

**PUBLIC LAW 104-59—NOV. 28, 1995**

**NATIONAL HIGHWAY SYSTEM DESIGNATION  
ACT OF 1995**

**Public Law 104-59  
104th Congress**

**An Act**

Nov. 28, 1995

[S. 440]

National  
Highway System  
Designation Act  
of 1995.  
Intergovern-  
mental relations.  
23 USC 101 note.

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

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

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

(a) **SHORT TITLE.**—This Act may be cited as the “National Highway System Designation Act of 1995”.  
(b) **TABLE OF CONTENTS.**—

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Sec. 2. Secretary defined.

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#### SEC. 2. SECRETARY DEFINED.

23 USC 101 note.

In this Act, the term “Secretary” means the Secretary of Transportation.

## TITLE I—NATIONAL HIGHWAY SYSTEM

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

(a) IN GENERAL.—Section 103(b) of title 23, United States Code, is amended by adding at the end the following:

“(5) 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 November 13, 1995, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

“(6) MODIFICATIONS TO NHS.—

“(A) IN GENERAL.—Subject to paragraph (7), the Secretary may make modifications to the National Highway

System that are proposed by a State or that are proposed by the State and revised by the Secretary if the Secretary determines that each of the modifications—

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

“(ii) enhances the national transportation characteristics of the National Highway System.

“(B) COOPERATION.—In proposing modifications under this paragraph, a State shall cooperate with local and regional officials. In urbanized areas, the local officials shall act through the metropolitan planning organizations designated for such areas under section 134.

“(7) TRANSITIONAL RULES FOR INTERMODAL CONNECTORS.—

“(A) REQUIRED 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 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 modifications to the National Highway System that are proposed by a State or that are proposed by the State and revised by the Secretary and that consist of connectors to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities.

“(B) COOPERATION.—Paragraph (6)(B) shall apply to modifications proposed by a State under this paragraph.

“(C) ELIGIBILITY.—

“(i) INITIAL APPROVAL BY LAW.—Modifications proposed under subparagraph (A) may take effect only if a law has been enacted approving such modifications.

“(ii) INTERIM ELIGIBILITY.—Notwithstanding clause (i), a project to construct a connector to an intermodal transportation facility described in subparagraph (A) shall be eligible for funds apportioned under section 104(b)(1) for the National Highway System if the Secretary finds that the project is consistent with criteria developed by the Secretary for construction of such connectors.

“(iii) PERIOD OF ELIGIBILITY.—A project which is eligible under clause (ii) for funds apportioned under section 104(b)(1) shall remain eligible for such funds pursuant to clause (ii) only until the date of the enactment of a law described in clause (i).

“(D) MODIFICATIONS AFTER INITIAL APPROVAL.—After the date of the enactment of a law described in subparagraph (C)(i), a modification consisting of a connector to an intermodal transportation facility described in subparagraph (A) may be made in accordance with paragraph (6).

“(8) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall add to the National Highway System any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031-2037) which was not identified on the National Highway System designated by paragraph (5).”.

(b) CONFORMING AMENDMENTS.—Section 103(b)(3) of such title is amended—

(1) in subparagraph (C) by striking “For purposes of proposing highways for designation to the National Highway System, the” and inserting “The”; and

(2) in subparagraph (D)—

(A) by striking “In proposing highways for designation to the National Highway System, the” and inserting “The”; and

(B) by inserting after “mileage” the following: “on the National Highway System”.

## TITLE II—TRANSPORTATION FUNDING FLEXIBILITY

Urban and rural areas.

### SEC. 201. FINDINGS AND PURPOSES.

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

(1) Federal infrastructure spending on transportation 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 (105 Stat. 1921) has been estimated to result in fiscal year 1996 transportation spending being reduced by as much as \$2,700,000,000;

(3) such section 1003(c) will result in a reduction of critical funds to States from the Highway Trust Fund; and

(4) the funding reduction will have adverse effects on the national economy and the predictability of funding for the Nation’s highway system and impede interstate commerce.

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

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

(2) to reallocate funds from certain programs during fiscal year 1996 so that the States will be able to continue their core transportation infrastructure programs;

(3) 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

(4) to suspend certain penalties that would be imposed on the States.

### SEC. 202. FUNDING RESTORATION.

(a) IN GENERAL.—Not later than the 10th day following the date of the enactment of this Act and on October 1, 1997, or as soon as possible thereafter, the Secretary shall allocate among the States the amounts made available, as a result of section 203, to carry out this section for fiscal years 1996 and 1997, respectively, for projects eligible for assistance under chapter 1 of title 23, United States Code.

(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 (23 U.S.C. 104 note).

