from requirements relating to commercial motor vehicles and their operators.

Sec. 352. Traffic control signs.

Sec. 353. Brightman Street Bridge, Fall River Harbor, Massachusetts.

Sec. 354. Motor carrier safety program.

Sec. 355. Technical amendment.

Sec. 356. Safety report.

Sec. 357. Operation of motor vehicles by intoxicated minors.

Sec. 358. Effectiveness of drunk driving laws.

#### SEC. 2. SECRETARY DEFINED.

In this Act, the term "Secretary" means the Secretary of Transportation.

#### TITLE I—NATIONAL HIGHWAY SYSTEM

##### SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

"(c) *INITIAL DESIGNATION OF NHS*.—The National Highway System as submitted by the Secretary of Transportation on the map entitled 'Official Submission, National Highway System, Federal Highway Administration', and dated September 1, 1995, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

"(d) *MODIFICATIONS TO THE NHS*.—

"(1) *PROPOSED MODIFICATIONS*.—The Secretary may submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives proposed modifications to the National Highway System. The Secretary may only propose a modification under this subsection if the Secretary determines that such modification meets the criteria and requirements of subsection (b). Proposed modifications may include new segments and deletion of existing segments of the National Highway System. VerDate 20-SEP-95 02:15 Oct 03, 1995 J

"(2) APPROVAL OF CONGRESS REQUIRED.—A modification to the National Highway System may only take effect if a law has been enacted approving such modification.

"(3) REQUIRED SUBMISSIONS.—

"(A) INITIAL SUBMISSION.—Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System. Such modifications shall include a list and description of additions to the National Highway System consisting of connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities.

"(B) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System consisting of any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037) which was not identified on the National Highway System designated by subsection (c).

"(4) INTERIM ELIGIBILITY.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), a modification to the National Highway System which adds to the National Highway System a connection to a major port, airport, international border crossing, public transportation or transit facility, interstate bus terminal, or rail or other intermodal transportation facility shall be eligible for funds apportioned under section 104(b)(1) for the National Highway System if the Secretary finds that such modification is consistent with criteria developed by the Secretary for such modifications to the National Highway System.

"(B) PERIOD OF ELIGIBILITY.—A modification to the National Highway System which is eligible under subparagraph (A) for funds apportioned under section 104(b)(1) may remain eligible for such funds only until the date on which a law has been enacted approving modifications to the National Highway System which connect the National Highway System to facilities referred to in subparagraph (A)."

## TITLE II—HIGHWAY FUNDING RESTORATION

### SEC. 201. SHORT TITLE.

This title may be cited as the "Highway Funding Restoration Act of 1995".

### SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares that—

(1) Federal infrastructure spending on highways is critical to the efficient movement of goods and people in the United States;

(2) section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 has been estimated to result in fiscal year 1996 highway spending being reduced by as much as \$4,200,000,000;

(3) such section 1003(c) will cause every State to lose critical funds from the Highway Trust Fund that can never be recouped; and

(4) the funding reduction would have disastrous effects on the national economy, impede interstate commerce, and jeopardize the 40-year Federal investment in the Nation's highway system.

(b) PURPOSES.—The purposes of this Act are—

- (1) to make the program categories in the current Federal-aid highway program more flexible so that States may fund current, high-priority projects in fiscal year 1996;

(2) to eliminate programs that are not critical during fiscal year 1996 and to reallocate funds so that the States will be able to continue their core transportation infrastructure programs;

(3) to restore funding for exempt highway programs;

(4) to ensure the equitable distribution of funds to urbanized areas with a population over

200,000 in a manner consistent with the Intermodal Surface Transportation Efficiency Act of 1991; and

(5) to suspend certain penalties that would be imposed on the States in fiscal year 1996.

### SEC. 203. STATE HIGH PRIORITY PROJECT RESTORATION PROGRAM.

(a) IN GENERAL.—On October 1 of each of fiscal years 1996 and 1997, or as soon as possible thereafter, the Secretary shall allocate among the States the amounts made available to carry out this section for Interstate highway substitute, National Highway System, surface transportation program, Interstate, congestion mitigation and air quality improvement program, bridge, hazard elimination, and rail-highway crossings projects.

(b) ALLOCATION FORMULA.—Funds made available to carry out this section shall be allocated among the States in accordance with the following table:

| States:                    | Allocation Percentages |
|----------------------------|------------------------|
| Alabama .....              | 1.80                   |
| Alaska .....               | 1.20                   |
| Arizona .....              | 1.43                   |
| Arkansas .....             | 1.42                   |
| California .....           | 9.17                   |
| Colorado .....             | 1.27                   |
| Connecticut .....          | 1.74                   |
| Delaware .....             | 0.39                   |
| District of Columbia ..... | 0.52                   |
| Florida .....              | 4.04                   |
| Georgia .....              | 2.92                   |
| Hawaii .....               | 0.54                   |
| Idaho .....                | 0.70                   |
| Illinois .....             | 3.88                   |
| Indiana .....              | 2.18                   |
| Iowa .....                 | 1.27                   |
| Kansas .....               | 1.13                   |
| Kentucky .....             | 1.53                   |
| Louisiana .....            | 1.52                   |
| Maine .....                | 0.65                   |
| Maryland .....             | 1.68                   |
| Massachusetts .....        | 4.11                   |
| Michigan .....             | 2.75                   |
| Minnesota .....            | 1.69                   |
| Mississippi .....          | 1.11                   |
| Missouri .....             | 2.28                   |
| Montana .....              | 0.93                   |
| Nebraska .....             | 0.79                   |
| Nevada .....               | 0.69                   |
| New Hampshire .....        | 0.48                   |
| New Jersey .....           | 2.86                   |
| New Mexico .....           | 1.02                   |
| New York .....             | 5.35                   |
| North Carolina .....       | 2.62                   |
| North Dakota .....         | 0.64                   |
| Ohio .....                 | 3.64                   |
| Oklahoma .....             | 1.36                   |
| Oregon .....               | 1.23                   |
| Pennsylvania .....         | 4.93                   |
| Rhode Island .....         | 0.56                   |
| South Carolina .....       | 1.42                   |
| South Dakota .....         | 0.69                   |
| Tennessee .....            | 2.00                   |
| Texas .....                | 6.21                   |
| Utah .....                 | 0.73                   |
| Vermont .....              | 0.43                   |
| Virginia .....             | 2.28                   |
| Washington .....           | 2.05                   |
| West Virginia .....        | 1.15                   |
| Wisconsin .....            | 1.90                   |
| Wyoming .....              | 0.65                   |
| Puerto Rico .....          | 0.46                   |
| Territories .....          | 0.01.                  |

(c) EFFECT OF ALLOCATIONS.—Funds distributed to States under subsection (b) shall not affect calculations to determine allocations to States under section 157 of title 23, United States Code, and sections 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(d) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, amounts made available to carry out this section shall be available for obligation for the fiscal year for which such amounts are made available plus the 3 suc-

ceeding fiscal years and shall be subject to the provisions of title 23, United States Code. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(e) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—

(1) GENERAL RULE.—The percentage determined under paragraph (2) of funds allocated to a State under this section for a fiscal year shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3) of title 23, United States Code.

(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

(A) the total amount of the reduction in funds which would have been attributed under section 133(d)(3) of title 23, United States Code, to urbanized areas of the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991; by

(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).

(f) LIMITATION ON PLANNING EXPENDITURES.—One-half of 1 percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of title 23, United States Code (relating to transportation planning). 1½ percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of such title (relating to transportation planning and research).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section \$321,420,595 for fiscal year 1996 and \$155,000,000 for fiscal year 1997.

(h) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Except as otherwise provided in this section, funds allocated under this section shall be available for obligation in the same manner and for the same purposes as if such funds were apportioned under chapter 1 of title 23, United States Code.

(i) TERRITORIES DEFINED.—In this section, the term "territories" means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

### SEC. 204. RESCISSIONS.

(a) RESCISSIONS.—Effective October 1, 1995, and after any necessary reductions are made under section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991, the following unobligated balances available on September 30, 1995, of funds made available for the following provisions are hereby rescinded:

(1) \$78,993.92 made available by section 131(c) of the Surface Transportation Assistance Act of 1982.

(2) \$798,701.04 made available by section 131(j) of the Surface Transportation Assistance Act of 1982.

(3) \$942,249 made available for section 149(a)(66) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(4) \$88,195 made available for section 149(a)(111)(C) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(5) \$155,174.41 made available for section 149(a)(111)(E) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(6) \$36,979.05 made available for section 149(a)(111)(J) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(7) \$34,281.53 made available for section 149(a)(111)(K) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

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(8) \$164,532 made available for section 149(a)(111)(L) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(9) \$86,070.82 made available for section 149(a)(111)(M) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(10) \$52,834 made available for section 149(a)(95) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(11) \$909,131 made available for section 149(a)(99) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(12) \$3,817,000 made available for section 149(a)(35) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(13) \$797,800 made available for section 149(a)(100) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(14) \$2 made available by section 149(c)(3) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(15) \$44,706,878 made available by section 1012(b)(6) of the Intermodal Surface Transportation Efficiency Act of 1991.

(16) \$15,401,107 made available by section 1003(a)(7) of the Intermodal Surface Transportation Efficiency Act of 1991.

(17) \$1,000,000 made available by item number 38 of the table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(18) \$150,000,000 deducted by the Secretary under section 104(a) of title 23, United States Code.

(19) \$10,800,000 made available by section 5338(a)(1) of title 49, United States Code.

(b) REDUCTIONS IN AUTHORIZED AMOUNTS.—

(1) MAGNETIC LEVITATION.—Section 1036(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1986) is amended—

(A) in subparagraph (A) by inserting “and” after “1994”;

(B) in subparagraph (A) by striking “, \$125,000,000” and all that follows through “1997”; and

(C) in subparagraph (B) by striking “1996, and 1997” and inserting “and 1996”.

(2) HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of such Act (105 Stat. 2079) is amended—

(A) by striking “and” the first place it appears and inserting a comma; and

(B) by striking “1996, and 1997” and inserting “and 1996, and \$146,000,000 for 1997”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the day after the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of such Act.

(c) CONGESTION PRICING PILOT PROGRAM TRANSFERS.—After the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991, the amounts made available for fiscal years 1996 and 1997 to carry out section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1938) shall be available to carry out section 203 of this Act, relating to the State high priority restoration program.

#### SEC. 205. STATE UNOBLIGATED BALANCE FLEXIBILITY.

(a) REDUCTION IN FEDERAL FUNDING.—

(1) NOTIFICATION OF STATES.—On October 1, 1995, or as soon as possible thereafter, the Secretary shall notify each State of the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to such State, and that would have been apportioned to such State, as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) EXCLUSION OF CERTAIN FUNDING.—In determining the amount of any reduction under paragraph (1), the Secretary shall deduct—

(A) the amount allocated to each State in fiscal year 1996 to carry out section 203 of this Act, relating to the State high priority project restoration program; and

(B) any amounts made available under section 157(a)(4)(B)(iii) of title 23, United States Code, for fiscal year 1996.

(b) UNOBLIGATED BALANCE FLEXIBILITY.—Upon request of a State, the Secretary shall make available to carry out projects described in section 203(a) of this Act in fiscal year 1996 an amount not to exceed the amount determined under subsection (a) for the State. Such funds shall be made available from authorized funds that were allocated or apportioned to such State and were not obligated as of September 30, 1995. The State shall designate on or before November 1, 1995, or as soon as possible thereafter which of such authorized funds are to be made available under this section to carry out such projects. The Secretary shall make available before November 15, 1995, or as soon as possible thereafter funds designated under the preceding sentence to the State.

(c) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds which were apportioned to the State under section 104(b)(3) of title 23, United States Code, and attributed to urbanized areas of a State with an urbanized population of over 200,000 under section 133(d)(3) of such title may only be designated by the State under subsection (b) if the metropolitan planning organization designated for such area concurs, in writing, with such designation.

(d) CONGESTION MITIGATION AND AIR QUALITY BALANCES.—States may designate under subsection (b) funds apportioned under section 104(b)(2) of title 23, United States Code, and not obligated as of September 30, 1995, to carry out projects described in section 203(a) of this Act only if such funds will be obligated in areas described in section 104(b)(2) of such title or, in the case of a State which does not include such an area, the funds may be obligated in any area of the State.

(e) INTERSTATE CONSTRUCTION BALANCES.—A State may not designate under subsection (b) any more than  $\frac{1}{3}$  of funds apportioned or allocated to the State for Interstate construction and not obligated as of September 30, 1995.

(f) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, amounts designated under subsection (b) shall be available for obligation for the same period for which such amounts were originally made available for obligation and shall be subject to the provisions of title 23, United States Code. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect calculations to determine allocations to States under section 157 of title 23, United States Code, and sections 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(h) STATE.—In this section and section 203, the term “State” has the meaning such term has under section 401 of title 23, United States Code.

#### SEC. 206. MINIMUM ALLOCATION.

(a) FORMULA.—Section 157(a)(4) of title 23, United States Code, is amended—

(1) by striking “In fiscal” and inserting the following:

“(A) IN GENERAL.—In fiscal”;

(2) by inserting “funds authorized to be apportioned by subsection (f)” after “shall allocate”;

(3) by moving subparagraph (A), as designated by paragraph (1) of this subsection, 2 ems to the right; and

(4) by adding at the end the following:

“(B) ADDITIONAL ALLOCATION.—If the aggregate amount allocated to the States under subparagraph (A) after application of section 1003(c) the Intermodal Surface Transportation Efficiency Act of 1991 for any fiscal year beginning after September 30, 1995, is less than the

amount authorized to be appropriated to carry out this section for such fiscal year, then the excess of such authorized amount shall be allocated as follows:

“(i) The Secretary shall first allocate to each State such amount as may be necessary to increase the allocation under subparagraph (A) to the amount that would have been allocated to the State for such fiscal year if the full amount of the funds authorized to be appropriated for such fiscal year by such Act out of the Highway Trust Fund (other than the Mass Transit Account) were appropriated without regard to such section 1003(c).

“(ii) If any of such excess remains after the allocation under clause (i), the Secretary shall allocate to each State such amount as may be necessary so that the amount authorized to be appropriated for such fiscal year for each project to be carried out in such State under sections 1103 through 1108 of such Act without regard to section 1003(c) of such Act is available for the project.

“(iii) The Secretary shall allocate among the States any excess remaining after the allocations under clauses (i) and (ii) so that each State is allocated the following percentages of the remaining excess:

| States:                    | Percentages |
|----------------------------|-------------|
| Alabama .....              | 1.80        |
| Alaska .....               | 1.20        |
| Arizona .....              | 1.43        |
| Arkansas .....             | 1.42        |
| California .....           | 9.17        |
| Colorado .....             | 1.27        |
| Connecticut .....          | 1.74        |
| Delaware .....             | 0.39        |
| District of Columbia ..... | 0.52        |
| Florida .....              | 4.04        |
| Georgia .....              | 2.92        |
| Hawaii .....               | 0.54        |
| Idaho .....                | 0.70        |
| Illinois .....             | 3.88        |
| Indiana .....              | 2.18        |
| Iowa .....                 | 1.27        |
| Kansas .....               | 1.13        |
| Kentucky .....             | 1.53        |
| Louisiana .....            | 1.52        |
| Maine .....                | 0.65        |
| Maryland .....             | 1.68        |
| Massachusetts .....        | 4.11        |
| Michigan .....             | 2.75        |
| Minnesota .....            | 1.69        |
| Mississippi .....          | 1.11        |
| Missouri .....             | 2.28        |
| Montana .....              | 0.93        |
| Nebraska .....             | 0.79        |
| Nevada .....               | 0.69        |
| New Hampshire .....        | 0.48        |
| New Jersey .....           | 2.86        |
| New Mexico .....           | 1.02        |
| New York .....             | 5.35        |
| North Carolina .....       | 2.62        |
| North Dakota .....         | 0.64        |
| Ohio .....                 | 3.64        |
| Oklahoma .....             | 1.36        |
| Oregon .....               | 1.23        |
| Pennsylvania .....         | 4.93        |
| Rhode Island .....         | 0.56        |
| South Carolina .....       | 1.42        |
| South Dakota .....         | 0.69        |
| Tennessee .....            | 2.00        |
| Texas .....                | 6.21        |
| Utah .....                 | 0.73        |
| Vermont .....              | 0.43        |
| Virginia .....             | 2.28        |
| Washington .....           | 2.05        |
| West Virginia .....        | 1.15        |
| Wisconsin .....            | 1.90        |
| Wyoming .....              | 0.65        |
| Puerto Rico .....          | 0.46        |
| Territories .....          | 0.01.       |

“(C) TERRITORIES DEFINED.—In this paragraph, the term ‘territories’ means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.” VerDate 20-SEP-1995

(b) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000 IN FISCAL YEARS 1996 AND 1997.—Section 157 of such title is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f), respectively, and

(2) by inserting after subsection (c) the following:

“(d) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000 IN FISCAL YEARS 1996 AND 1997.—

“(1) GENERAL RULE.—The percentage determined under paragraph (2) of funds allocated to a State under subsection (a)(4)(B)(iii) for each of fiscal years 1996 and 1997 shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3).

“(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

“(A) the total amount of the reduction in funds which would have been attributed under section 133(d)(3) to urbanized areas of the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991; by

“(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).”.

(c) FUNDING.—Section 157(f) of such title, as redesignated by subsection (b), is amended by inserting before the period the following: “and before October 1, 1995, \$1,101,000,000 for fiscal year 1996, \$1,378,000,000 for fiscal year 1997”.

#### SEC. 207. RELIEF FROM MANDATES.

(a) MANAGEMENT SYSTEMS.—The Secretary shall not take any action pursuant to or enforce the provisions of section 303(c) of title 23, United States Code, with respect to any State during fiscal year 1996.

(b) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1987–1990) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

#### SEC. 208. DEFINITIONS.

In this title, the following definitions apply:

(1) AUTHORIZED FUNDS.—The term “authorized funds” means funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out title 23, United States Code (other than sections 402 and 410) and the Intermodal Surface Transportation Efficiency Act of 1991 and subject to an obligation limitation.

(2) URBANIZED AREA.—The term “urbanized area” has the meaning such term has under section 101(a) of title 23, United States Code.

### TITLE III—MISCELLANEOUS PROVISIONS

#### SEC. 301. DISTRIBUTION OF TRANSIT OPERATING ASSISTANCE LIMITATION.

(a) IN GENERAL.—Notwithstanding section 5336(d) of title 49, United States Code, the Secretary shall distribute the limitation on operating assistance under such section—

(1) so that each urbanized area (as such term is defined under section 5302 of such title) that had a population under the 1990 decennial census of the United States of less than 200,000 will receive, under the distribution of such limitation for each of fiscal years 1996 and 1997, 75 percent of the amount the area received under the distribution of such limitation for fiscal year 1995; and

(2) so that an urbanized area that had a population under the 1980 decennial census of the United States of more than 1,000,000 and has a population under the 1990 decennial census of less than 1,000,000, will receive under the distribution of such limitation for each of fiscal years 1996 and 1997, 90 percent of the amount of funds apportioned in fiscal year 1982 under sec-

tions 5(a)(1)(A), 5(a)(2)(A), and 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 to such area.

(b) CONSIDERATION.—In the distribution of the limitation referred to in subsection (a) to urbanized areas that had a population under the 1990 decennial census of 1,000,000 or more, the Secretary shall direct each such area to give priority consideration to the impact of reductions in operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities when the limitation is distributed among all transit authorities operating in the area.