(d) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Notwithstanding any other provision of law, funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such funds shall be available for obligation for the fiscal year for which such amounts are made available plus the 3 succeeding fiscal years. 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 amount determined by application of the percentage determined under paragraph (2) to 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 that 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 (105 Stat. 1921); 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). One and one-half 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 section 307(c) of such title.

(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 \$266,522,436 for fiscal year 1996 and \$155,000,000 for fiscal year 1997. Such funds shall not be subject to an administrative deduction under section 104(a) of title 23, United States Code.

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

**SEC. 203. RESCISSIONS.**

(a) RESCISSIONS.—Effective on the date of the enactment of this Act and after any necessary reductions are made under section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1921), the following unobligated balances available on such date of enactment, of funds made available for the following provisions are hereby rescinded:

Effective date.

(1) \$78,994 made available by section 131(c) of the Surface Transportation Assistance Act of 1982 (96 Stat. 2120).

(2) \$798,701 made available by section 131(j) of the Surface Transportation Assistance Act of 1982 (96 Stat. 2123).

(3) \$942,249 made available by section 149(a)(66) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 185).

(4) \$52,834 made available by section 149(a)(95) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 195).

(5) \$909,131 made available by section 149(a)(99) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 195).

(6) \$797,800 made available by section 149(a)(100) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 195).

(7) \$2 made available by section 149(c)(3) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201).

(8) \$24,706,878 made available by section 1012(b)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1938).

(9) \$15,401,107 made available by section 1003(a)(7) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919).

(10) \$113,834,740, or such greater amount as may be necessary to ensure that the aggregate of amounts rescinded by this subsection and amounts reduced by the amendments made by subsection (b) is equal to the amount authorized to be appropriated by section 202(g) for fiscal year 1996, deducted by the Secretary under section 104(a) of title 23, 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 fiscal year 1997”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the later of the date of the enactment of this Act or as soon as possible 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 projects under section 202 of this Act.

**SEC. 204. STATE UNOBLIGATED BALANCE FLEXIBILITY.**

(a) REDUCTION IN FEDERAL FUNDING.—

(1) NOTIFICATION OF STATES.—On the date of the enactment of this Act, 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.

Effective date.

(2) EXCLUSION OF CERTAIN FUNDING.—In determining the amount of any reduction under paragraph (1), the Secretary shall deduct the amount allocated to each State in fiscal year 1996 to carry out projects under section 202 of this Act.

(b) UNOBLIGATED BALANCE FLEXIBILITY.—Upon request of a State, the Secretary shall make available to carry out projects eligible for assistance under chapter 1 of title 23, United States Code, 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 the 30th day following the date of the enactment of this Act, 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 the 45th day following such date of enactment or as soon as possible thereafter, funds designated under the preceding sentence to the State.

(c) SPECIAL RULES.—

(1) URBANIZED AREAS OF OVER 200,000.—Funds that 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 be designated by the State under subsection (b) only if the metropolitan planning organization designated for such area concurs, in writing, with such designation.

(2) CONGESTION MITIGATION AND AIR QUALITY AND SURFACE TRANSPORTATION PROGRAM TRANSPORTATION ENHANCEMENT ACTIVITIES BALANCES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), States may not designate under subsection (b) CMAQ and STP transportation enhancement funds.

(B) EXCEPTION FOR INSUFFICIENT FUNDING AVAILABILITY.—If the Secretary determines—

(i) that there is not sufficient funding available to pay the Federal share of the cost of a project in fiscal year 1996 from funds apportioned or allocated to a State under title 23, United States Code, and title I of the Intermodal Surface Transportation Efficiency Act of 1991 and available for carrying out projects of the same category as such project, and

(ii) that the State has utilized all flexibility and transferability available to it under title 23, United States Code, and this section with respect to such project,

the State may designate in fiscal year 1996 under subsection (b) CMAQ and STP transportation enhancement funds apportioned or allocated to the State and not obli-

gated as of the date of the enactment of this Act to carry out such project.

(C) CMAQ AND STP TRANSPORTATION ENHANCEMENT FUNDS DEFINED.—In this paragraph, the term “CMAQ and STP transportation enhancement funds” means—

(i) funds apportioned under section 104(b)(2) of title 23, United States Code; and

(ii) funds apportioned under section 104(b)(3) of such title and available only for transportation enhancement activities under section 133(d)(3) of such title.

(3) INTERSTATE CONSTRUCTION BALANCES.—A State may not designate under subsection (b) more than  $\frac{1}{3}$  of funds apportioned or allocated to the State for interstate construction and not obligated as of the date of the enactment of this Act.

(d) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Notwithstanding any other provision of law, amounts designated under subsection (b) shall be made available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such amounts shall be available for obligation for the same period for which such amounts were originally made available for obligation. 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) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect calculations under section 157 of title 23, United States Code, and sections 1002(e), 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(f) STATE.—In this section and section 202, the term “State” has the meaning such term has under section 401 of title 23, United States Code.