#### SEC. 302. ACCOUNTABILITY FOR HIGH COST FEDERAL-AID PROJECTS.

(a) REQUIREMENTS.—The Secretary shall require each recipient of Federal financial assistance for a highway or transit project with an estimated total cost of \$1,000,000,000 or more to submit to the Secretary an annual financial plan. Such plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

(b) RECOMMENDATIONS ON WITHHOLDING OF ASSISTANCE.—As part of an annual report to be submitted under subsection (c), the Secretary shall make a recommendation to Congress on whether or not future Federal assistance should be withheld with respect to any project described in subsection (a) for which an annual financial plan is not submitted under subsection (a) or for which the Secretary determines that the estimates or assumptions referred to in subsection (a) are not reasonable.

(c) REPORT.—The Secretary shall submit to Congress an annual report on the financial plans submitted to the Secretary under this section, and any recommendation made by the Secretary under subsection (b), in the preceding fiscal year.

#### SEC. 303. LETTERS OF INTENT AND FULL FINANCING GRANT AND EARLY SYSTEMS WORK AGREEMENTS.

Section 5309(g) of title 49, United States Code, is amended—

(1) by indenting and dropping paragraph (1) down 1 line;

(2) by moving all the paragraphs, subparagraphs, and clauses of such section 2 ems to the right;

(3) by inserting after “(1)” the first place it appears the following: “LETTERS OF INTENT.—”;

(4) in paragraph (1)(B) by striking “Public Works and Transportation” and inserting “Transportation and Infrastructure”;

(5) by inserting after (2) the first place it appears “FULL FINANCING GRANT AGREEMENTS.—”;

(6) by inserting after (3) the first place it appears “EARLY SYSTEM WORK AGREEMENTS.—”;

(7) by inserting after (4) the first place it appears “TOTAL ESTIMATED FUTURE OBLIGATIONS AND CONTINGENT COMMITMENTS.—”;

(8) by adding at the end the following:

“(5) PREAUTHORIZATION OF FULL FEDERAL FINANCIAL RESPONSIBILITY.—

“(A) IN GENERAL.—After the date of the enactment of this paragraph and before the date on which Federal-aid highway and transit programs are reauthorized, the Secretary of Transportation may not issue a letter of intent, or enter into a full financing grant agreement or early systems work agreement, under this section for a project or operable segment of a project unless the full amount of Federal financial responsibility for the project or operable segment of a project has been included in an authorization law.

“(B) LIMITATION.—The prohibition on entering into a full financing grant agreement under this paragraph shall not apply—

“(i) to any project for which a letter of intent was issued before the date of the enactment of this paragraph; and

“(ii) to any project included as an element of an interrelated project which also includes an-

other project for which a letter of intent was issued before such date of enactment.”.

#### SEC. 304. REPORT ON CAPITAL PROJECTS FOR FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING FIXED GUIDEWAY SYSTEMS.

Section 5309(m) of title 49, United States Code, is amended—

(1) by indenting and dropping paragraph (1) down 1 line;

(2) by moving all the paragraphs and subparagraphs of such section 2 ems to the right;

(3) by inserting “PERCENTAGES.—” after “(1)” the first place it appears;

(4) by inserting “NONURBANIZED AREA ALLOCATION.—” after “(2)” the first place it appears;

(5) by inserting “REPORTS.—” after “(3)” the first place it appears;

(6) in paragraph (3) by striking “Public Works and Transportation” and inserting “Transportation and Infrastructure”;

(7) in paragraph (3) by striking “a proposal on the allocation” and inserting “a report on the proposed allocation”;

(8) in paragraph (3) by adding at the end the following:

“Such report shall include for each such capital project the following:

“(A) An analysis of the potential funding requirements of the project under paragraph (1)(B) in the succeeding 5 fiscal years.

“(B) A description of the planning and study process undertaken to select the locally preferred alternative for the project.

“(C) A description of efforts undertaken to seek alternative funding sources for the project.”; and

(9) by inserting “MULTIPLE ALLOCATIONS.—” after “(4)” the first place it appears.

#### SEC. 305. REPEAL AND MODIFICATION OF EXISTING PROJECTS.

(a) LONG BEACH METRO LINK FIXED RAIL PROJECT.—Section 3035(o) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131) is repealed.

(b) HONOLULU RAPID TRANSIT PROJECT.—Section 3035(w) of such Act (105 Stat. 2136) is amended by striking “\$618,000,000” and inserting “\$541,100,000”.

#### SEC. 306. MISCELLANEOUS TRANSIT PROJECTS.

(a) NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122–2123) is amended—

(1) by inserting after “Hudson River Waterfront Transportation System” the following: “(including corridor connections to and within the city of Bayonne)”;

(2) by inserting after “Concourse,” the following: “the West Shore Line.”.

(b) NORTH BAY FERRY SERVICE.—Section 3035(c) of such Act (105 Stat. 2129) is amended by striking “\$8,000,000” and all that follows through “1993” and inserting “\$17,000,000”.

(c) STATEN ISLAND-MIDTOWN MANHATTAN FERRY SERVICE.—Section 3035(d) of such Act is amended by striking “\$1,000,000” and all that follows through “1993” and inserting “\$12,000,000”.

(d) CENTRAL AREA CIRCULATOR PROJECT.—Section 3035(e) of such Act is amended by striking the last sentence which begins “Such amount”.

(e) SALT LAKE CITY LIGHT RAIL PROJECT.—Section 3035(f) of such Act is amended by inserting after “including” the following: “related high-occupancy vehicle lane, intermodal corridor design.”.

(f) LOS ANGELES-SAN DIEGO RAIL CORRIDOR IMPROVEMENT PROJECT.—Section 3035(g) of such Act is amended by striking “not less than” the 1st place it appears and all that follows through “1994” and inserting “\$20,000,000”.

(g) SAN JOSE-GILROY-HOLLISTER COMMUTER RAIL PROJECT.—Section 3035(h) of such Act is amended—

(1) by striking “July 1, 1994” and inserting “September 30, 1996”; and VerDate 20-SEP-95 02:15 Oct 03, 1995

(2) by striking "August 1, 1994," and inserting "October 31, 1996,".

(h) DALLAS LIGHT RAIL PROJECT.—

(1) MULTIYEAR GRANT AGREEMENT.—Section 3035(i) of such Act is amended—

(A) by striking "6.4 miles" and inserting "9.6 miles";

(B) by striking "10 stations" and inserting "not to exceed 14 stations";

(C) by striking "such light rail line" and inserting "the program of interrelated projects identified in section 5328(c)(1)(G) of title 49, United States Code,"; and

(D) by striking "of such elements" and inserting "element of such program of interrelated projects".

(2) PROGRAM OF INTERRELATED PROJECTS.—Section 5328(c)(1)(G) of title 49, United States Code, is amended by striking "Camp Wisdom" and inserting "Interstate Route 20, L.B.J. Freeway".

(i) KANSAS CITY LIGHT RAIL LINE.—Section 3035(k) of such Act is amended by striking "\$1,500,000 in fiscal year 1992, and \$4,400,000 in fiscal year 1993" and inserting "\$5,900,000".

(j) DOWNTOWN ORLANDO CIRCULATOR PROJECT.—Section 3035(l) of such Act is amended—

(1) by striking the subsection heading and inserting "DOWNTOWN ORLANDO CIRCULATOR PROJECT";

(2) by striking "No later than April 30, 1992, the" and inserting "The";

(3) by striking "for" the second place it appears and all that follows through the period at the end and inserting "and the completion of final design, construction, land and equipment acquisition, and related activities for the Downtown Orlando Circulator project.".

(k) DETROIT LIGHT RAIL PROJECT.—Section 3035(m) of such Act is amended by striking "not less than" the first place it appears and all that follows through "1993," and inserting "\$20,000,000".

(l) LAKEWOOD-FREEHOLD-MATAWAN OR JAMESBURG RAIL PROJECT.—Section 3035(p) of such Act is amended by striking "\$1,800,000" and all that follows through "1994" and inserting "\$7,800,000".

(m) CHARLOTTE LIGHT RAIL STUDY.—Section 3035(r) of such Act is amended by striking "\$125,000" and all that follows through "1993" and inserting "\$500,000".

(n) SAN DIEGO MID COAST FIXED GUIDEWAY PROJECT.—Section 3035(u) of such Act is amended—

(1) in the subsection heading by striking "MID COAST LIGHT RAIL PROJECT" and inserting "METROPOLITAN TRANSIT IMPROVEMENT PROGRAM";

(2) by striking "No later than April 30, 1992, the" and inserting "The"; and

(3) by striking "\$2,000,000" and all that follows through the period and inserting "\$27,000,000 for the integrated project financing of the San Diego Mid Coast and Mission Valley East Corridor fixed guideway projects.".

(o) EUREKA SPRINGS, ARKANSAS.—Section 3035(z) of such Act is amended by striking the text and inserting the following: "From funds made available under section 5309(m)(1)(C) of title 49, United States Code, the Secretary shall make available \$63,600 to Eureka Springs Transit for the purchase of an alternative fueled vehicle which is accessible to and usable by individuals with disabilities.".

(p) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—Section 3035(nn) of such Act is amended—

(1) in paragraph (1) by striking "as follows:" and all that follows through "1994," and inserting "and shall not be less than \$60,000,000.";

(2) in paragraph (2) by striking "as follows:" and all that follows through the period at the end of subparagraph (C) and inserting "and shall total \$160,000,000."; and

(3) in paragraph (3) by striking "for fiscal year 1993".

(q) DULLES CORRIDOR RAIL PROJECT.—Section 3035(aaa) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The"; and

(2) by striking "the completion" and all that follows through "engineering for".