#### SEC. 205. RELIEF FROM MANDATES.

(a) SUSPENSION OF MANAGEMENT SYSTEMS.—Section 303 of title 23, United States Code, is amended—

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

“(c) STATE ELECTION.—A State may elect, at any time, not to implement, in whole or in part, 1 or more of the management systems required under this section. The Secretary may not impose any sanction on, or withhold any benefit from, a State on the basis of such an election.”; and

(2) in subsection (f)—

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

“(f) REPORTS.—

“(1) ANNUAL REPORTS.—Not”;

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

(C) by adding at the end the following:

“(2) REPORT ON IMPLEMENTATION.—Not later than October 1, 1996, the Comptroller General, in consultation with States, shall transmit to Congress a report on the management systems under this section, including recommendations as to whether,

to what extent, and how the management systems should be implemented.”.

(b) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 1987-1990) is amended by striking subsection (d).

(c) METRIC REQUIREMENTS.—

(1) PLACEMENT AND MODIFICATION OF SIGNS.—The Secretary shall not require the States to expend any Federal or State funds to construct, erect, or otherwise place or to modify any sign relating to a speed limit, distance, or other measurement on a highway for the purpose of having such sign establish such speed limit, distance, or other measurement using the metric system.

(2) OTHER ACTIONS.—Before September 30, 2000, the Secretary shall not require that any State use or plan to use the metric system with respect to designing or advertising, or preparing plans, specifications, estimates, or other documents, for a Federal-aid highway project eligible for assistance under title 23, United States Code.

(3) DEFINITIONS.—In this subsection, the following definitions apply:

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

(B) 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).

(d) REPEAL OF NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM.—

(1) IN GENERAL.—Title 23, United States Code, is amended—

(A) in section 141 by striking subsection (a) and redesignating subsections (b) through (d) as subsections (a) through (c), respectively; and

(B) by striking section 154.

(2) CONFORMING AMENDMENT.—The analysis to chapter 1 of such title is amended by striking the item relating to section 154.

(3) APPLICABILITY.—The amendments made by paragraph (1) shall be applicable to a State on the 10th day following the date of the enactment of this Act; except that if the legislature of a State is not in session on such date of enactment and the chief executive officer of the State declares, before such 10th day, that the legislature is not in session and that the State prefers an applicability date for such amendments that is after the date on which the legislature will convene, such amendments shall be applicable to the State on the 60th day following the date on which the legislature next convenes.

(e) ELIMINATION OF PENALTY FOR NONCOMPLIANCE FOR MOTORCYCLE HELMETS.—Effective September 30, 1995, section 153(h) of title 23, United States Code, is amended by striking “a law described in subsection (a)(1) and” each place it appears.

23 USC 109 note.

23 USC 141 note.

Effective date.

#### SEC. 206. 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 HIGHWAY PROVISIONS**

### **SEC. 301. TRAFFIC MONITORING, MANAGEMENT, AND CONTROL ON NHS.**

(a) ELIGIBILITY.—Section 103(i) of title 23, United States Code, is amended by striking paragraph (8) and inserting the following:

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

(b) DEFINITIONS.—Section 101(a) of such title is amended—

(1) in the undesignated paragraph relating to the term “project” by inserting before the period at the end the following: “or any other undertaking eligible for assistance under this title”; and

(2) by striking the undesignated paragraph relating to the term “startup costs for traffic management and control” and inserting the following:

“The term ‘operating costs for traffic monitoring, management, and control’ includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.”.

### **SEC. 302. TRANSFERABILITY OF APPORTIONMENTS.**

The third sentence of section 104(g) of title 23, United States Code, is amended by striking “40 percent” and inserting “50 percent”.

### **SEC. 303. 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 each usable project segment on the National Highway System with a cost of \$25,000,000 or more.

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

(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.—In this subsection, the term ‘value engineering analysis’ means a systematic process of review and analysis of a project during its design phase by a multidisciplined team of persons not involved in the project in order to provide suggestions for reducing the total cost of the project and providing a project of equal or better quality. Such suggestions may include combining or eliminating otherwise inefficient or expensive parts of the original proposed design for the project and total redesign of the proposed project using different technologies, materials, or methods so as to accomplish the original purpose of the project.”

**SEC. 304. DESIGN CRITERIA FOR THE NATIONAL HIGHWAY SYSTEM.**

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

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

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

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

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

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

“(c) DESIGN CRITERIA FOR NATIONAL HIGHWAY SYSTEM.—

“(1) IN GENERAL.—A design for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the National Highway System (other than a highway also on the Interstate System) may take into account, in addition to the criteria described in subsection (a)—

“(A) the constructed and natural environment of the area;

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

“(C) access for other modes of transportation.