(r) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—Section 3035(bbb) of such Act is amended to read as follows:

"(bbb) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—From funds made available under section 5309(m)(1)(B) of title 49, United States Code, the Secretary shall make available \$300,000,000 for the Central Puget Sound Regional Transit Project.".

(s) CANAL STREET CORRIDOR LIGHT RAIL.—Section 3035(fff) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The"; and

(2) by striking "negotiate" and all that follows through "includes" and inserting "make available".

(t) SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—Section 5320 of title 49, United States Code, is amended—

(1) in subsection (h)(1)(A) by striking "for the fiscal year ending September 30, 1992,";

(2) in subsection (h)(1)(B) by striking "for the fiscal year ending September 30, 1993,";

(3) in subsection (h)(1)(C) by striking "for the fiscal year ending September 30, 1994,"; and

(4) by adding at the end the following new subsection:

"(1) DEADLINE.—

"(1) COMPLETION OF COMPETITION.—Notwithstanding any other provision of this section, not later than 60 days after the date of the enactment of this subsection, the Secretary shall complete the national competition initiated under subsection (c) by selecting the public entity referred to in subsection (c)(3).

"(2) THEREAFTER.—Following selection of the public entity in accordance with paragraph (1)—

"(A) the Secretary shall make to such public entity the payments under subsections (h)(1)(B) and (h)(1)(C); except that such payments shall be made in the form of grants under section 5312(a); and

"(B) the Secretary, upon completion of preliminary engineering and design, shall negotiate and enter into a full financing grant agreement with such public entity under subsection (e), consistent with section 5309(g).".

(u) ADDITIONAL TRANSIT PROJECTS.—

(1) CANTON-AKRON-CLEVELAND COMMUTER RAIL.—From funds made available under section 5309(m)(1)(B) of title 49, United States Code, the Secretary shall make available \$6,500,000 for the Canton-Akron-Cleveland Commuter Rail project.

(2) CINCINNATI NORTHEAST/NORTHERN KENTUCKY RAIL.—From funds made available under such section, the Secretary shall make available \$2,000,000 for the Cincinnati Northeast/Northern Kentucky Rail project.

(3) DART NORTH CENTRAL LIGHT RAIL EXTENSION.—From funds made available under such section, the Secretary shall make available \$2,500,000 for the DART North Central Light Rail Extension project.

(4) DALLAS-FORT WORTH RAILTRAN.—From funds made available under such section, the Secretary shall make available \$5,000,000 for the Dallas-Fort Worth RAILTRAN project.

(5) FLORIDA TRI-COUNTY COMMUTER RAIL.—From funds made available under such section, the Secretary shall make available \$10,000,000 for the Florida Tri-County Commuter Rail project.

(6) MIAMI-NORTH 27TH AVENUE.—From funds made available under such section, the Secretary shall make available \$2,000,000 for the Miami-North 27th Avenue project.

(7) MEMPHIS, TENNESSEE, REGIONAL RAIL PLAN.—From funds made available under such section, the Secretary shall make available \$2,500,000 for the Memphis, Tennessee, Regional Rail Plan project.

(8) NEW ORLEANS CANAL STREET CORRIDOR.—From funds made available under such section, the Secretary shall make available \$10,000,000 for the New Orleans Canal Street Corridor project.

(9) ORANGE COUNTY TRANSITWAY.—From funds made available under such section, the Secretary shall make available \$5,000,000 for the Orange County Transitway project.

(10) WHITEHALL FERRY TERMINAL, NEW YORK, NEW YORK.—From funds made available under such section, the Secretary shall make available \$5,000,000 for the Whitehall Ferry Terminal project.

(11) WISCONSIN CENTRAL COMMUTER.—From funds made available under such section, the Secretary shall make available \$14,400,000 for the Wisconsin Central Commuter project.

(12) SAN JUAN, PUERTO RICO, TREN URBANO.—From funds made available under such section, the Secretary shall make available \$15,000,000 for the San Juan, Puerto Rico, Tren Urbano project.

(13) TAMPA TO LAKE LAND COMMUTER RAIL.—From funds made available under such section, the Secretary shall make available \$1,000,000 for the Tampa to Lakeland Commuter Rail project.

#### SEC. 307. METROPOLITAN PLANNING FOR TRANSIT PROJECTS.

Section 5303(b) of title 49, United States Code, is amended by adding at the end the following: "(16) recreational travel and tourism.".

#### SEC. 308. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 5325 of title 49, United States Code, is amended by adding at the end the following:

"(e) SPECIAL RULES FOR ENGINEERING AND DESIGN CONTRACTS.—

"(1) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subsection (d), whether funded in whole or in part with Federal transit funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

"(2) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subsection (d) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rate data described in this paragraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

"(3) STATE OPTION.—Paragraphs (1) and (2) shall take effect 2 years after the date of the enactment of this subsection with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such paragraphs shall not apply with respect to such State.".

#### SEC. 309. FERRY BOATS AND TERMINAL FACILITIES.

Section 129(c)(5) of title 23, United States Code, is amended—

(1) by inserting before the period at the end of the first sentence the following: "or between aVerDate 20-SEP-1995"

point in a State and a point in the Dominion of Canada"; and

(2) in the second sentence by inserting after "Puerto Rico" the following: "; between a point in a State and a point in the Dominion of Canada,".

**SEC. 310. UTILIZATION OF THE PRIVATE SECTOR FOR SURVEYING AND MAPPING SERVICES.**

Section 306 of title 23, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "In"; and

(2) by adding at the end the following:

"(b) GUIDANCE.—The Secretary shall issue guidance to encourage States to utilize, to the maximum extent practicable, private sector sources for surveying and mapping services for highway projects under this title. In carrying out this subsection, the Secretary shall determine appropriate roles for State and private mapping and surveying activities, including—

"(1) preparation of standards and specifications;

"(2) research in surveying and mapping instrumentation and procedures and technology transfer to the private sector;

"(3) providing technical guidance, coordination, and administration of State surveying and mapping activities; and

"(4) establishing a schedule with quantifiable goals for increasing the use by the States of private sector sources for surveying and mapping activities.".

**SEC. 311. FORMULA GRANT PROGRAM.**

(a) TRANSIT SECURITY SYSTEMS.—Section 5307(d)(1)(J)(i) of title 49, United States Code, is amended by inserting before "and any other" the following: "employing law enforcement or security personnel in areas within or adjacent to such systems,".

(b) FERRYBOAT OPERATIONS.—For purposes of calculating apportionments under section 5336 of title 49, United States Code, for fiscal years beginning after September 30, 1995, 50 percent of the ferryboat revenue vehicle miles and 50 percent of the ferryboat route miles attributable to service provided to the city of Avalon, California, for which the operator receives public assistance shall be included in the calculation of "fixed guideway vehicle revenue miles" and "fixed guideway route miles" attributable to the Los Angeles urbanized area under sections 5336(b)(2)(A) and 5335 of such title.

**SEC. 312. ACCESSIBILITY OF OVER-THE-ROAD BUSES TO INDIVIDUALS WITH DISABILITIES.**

Section 306(a)(2)(B)(iii) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12186(a)(2)(B)(iii)) is amended—

(1) in subclause (I) by striking "7 years after the date of the enactment of this Act" and inserting "3 years after the date of issuance of final regulations under subparagraph (B)(ii)"; and

(2) in subclause (II) by striking "6 years after such date of enactment" and inserting "2 years after the date of issuance of such final regulations".

**SEC. 313. ALASKA RAILROAD.**

Section 5337(a)(3)(B) of title 49, United States Code, is amended by adding at the end the following: "The Alaska Railroad is eligible for assistance under this subparagraph with respect to improvements to its passenger operations.".

**SEC. 314. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.**

(a) MASS TRANSIT TESTING.—Section 5331(b)(1)(A) of title 49, United States Code, is amended to read as follows:

"(b) TESTING PROGRAM FOR MASS TRANSPORTATION EMPLOYEES.—(1)(A) In the interest of mass transportation safety, the Secretary shall prescribe regulations that establish a program requiring mass transportation operations that receive financial assistance under section 5307, 5309, or 5311 of this title or section 103(e)(4) of

title 23 to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such operations to conduct preemployment testing of such employees for the use of alcohol."

(b) RAILROAD TESTING.—Section 20140(b)(1)(A) of title 49, United States Code, is amended to read as follows:

"(A) a railroad carrier to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation; the regulations shall permit such railroad carriers to conduct preemployment testing of such employees for the use of alcohol; and"

(c) MOTOR CARRIER TESTING.—Section 31306(b)(1)(A) of such title is amended to read as follows:

"(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol."

(d) AVIATION TESTING.—

(1) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—Section 45102(a)(1) of title 49, United States Code, is amended to read as follows:

"(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit air carriers and foreign air carriers to conduct preemployment testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol."

(2) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—Section 45102(b)(1) of title 49, United States Code, is amended to read as follows:

"(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Ad-

ministrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of a controlled substance in violation of law or a United States Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions and shall establish a program of reasonable suspicion, random and post-accident testing for the use of alcohol in violation of law or a United States Government regulation for such employees. The Administrator may establish a program of preemployment testing for the use of alcohol for such employees."

**SEC. 315. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.**

(a) TECHNICAL AMENDMENT.—Section 410(d)(1)(E) of title 23, United States Code, is amended by striking "the date of enactment of this section" and inserting "December 18, 1991".

(b) BASIC GRANT ELIGIBILITY.—Section 410(d) of such title is further amended—

(1) in paragraph (3)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following:

"(B) A State shall be treated as having met the requirement of this paragraph if—

"(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

"(ii) the State demonstrates to the satisfaction of the Secretary—

"(I) that the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

"(II) that the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years."; and

(2) by adding at the end the following:

"(7) Any individual under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated."

(c) SUPPLEMENTAL GRANTS.—Section 410(f) of such title is amended by striking paragraph (1) and redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively.

**SEC. 316. SAFETY RESEARCH INITIATIVES.**

(a) OLDER DRIVERS AND OTHER SPECIAL DRIVER GROUPS.—

(1) STUDY.—The Secretary shall conduct a study of technologies and practices to improve the driving performance of older drivers and other special driver groups.

(2) DEMONSTRATION ACTIVITIES.—In conducting the study under paragraph (1), the Secretary shall undertake demonstration activities which incorporate and build upon gerontology research related to the study of the normal aging process. The Secretary shall initially implement such activities in those States which have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode.

(3) COOPERATIVE AGREEMENT.—The Secretary shall carry out the study under paragraph (1) by entering into a cooperative agreement with an institution that has demonstrated competencies in gerontological research, population demographics, human factors related to transportation, and advanced technology applied to transportation.

(b) WORK ZONE SAFETY.—In carrying out the work zone safety program under section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary shall utilize a variety of methods to increase safety at highway construction sites, including each of the following:

(1) Conferences to explore new techniques and stimulate dialogue for improving work zone safety.



(2) Creation of a national clearinghouse to assemble and disseminate, by electronic and other means, information relating to the improvement of work zone safety.

(3) A national promotional campaign in cooperation with the States to provide timely, site-specific information to motorists when construction workers are actually present.

(c) RADIO AND MICROWAVE TECHNOLOGY FOR MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(1) STUDY.—The Secretary, in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration, shall conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles.

(2) EQUIPMENT.—Equipment developed under the study to be conducted under subsection (a) shall be directed toward, but not limited to, advance warning to operators of all types of motor vehicles of—

(A) temporary obstructions in a highway;

(B) poor visibility and highway surface conditions caused by adverse weather; and

(C) movement of emergency vehicles.

(3) SAFETY APPLICATIONS.—In conducting the study under paragraph (1), the Secretary shall determine whether the technology described in this subsection has other appropriate safety applications.

#### SEC. 317. PUBLIC TRANSIT VEHICLES EXEMPTION.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) by striking “2-year” the first place it appears and all that follows through “Act,” and inserting “period beginning on October 6, 1992, and ending on the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National Highway System Designation Act of 1995,”; and

(2) by striking the second sentence.

#### SEC. 318. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) AREAS ELIGIBLE FOR FUNDS.—

(1) IN GENERAL.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(A) by inserting “if the project or program is for an area in the State that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994 and” after “program” the 2nd place it appears; and

(B) in paragraph (1)(A) by striking “contribute” and all that follows through “; or” and inserting the following: “contribute to—

“(i) the attainment of a national ambient air quality standard; or

“(ii) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or”.

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

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

(B) in the third sentence—

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

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

(b) EFFECT OF LIMITATION ON APPORTIONMENT.—Notwithstanding any other provision of law, for each of fiscal years 1996 and 1997, any limitation under an amendment made by this section on an apportionment of funds otherwise

authorized under section 1003(a)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) shall not affect any local harmless apportionment adjustment under section 1015(a) of such Act (105 Stat. 1943).

#### SEC. 319. QUALITY IMPROVEMENT.

(a) LIFE-CYCLE COST ANALYSIS.—Section 106 of title 23, United States Code, is amended by adding at the end the following:

“(e) LIFE-CYCLE COST ANALYSIS.—

“(1) ESTABLISHMENT.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of all projects on the National Highway System with an estimated total cost of \$25,000,000 or more.

“(2) ANALYSIS OF LIFE-CYCLE COSTS DEFINED.—In this subsection, the term ‘analysis of life-cycle costs’ means a process for evaluating the total economic worth of one or more projects by analyzing both initial costs as well as discounted future costs, such as maintenance, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project or projects.”.

(b) VALUE ENGINEERING.—Such section is further amended by adding at the end the following:

“(f) VALUE ENGINEERING FOR NHS.—

“(1) REQUIREMENT.—The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System with an estimated total cost of \$25,000,000 or more.

“(2) VALUE ENGINEERING DEFINED.—For purposes of this subsection, the term ‘value engineering analysis’ means a systematic process of review and analysis of a project or activity during its design phase by a multidisciplinary team of persons not originally involved in the project or activity in order to provide suggestions for reducing the total cost of the project or activity and providing a project or activity of equal or better quality. Such suggestions may include a combination or elimination of inefficient or expensive parts of the original proposed design for the project or activity and total redesign of the proposed project or activity using different technologies, materials, or methods so as to accomplish the original purpose of the project or activity.”.

#### SEC. 320. APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS.

(a) HIGHWAY CONSTRUCTION.—Section 109(f) of title 23, United States Code, is amended by striking “plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.” and inserting the following: “plan for—

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

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

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

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

“(A) a nonattainment area and each specific pollutant for which the area is designated as a nonattainment area; and

“(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 175A with respect to the specific pollutant for which the area was designated nonattainment.”.

#### SEC. 321. QUALITY THROUGH COMPETITION.

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

“(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

“(D) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm’s indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

“(E) STATE OPTION.—Subparagraphs (C) and (D) shall take effect 2 years after the date of the enactment of this subparagraph with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to such State.”.

(b) REPEAL OF PILOT PROGRAM.—Section 1092 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 112 note; 105 Stat. 2024) is repealed.

#### SEC. 322. APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.

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

“(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of enactment of this subsection.”.

#### SEC. 323. TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled “An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa”, approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been enteredVerDate 20-SEP-2015 14:22:00

into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of the title.

#### SEC. 324. METRIC REQUIREMENTS AND SIGNS.

(a) **PLACEMENT OF SIGNS.**—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to construct, erect, or otherwise place any sign relating to any speed limit, distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or other measurement using the metric system.

(b) **MODIFICATION OF SIGNS.**—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to modify any sign relating to any speed limit, any distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or measurement using the metric system.

(c) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **HIGHWAY.**—The term “highway” has the meaning such term has under section 101 of title 23, United States Code.

(2) **METRIC SYSTEM.**—The term “metric system” has the meaning the term “metric system of measurement” has under section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

#### SEC. 325. ISTEA TECHNICAL CLARIFICATION.

Section 131(s) of title 23, United States Code, is amended by striking the period at the end of the first sentence and inserting the following: “; except that nothing in this subsection or section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 shall restrict, or otherwise be applied by the Secretary to affect, the authority of a State under subsection (d) of this section with respect to commercial or industrial areas or the authority of a State under subsection (k) of this section to establish standards imposing stricter limitations than those established in this subsection.”.

#### SEC. 326. METROPOLITAN PLANNING FOR HIGHWAY PROJECTS.

Section 134(f) of title 23, United States Code, is amended by adding at the end the following: “(16) Recreational travel and tourism.”.

#### SEC. 327. NON-FEDERAL SHARE FOR CERTAIN TOLL BRIDGE PROJECTS.

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

#### SEC. 328. DISCOVERY AND ADMISSION AS EVIDENCE OF CERTAIN REPORTS AND SURVEYS.

Section 409 of title 23, United States Code, is amended by inserting “or collected” after “compiled”.

#### SEC. 329. NATIONAL RECREATIONAL TRAILS.

(a) **STATE ELIGIBILITY.**—Section 1302(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (33 U.S.C. 1261(c)) is amended—

(1) by striking “Act” each place it appears and inserting “part”;

(2) in paragraph (2) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(3) by adding at the end the following:

“(3) **SIXTH YEAR PROVISION.**—On and after the date that is 5 years after the date of the enactment of this part, a State shall be eligible to receive moneys under this part in a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in such fiscal year.”.

(b) **ADMINISTRATIVE COSTS.**—Section 1302(d)(1) of such Act (33 U.S.C. 1261(d)(1)) is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

“(D) contracting for services with other land management agencies; and”.

(c) **ENVIRONMENTAL MITIGATION.**—

(1) **IN GENERAL.**—Section 1302(e) of such Act (33 U.S.C. 1261(e)) is amended—

(A) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively; and

(B) by inserting after paragraph (4) the following:

“(5) **ENVIRONMENTAL MITIGATION.**—

“(A) **REQUIREMENT.**—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State shall give priority to project proposals which provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

“(B) **COMPLIANCE.**—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).”.

(2) **CONFORMING AMENDMENT.**—Section 1302(e)(4) of such Act (33 U.S.C. 1261(e)(4)) is amended by striking “paragraphs (6) and (8)(B)” and inserting “paragraphs (7) and (9)(B)”.

(d) **EXCLUSIONS.**—Section 1302(e)(7) of such Act, as redesignated by subsection (c), is amended—

(1) by striking “(7) SMALL STATE EXCLUSION.—” and inserting the following:

“(7) **EXCLUSIONS.**—

“(A) **SMALL STATE.**—”;

(2) by moving the text of subparagraph (A), as designated by paragraph (1), 2 ems to the right; and

(3) by adding at the end the following:

“(B) **BEST INTEREST OF A STATE.**—Any State which determines based on trail needs identified in its State Comprehensive Outdoor Recreation Plan that it is in the best interest of the State to be exempt from the requirements of paragraph (4) may apply to the Secretary for such an exemption. Before approving or disapproving an application for such an exemption, the Secretary shall publish in the Federal Register notice of receipt of the application and provide an opportunity for public comment on the application.”.

(e) **RETURN OF MONEYS NOT EXPENDED.**—Section 1302(e)(9) of such Act, as redesignated by subsection (c), is amended—

(1) by inserting “the State” before “may be exempted”; and

(2) by striking “and expended or committed” and all that follows before the period.

(f) **ADVISORY COMMITTEE.**—Section 1303(b) of such Act (16 U.S.C. 1262(b)) is amended—

(1) by striking “11 members” and inserting “12 members”;

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(3) by inserting after paragraph (1) the following:

“(2) 1 member appointed by the Secretary representing individuals with disabilities.”.

#### SEC. 330. IDENTIFICATION OF HIGH PRIORITY CORRIDORS.

(a) **IN GENERAL.**—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

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

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

Ste. Marie terminus shall be reached via a corridor connecting Adrian, Jackson, Lansing, Mount Pleasant, and Grayling, Michigan.

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

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

“(II) I-581 to I-81 in the vicinity of Roanoke;

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

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

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

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

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

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

“(I) in the case of I-73—

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

“(bb) State Route 68 to I-40;

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

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

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

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

“(II) in the case of I-74—

“(aa) I-77 from Bluefield, West Virginia, to the junction of I-77 and the United States Route 52 connector in Surry County, North Carolina;

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

“(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina;

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

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

“(ff) United States Route 74 to United States Route 76 near Whiteville;

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

“(hh) South Carolina State line to Charleston, South Carolina.”;

(2) in paragraph (18)—

(A) by striking “and”;

(B) by inserting “Mississippi, Arkansas,” after “Tennessee,”; and

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

(3) by inserting before the period at the end of paragraph (18) the following: “, and to include the Corpus Christi Northside Highway and Rail Corridor from the existing intersection of United States Route 77 and Interstate Route 37 to United States Route 181”; and

(4) by adding at the end the following:

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

“(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota.

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

“(25) State Route 168 (South Battlefield Boulevard), Virginia, from the Great Bridge Bypass to the North Carolina State line.



"(26) The CANNAMEX CORRIDOR from Nogales, Arizona, through Las Vegas, Nevada, to Salt Lake City, Utah, to Idaho Falls, Idaho, to Great Falls, Montana, to the Canadian Border as follows:

"(A) In the State of Arizona, the CANAMEX CORRIDOR shall generally follow—

"(i) I-19 from Nogales to Tucson;

"(ii) I-10 from Tucson to Phoenix; and

"(iii) United States Route 93 from Phoenix to the Nevada Border.

"(B) In the State of Nevada, the CANAMEX CORRIDOR shall follow—

"(i) United States Route 93 from the Arizona Border to Las Vegas; and

"(ii) I-15 from Las Vegas to the Utah Border.

"(C) From the Utah Border to the Canadian Border, the CANAMEX CORRIDOR shall follow I-15.

"(27) The Camino Real Corridor from El Paso, Texas, to Denver, Colorado, as follows:

"(A) In the State of Texas, the Camino Real Corridor shall generally follow—

"(i) arterials from the international ports of entry to I-10 in El Paso County; and

"(ii) I-10 from El Paso County to the New Mexico border.

"(B) In the State of New Mexico, the Camino Real Corridor shall generally follow—

"(i) I-10 from the Texas Border to Las Cruces; and

"(ii) I-25 from Las Cruces to the Colorado Border.

"(C) In the State of Colorado, the Camino Real Corridor shall generally follow I-25 from the New Mexico Border to Denver."

(b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e) of such Act (105 Stat. 2033) is amended by adding at the end the following:

"(5) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Where not a part of the Interstate System, the routes referred to in clauses (i), (ii), and (iii) of subsection (c)(5)(B) (other than the portion located in the State of West Virginia), in subsection (c)(9), and in subsections (c)(18) and (c)(20) are hereby designated future parts of the Interstate System. Any segment of such routes shall become a part of the Interstate System at such time as the Secretary determines that the segment—

"(A) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

"(B) connects to an existing Interstate System segment and functions as a safe and usable segment."

#### SEC. 331. HIGH PRIORITY CORRIDOR FEASIBILITY STUDIES.

(a) EVACUATION ROUTES FOR LOUISIANA COASTAL AREAS.—Section 1105(e)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033) is amended by adding at the end the following new sentence: "A feasibility study may be conducted under this subsection to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana."

(b) EAST-WEST TRANSAMERICA CORRIDOR.—With amounts available to the Secretary under section 1105(h) of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary in cooperation with the States of Virginia and West Virginia shall conduct a study to determine the feasibility of establishing a route for the East-West Transamerica Corridor (designated pursuant to section 1105(c)(3) of such Act) from Beckley, West Virginia, utilizing a corridor entering Virginia near the city of Covington then moving south from the Allegheny Highlands to serve Roanoke and continuing east to Lynchburg. From there such route would continue across Virginia to the Hampton Roads-Norfolk area.

#### SEC. 332. HIGH COST BRIDGE PROJECTS.

The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027–2028) is amended—

(1) in item number 5, relating to Gloucester Point, Virginia, by inserting after "York River" the following: "and for repair, strengthening, and rehabilitation of the existing bridge"; and

(2) in item number 10, relating to Shakopee, Minnesota, by inserting "project, including the bypass of" after "replacement".

#### SEC. 333. CONGESTION RELIEF PROJECTS.

The table contained in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2029–2031) is amended—

(1) in item number 1, relating to Long Beach, California, by striking "HOV Lanes on" and inserting "downtown Long Beach access ramps into the southern terminus of";

(2) in item number 10, relating to San Diego, California, by striking "1 block of Cut and Cover Tunnel on Rt. 15" and inserting "bridge decking on Route 15";

(3) in item number 23, relating to Tucson, Arizona, by inserting ", of which a total of \$3,609,620 shall be available for the project authorized by item number 74 of the table contained in section 1106(b)" after "in Tucson, Arizona"; and

(4) in item number 43, relating to West Virginia, by striking "Coal Fields" and inserting "Coalfields".

#### SEC. 334. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

Section 1105(c)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by inserting before the period at the end the following: "commencing on the Atlantic Coast in the Hampton Roads-Norfolk area going westward across Virginia to a West Virginia corridor centered around Beckley to Welch as part of the Coalfields Expressway described in section 1069(v), then to Williamson sharing a common corridor with the I-73/74 Corridor (referred to in item 12 of the table contained in subsection (f)), then to a Kentucky Corridor centered on the cities of Pikeville, Jenkins, Hazard, London, Somerset, Columbia, Bowling Green, Hopkinsville, Benton, and Paducah, into Illinois, and into Missouri and exiting Western Missouri and entering the southeast corner of Kansas".

#### SEC. 335. HIGH PRIORITY CORRIDOR PROJECTS.

The table contained in section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033–2035) is amended—

(1) in item 1, relating to Pennsylvania, by inserting after "For" the following: "the segment described in item 6 of this table and up to \$11,000,000 for";

(2) in item 2, relating to Alabama, Georgia, Mississippi, Tennessee, by inserting after "Rt. 72" the following: "and up to \$1,500,000 from the State of Alabama's share of the project for modification of the Keller Memorial Bridge in Decatur, Alabama, to a pedestrian structure"; and

(3) in item number 26, relating to Indiana, Kentucky, Tennessee, by striking "Newberry" and inserting "Evansville".

#### SEC. 336. RURAL ACCESS PROJECTS.

The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037–2042) is amended—

(1) in item number 34, relating to Illinois, by striking "Resurfacing" and all that follows through "Omaha" and inserting "Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County";

(2) in item number 52, relating to Bedford Springs, Pennsylvania, by striking "and Huntingdon" and inserting "Franklin, and Huntingdon";

(3) in item number 61, relating to Lubbock, Texas, by striking "with Interstate 20" and inserting "with Interstate 10 through Interstate 20 and Interstate 27 north of Amarillo to the Texas/Oklahoma border";

(4) in item number 71, relating to Chautauqua County, New York, by inserting "and other improvements" after "expressway lanes";

(5) in item number 75, relating to Pennsylvania, by striking "Widen" and all that follows through "lanes" and inserting "Road improvements on a 14-mile segment of U.S. Route 15 in Lycoming County, Pennsylvania";

(6) in item number 93, relating to New Mexico, by striking "Raton-Clayton Rd., Clayton, New Mexico" and inserting "U.S. Rt. 64/87 from Raton, New Mexico, through Clayton to the Texas-New Mexico State line"; and

(7) in item number 111, relating to Parker County, Texas (SH199)—

(A) by striking "Parker County" and inserting "Parker and Tarrant Counties"; and

(B) by striking "to four-" and inserting "in Tarrant County, to freeway standards and in Parker County to a 4-".

#### SEC. 337. URBAN ACCESS AND MOBILITY PROJECTS.

The table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2043–2047) is amended—

(1) in item number (9), relating to New York, New York, by striking "Improvements" and all that follows through "NY" and inserting "Projects in New York City, New York (other than improvements to the Miller Highway)";

(2) in item number 13, relating to Joliet, Illinois, by striking "and construction and interchange at Houbolt Road and I-80";

(3) in item number 36, relating to Compton, California, by striking "For a grade" and all that follows through "Corridor" and inserting "For grade separations and other improvements in the city of Compton, California"; and

(4) in item number 52, relating to Chicago, Illinois, by striking "Right-of-way" and all that follows through "Connector" and inserting "Reconstruct the Michigan Avenue viaduct".

#### SEC. 338. INNOVATIVE PROJECTS.

The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048–2059) is amended—

(1) in item 19, relating to Water Street, Pennsylvania—

(A) by striking "Water Street,"; and

(B) by inserting ", or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania" after "Pennsylvania" the second place it appears;

(2) in item 20, relating to Holidaysburg, Pennsylvania—

(A) by striking "Holidaysburg," the first place it appears; and

(B) by inserting ", or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania" after "Pennsylvania" the second place it appears;

(3) in item number 24, relating to Pennsylvania, by inserting after "line" the following: "and for the purchase, rehabilitation, and improvement of any similar existing facility within a 150-mile radius of such project, as selected by the State of Pennsylvania";

(4) in item number 29, relating to Blacksburg, Virginia, by inserting "methods of facilitating public and private participation in" after "demonstrate";

(5) in item number 35, relating to Alabama, by striking "to bypass" and all that follows through "I-85" and inserting "beginning on U.S. Route 80 west of Montgomery, Alabama, and connecting to I-65 south of Montgomery and I-85 east of Montgomery";

(6) in item 49, relating to Suffolk County, New York, by inserting after "perimeters" the following: "and provide funds to the towns of Brookhaven, Riverhead, Smithtown, East Hampton, Southold, Shelter Island, and Southampton for the purchase of vehicles to meet the transportation needs of the elderly and persons with disabilities";

(7) in item number 52, relating to Pennsylvania, by striking "2" and all that followsVerDate 20-SEP-

through "Pennsylvania" and inserting "or rehabilitate (or both) highway and transportation infrastructure projects within 30 miles of I-81 or I-80 in northeastern Pennsylvania";

(8) in item number 61, relating to Mojave, California, by striking "Mojave" and inserting "Victorville" and by inserting "Mojave" after "reconstruct";

(9) in item number 68, relating to Portland/S. Portland, Maine—

(A) by striking "Portland/S. Portland,"; and  
(B) by inserting after "Bridge" the following: "and improvements to the Carlton Bridge in Bath-Woolworth";

(10) in item number 76, relating to Tennessee, by inserting "Improved access to" before "I-81" and striking "Interchange" and inserting after "Tennessee" the following: "via improvements at I-181/Eastern Star Road and I-81/Kendrick Creek Road";

(11) in item number 100, relating to Arkansas, by striking "Thornton" and inserting "Little Rock";

(12) in item number 113, relating to Durham County, North Carolina, by inserting after "Route 147" the following: "including the interchange at I-85";

(13) in item number 114, relating to Corpus Christi to Angleton, Texas, by striking "Construct new multi-lane freeway" and inserting "Construct a 4-lane divided highway";

(14) in item number 193, relating to Corning, New York, by inserting "and other improvements" after "expressway lanes"; and

(15) in item 196, relating to Orlando, Florida—

(A) by striking "Orlando,"; and  
(B) by striking "Land" and all that follows through "project" and inserting "One or more regionally significant, intercity ground transportation projects".

#### SEC. 339. INTERMODAL PROJECTS.

The table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2060-2063) is amended—

(1) in item number 12, relating to Buffalo, New York, by inserting after "Project" the following: "and the Crossroads Arena Project";

(2) in item number 31, relating to Los Angeles, California, by striking "To improve ground access from Sepulveda Blvd. to Los Angeles, California" and inserting the following: "For the Los Angeles International Airport central terminal ramp access project, \$3,500,000; for the widening of Aviation Boulevard south of Imperial Highway, \$3,500,000; for the widening of Aviation Boulevard north of Imperial Highway, \$1,000,000; and for transportation systems management improvements in the vicinity of the Sepulveda Boulevard/Los Angeles International Airport tunnel, \$950,000"; and

(3) in item 33, relating to Orange County, New York, strike "Stuart Airport Interchange Project" and insert "Stewart Airport interchange projects".

#### SEC. 340. MISCELLANEOUS REVISIONS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.

(a) CALIFORNIA.—Section 149(a)(69) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), relating to Burbank-Glendale-Pasadena Airport, California, is amended—

(1) in the first sentence by striking "highway";

(2) in the first sentence by striking "and construction of terminal and parking facilities at such airport"; and

(3) by striking "by making" in the second sentence and all that follows through the period at the end of such sentence and inserting the following: "by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.".

(b) LOUISIANA.—

(1) RURAL ACCESS PROJECT.—

(A) RESCISSION.—Effective October 1, 1995, the unobligated balances on September 30, 1995, of funds made available for section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; relating to West Calcasieu Parish, Louisiana) are hereby rescinded.

(B) FUNDING.—Item number 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038), relating to Lake Charles, Louisiana, is amended by striking "4.1" and inserting "8.8".

(2) I-10 EXIT RAMP AND OTHER PROJECTS.—Section 149(a)(89) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191) is amended—

(A) by inserting "AND LAKE CHARLES" after "LAFAYETTE" in the paragraph heading; and

(B) by inserting before the period at the end "and, of amounts made available to carry out this paragraph, may use up to \$456,022 to carry out a comprehensive transportation and land use plan for Lafayette, Louisiana, \$1,000,000 to carry out a project to construct an exit ramp from the eastbound side of Interstate Route I-10 to Ryan Street in Lake Charles, Louisiana, and \$269,661 under this paragraph for projects described in section 149(a)(90)".

(3) CONTRABAND BRIDGE.—Section 149(a)(90) of such Act (101 Stat. 191) is amended—

(A) by inserting "AND LAKE CHARLES" after "LAFAYETTE" in the paragraph heading; and

(B) by inserting "and a project to construct the Contraband Bridge portion of the Nelson Access Road Project" before the period at the end.

(c) PENNSYLVANIA.—Section 149(a)(74) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 192) is amended by inserting before the period at the end the following: "and other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon, Pennsylvania".

(d) MARYLAND.—Section 149(a)(92) of such Act (101 Stat. 194) is amended—

(1) by striking "UNITED STATES ROUTE 48" and inserting "WASHINGTON AND FREDERICK COUNTIES"; and

(2) by inserting "and to construct an interchange between Interstate Route I-70 and Interstate Route I-270 in Frederick County, Maryland" after "Mountain Road".

(e) BUS TESTING FACILITY.—Section 5318 of title 49, United States Code, is amended—

(1) in subsection (b) by inserting "or cooperative agreement" after "contract" each place it appears; and

(2) by adding at the end the following:

"(f) CONVERSION OF CONTRACTS.—The Secretary may convert existing contracts entered into under this section into cooperative agreements.".

#### SEC. 341. ELIGIBILITY.

(a) EXISTING PROJECT.—Section 108(b) of the Federal-Aid Highway Act of 1956 (23 U.S.C. 101 note) is amended—

(1) by striking "(1)" before "such costs may be further"; and

(2) by striking "and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street".

(b) OTHER EXISTING PROJECTS.—

(1) RECONSTRUCTION AND WIDENING.—The project authorized by section 162 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2136) shall include reconstruction and widening to 6 lanes of existing Interstate Route 95 and of the Pennsylvania Turnpike from United States Route 1 to the junction with the New Jersey Turnpike, including the structure over the Delaware River.

(2) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share payable on account of the project referred to in paragraph (1), including the additional through

roadway and bridge travel lanes, shall be 90 percent of the cost of the project.

(3) TOLLS.—Notwithstanding section 301 of title 23, United States Code, the project for construction of an interchange between the Pennsylvania Turnpike and Interstate Route 95, including the widening of the Pennsylvania Turnpike, shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title and tolls may be continued on all traffic on the Pennsylvania Turnpike between United States Route 1 and the New Jersey Turnpike.

(c) TYPE II NOISE BARRIERS.—No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers (as defined by section 772.5(i) of title 23, Code of Federal Regulations) pursuant to sections 109 (h) and (i) of title 23, United States Code if such barriers were not part of a project approved by the Secretary before the date of the enactment of this Act.

#### SEC. 342. ORANGE COUNTY, CALIFORNIA, TOLL ROADS.

The Secretary shall enter into an agreement modifying the agreement entered into pursuant to section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-338) to conform such agreement to the provisions of section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103-331). Nothing in this section shall be construed to change the amount of the previous appropriation in such section 339, and the line of credit provided for shall not exceed an amount supported by the previous appropriation. In implementing such sections 336 and 339, the Secretary may enter into an agreement requiring an interest rate that is higher than the rate specified in such sections.

#### SEC. 343. MISCELLANEOUS STUDIES.

(a) PAN AMERICAN HIGHWAY.—

(1) STUDY.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

(2) ELEMENTS.—The study to be conducted under paragraph (1) shall include, at a minimum, the following elements:

(A) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

(B) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.

(C) Recommendations for establishing a Pan American highway authority to monitor financing, construction, maintenance, and operations of the Pan American Highway.

(D) Findings on the benefits to trade and prosperity of a more efficient Pan American Highway.

(E) Findings on the benefits to United States industry through the use of United States technology and equipment in construction of improvements to the Pan American Highway.

(F) Findings on environmental considerations, including environmental considerations relating to the Darien Gap.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(b) HIGHWAY SIGNS FOR NATIONAL HIGHWAY SYSTEM.—The Secretary shall conduct a study to determine the cost, need, and efficacy of establishing a highway sign for identifying routes on the National Highway System. In conducting such study, the Secretary shall make a determination concerning whether to identify National Highway System route numbers.

(c) COMPLIANCE WITH BUY AMERICAN ACT.—

(1) STUDY.—The Secretary shall conduct a study on compliance with the provisions of the Buy American Act (41 U.S.C. 10a-10c) with respect to contracts entered into using amounts made available from the Highway Trust Fund.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary

shall transmit to Congress a report on the results of the study conducted under paragraph (1).

#### SEC. 344. COLLECTION OF BRIDGE TOLLS.

Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

#### SEC. 345. NATIONAL DRIVER REGISTER.

Section 30308(a) of title 49, United States Code, is amended by striking "and \$2,550,000 for fiscal year 1995" and inserting "and \$2,550,000 for each of fiscal years 1995 and 1996".

#### SEC. 346. ROADSIDE BARRIER TECHNOLOGY.

Section 1058 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 2003) is amended—

(1) in subsection (a) by striking "median" and inserting "or temporary crashworthy";

(2) in subsection (a) by inserting "crashworthy" after "innovative";

(3) in the heading of subsection (c) by inserting "CRASHWORTHY" after "INNOVATIVE";

(4) in subsection (c) by inserting "crashworthy" after "innovative";

(5) in subsection (c) by striking "median";

(6) by inserting "or guiderail" after "guardrail"; and

(7) by inserting before the period at the end of subsection (c) ", and meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers".

#### SEC. 347. MOTORIST CALL BOXES.

(a) EFFECTIVE CONTROL.—Section 131(c) of title 23, United States Code, is amended—

(1) by striking "and (5)" and inserting the following: "(5) signs, displays, and devices identifying and announcing free motorist aid call boxes and advertising their sponsorship by corporations or other organizations, and (6)"; and

(2) by adding at the end the following new sentence: "The Secretary shall ensure that spacing of signs, displays, and devices announcing motorist aid call boxes is reasonable.".

(b) SPECIFIC SERVICE SIGNS.—Section 131(f) of title 23, United States Code, is amended by adding at the end the following: "For purposes of this subsection, the term 'specific information in the interest of the traveling public' includes identification, announcement, and sponsorship of motorist aid call boxes.".

#### SEC. 348. REPEAL OF NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM.

Sections 141(a) and 154 of title 23, United States Code, and the item relating to section 154 in the analysis to chapter 1 of such title are repealed.

#### SEC. 349. ELIMINATION OF PENALTY FOR NON-COMPLIANCE FOR MOTORCYCLE HELMETS.

Subsection (h) of section 153 of title 23, United States Code, is amended by striking "a law described in subsection (a)(1) and" each place it appears.

#### SEC. 350. SAFETY REST AREAS.

Section 120(c) of title 23, United States Code, is amended by inserting "safety rest areas," after "signalization,".

#### SEC. 351. EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS.

(a) EXEMPTIONS.—

(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the

farm supplies and is during the planting and harvesting seasons within such State, as determined by the State.

(2) TRANSPORTATION AND OPERATION OF GROUND WATER WELL DRILLING RIGS.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation and operation of a ground water well drilling rig, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(3) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(4) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(5) SNOW AND ICE REMOVAL.—A State may waive the requirements of chapter 313 of title 49, United States Code, with respect to a vehicle that is being operated within the boundaries of an eligible unit of local government by an employee of such unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting. Such waiver authority shall only apply in a case where the employee is needed to operate the vehicle because the employee of the eligible unit of local government who ordinarily operates the vehicle and who has a commercial drivers license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

(b) EFFECTIVE DATE.—The provisions of subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(c) REVIEW BY THE SECRETARY.—The Secretary may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time, the Secretary determines that granting such exemption would not be in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles, then the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption.

(d) DEFINITIONS.—In this section, the following definitions apply:

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

(2) 24-HOUR PERIOD.—The term "24-hour period" means any 24-consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

(3) GROUND WATER WELL DRILLING RIG.—The term "ground water well drilling rig" means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

(4) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—The term "transportation of construction materials and equipment" means the transportation of construction materials, construction finished related products, construction personnel, and construction equipment by a driver within a 50 air mile radius of

the normal work reporting location of the driver.

(5) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term "eligible unit of local government" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law which has a total population of 3,000 individuals or less.

(6) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" means any motor vehicle, regardless of gross weight—

(A) used on highways in interstate or intrastate commerce in the furtherance of building, repairing, expanding, improving, maintaining, or operating any structures, facilities, excavations, poles, lines, or any other physical feature necessary for the delivery of public utility services, including the furnishing of electric, water, sanitary sewer, telephone, and television cable or community antenna service;

(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(C) except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented or otherwise contracted for by the utility.

#### SEC. 352. TRAFFIC CONTROL SIGNS.

Traffic control signs referred to in the experimental project conducted in the State of Oregon in December 1991 shall be deemed to comply with the requirements of section 2B-4 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

#### SEC. 353. BRIGHTMAN STREET BRIDGE, FALL RIVER HARBOR, MASSACHUSETTS.

Notwithstanding any other provision of law, the Brightman Street Bridge in Fall River Harbor, Massachusetts, may be reconstructed to result in a clear channel width of less than 300 feet.

#### SEC. 354. MOTOR CARRIER SAFETY PROGRAM.

Section 31136(e) of title 49, United States Code, is amended—

(1) by inserting "(1) IN GENERAL.—" before "After notice";

(2) by indenting paragraph (1), as designated by paragraph (1) of this section, and moving paragraph (1), as so redesignated, 2 ems to the right; and

(3) by adding the following at the end:

"(2) MOTOR CARRIER SAFETY PROGRAM.—

"(A) IN GENERAL.—The Secretary, within 180 days of the application of an operator of motor vehicles with a gross vehicle weight rating of at least 10,001 pounds but not more than 26,000 pounds, shall exempt some or all of such vehicles and drivers of such vehicles from some or all of the regulations prescribed under this section and sections 504 and 31502 of this title if the Secretary finds such applicant—

"(i) has a current satisfactory safety fitness rating issued by the Secretary; and

"(ii) will implement a program of safety management controls designed to achieve a level of operational safety equal to or greater than that resulting from compliance with the regulations prescribed under this section.

The Secretary shall modify the exemption if there is a material change in the regulations prescribed under such sections. In granting such exemptions, the Secretary shall ensure that approved participants in the motor carrier safety program are subject to a minimum of paperwork and regulatory burdens.

"(B) MONITORING; EXEMPTION PERIOD.—The Secretary and participants in the program established by this paragraph shall periodically monitor the safety of vehicles and drivers exempted from regulations under the program. An exemption approved under subparagraph (A) VerDate 20-SEP-95

shall remain in effect until such time as the Secretary finds—

“(i) that the operator has exceeded the average ratio of preventable accidents to vehicle miles travelled for a period of 12 months for the class of vehicles with a gross vehicle weight of at least 10,001 pounds but not more than 26,000 pounds; or

“(ii) that such operator’s exemption is not in the public interest and would result in a significant adverse impact on the safety of commercial motor vehicles.

“(C) FACTORS.—In approving applications under the program established by this paragraph, the Secretary shall—

“(i) ensure that applicants in the program represent a broad cross-section of fleet size and operators of vehicles between 10,000 and 26,000 pounds; and

“(ii) to the extent feasible, ensure participation by as many qualified applicants as possible.

“(D) LIMITATION.—The Secretary shall not grant the exemptions set forth in subparagraph (A) to vehicles—

“(i) designed to transport more than 15 passengers; including the driver; or

“(ii) used in transporting material found by the Secretary to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under such section 5103.

“(E) EMERGENCIES.—The Secretary may revoke or modify the participation of an operator in the program established by this section in the case of an emergency.

“(3) REVIEW OF REGULATIONS.—The Secretary shall conduct a zero-based review of the need and the costs and benefits of all regulations issued under this section and sections 504 and 31502 of this title to determine whether such regulations should apply to vehicles weighing between 10,000 and 26,000 pounds. The review shall focus on the appropriate level of safety and the paperwork and regulatory burdens of such regulations as they apply to operators of vehicles weighing between 10,000 and 26,000 pounds. The Secretary shall complete the review within 18 months after the date of the enactment of this paragraph. Upon completion of the review, the Secretary shall grant such exemptions or modify or repeal existing regulations to the extent appropriate.”

#### SEC. 355. TECHNICAL AMENDMENT.

Notwithstanding section 101(a) of title 23, United States Code, the projects described in section 149(a)(62) of Public Law 100-17 and section 1 of Public Law 100-211 shall be eligible under section 204 of title 23, United States Code.

#### SEC. 356. SAFETY REPORT.

Not later than September 30, 1997, the Secretary of Transportation, in cooperation with any State which raises any speed limit in such State to a level above the level permitted under section 154 of title 23, United States Code, as such section was in effect on September 15, 1995, shall prepare and submit to the Congress a study of—

(1) the costs to such State of deaths and injuries resulting from motor vehicle crashes; and

(2) the benefits associated with the repeal of the national maximum speed limit.

#### SEC. 357. OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“§ 161. National standard to prohibit the operation of motor vehicles by intoxicated minors

“(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

“(1) FISCAL YEAR 1999.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on such date.

“(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on such date.

“(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that makes unlawful throughout the State the operation of a motor vehicle by an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater.

“(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

“(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

“(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2000.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

“(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2000.—No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to such State.

“(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets such requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

“(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which such funds are so apportioned. Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118.

“(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“161. National standard to prohibit the operation of motor vehicles by intoxicated minors.”

#### SEC. 358. EFFECTIVENESS OF DRUNK DRIVING LAWS.

The Secretary shall conduct a study to evaluate the effectiveness on reducing drunk driving of laws enacted in the States which allow a health care provider who treats an individual involved in a vehicular accident to report the blood alcohol level, if known, of such individual to the local law enforcement agency which has jurisdiction over the accident site if the blood alcohol concentration level exceeds the maximum level permitted under State law.

Amend the title so as to read: “An Act to amend title 23, United States Code, to designate the National Highway System, and for other purposes.”

Mr. CHAFEE. Mr. President, I move that the Senate disagree with the House amendments and agree to a request for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. WARNER, Mr. CHAFEE, Mr. SMITH, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. MOYNIHAN, Mr. REID and from the Committee on Commerce, Science, and Transportation, solely for matters within their jurisdiction, Mr. PRESSLER, Mr. LOTT, and Mr. HOLLINGS, conferees on the part of the Senate.

#### ORDERS FOR TUESDAY, SEPTEMBER 26, 1995

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Tuesday, September 26, 1995; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2099, the VA-HUD appropriations bill. I further ask unanimous consent that the Senate resume consideration of the Bumpers amendment numbered 2776 regarding the space station at 11 a.m. on Tuesday, and there be 90 minutes of debate equally divided in the usual form, and following the debate the Senate stand in recess until the hour of 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I further ask unanimous consent that at 2:15 the Senate proceed to 4 minutes equally divided in the usual form to be followed by a vote on or in relation to the Bumpers amendment numbered 2776.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BOND. Mr. President, for the information of all Senators, the Senate will resume consideration of VA-HUD operations appropriations bill tomorrow morning at 9:30. Under the previous order, there will be a rollcall vote at approximately 2:20 on or in relation to the Bumpers space station amendment. Additional rollcall votes can be expected throughout Tuesday’s session, day and night, in order to finish action on the VA-HUD appropriations bill.

As a reminder, the majority leader has announced once all the necessary appropriations items are completed the Senate would then stand in recess until Tuesday, October 10.

#### RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BOND. Mr. President, if there is no further business to come before the Senate