“(2) DEVELOPMENT OF CRITERIA.—The Secretary, in cooperation with State highway departments, may develop criteria to implement paragraph (1). In developing criteria under this paragraph, the Secretary shall consider the results of the committee process of the American Association of State Highway and Transportation Officials as used in adopting and publishing ‘A Policy on Geometric Design of Highways and Streets’, including comments submitted by interested parties as part of such process.”; and

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

“(q) SCENIC AND HISTORIC VALUES.—Notwithstanding subsections (b) and (c), the Secretary may approve a project for the National Highway System if the project is designed to—

“(1) allow for the preservation of environmental, scenic, or historic values;

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

“(3) comply with subsection (a).”.

**SEC. 305. APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS.**

(a) HIGHWAY CONSTRUCTION.—Section 109(j) 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 each pollutant 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 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. 306. MOTORIST CALL BOXES.**

Section 111 of title 23, United States Code, is amended by adding at the end the following:

“(c) MOTORIST CALL BOXES.—

“(1) IN GENERAL.—Notwithstanding subsection (a), a State may permit the placement of motorist call boxes on rights-of-way of the National Highway System. Such motorist call boxes may include the identification and sponsorship logos of such call boxes.

“(2) SPONSORSHIP LOGOS.—

“(A) APPROVAL BY STATE AND LOCAL AGENCIES.—All call box installations displaying sponsorship logos under this subsection shall be approved by the highway agencies having jurisdiction of the highway on which they are located.

“(B) SIZE ON BOX.—A sponsorship logo may be placed on the call box in a dimension not to exceed the size of the call box or a total dimension in excess of 12 inches by 18 inches.

“(C) SIZE ON IDENTIFICATION SIGN.—Sponsorship logos in a dimension not to exceed 12 inches by 30 inches may be displayed on a call box identification sign affixed to the call box post.

“(D) SPACING OF SIGNS.—Sponsorship logos affixed to an identification sign on a call box post may be located

on the rights-of-way at intervals not more frequently than 1 per every 5 miles.

“(E) DISTRIBUTION THROUGHOUT STATE.—Within a State, at least 20 percent of the call boxes displaying sponsorship logos shall be located on highways outside of urbanized areas with a population greater than 50,000.

“(3) NONSAFETY HAZARDS.—The call boxes and their location, posts, foundations, and mountings shall be consistent with requirements of the Manual on Uniform Traffic Control Devices or any requirements deemed necessary by the Secretary to assure that the call boxes shall not be a safety hazard to motorists.”.

**SEC. 307. 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:

“(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, 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.

“(E) APPLICATION OF RATES.—Once a firm's indirect cost rates are accepted under this paragraph, the recipient of the 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.

“(F) PRENOTIFICATION; CONFIDENTIALITY OF DATA.—A recipient of funds requesting or using the cost and rate data described in subparagraph (E) 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.

“(G) STATE OPTION.—Subparagraphs (C), (D), (E), and (F) shall take effect 1 year after the date of the enactment of this subparagraph; except that if a State, during such 1-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 the State. If the Secretary determines that the legislature of the

Effective date.

State did not convene and adjourn a full regular session during such 1-year period, the Secretary may extend such 1-year period until the adjournment of the next regular session of the legislature.”.

(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. 308. LIMITATION ON ADVANCE CONSTRUCTION.**

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

“(d) **INCLUSION IN TRANSPORTATION IMPROVEMENT PROGRAM.**—The Secretary may approve an application for a project under this section only if the project is included in the transportation improvement program of the State developed under section 135(f).”.

**SEC. 309. PREVENTIVE MAINTENANCE.**

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

“(d) **PREVENTIVE MAINTENANCE.**—A preventive maintenance activity shall be eligible for Federal assistance under this title if the State demonstrates to the satisfaction of the Secretary that the activity is a cost-effective means of extending the useful life of a Federal-aid highway.”.

**SEC. 310. FEDERAL SHARE.**

(a) **SAFETY REST AREAS.**—Section 120(c) of title 23, United States Code, is amended—

(1) by inserting “safety rest areas,” after “signalization,”;

and

(2) by adding at the end the following: “In this subsection, the term ‘safety rest area’ means an area where motor vehicle operators can park their vehicles and rest, where food, fuel, and lodging services are not available, and that is located on a segment of highway with respect to which the Secretary determines there is a shortage of public and private areas at which motor vehicle operators can park their vehicles and rest.”.

(b) **BICYCLE TRANSPORTATION FACILITIES AND PEDESTRIAN WALKWAYS.**—Section 217(f) of such title is amended by striking “80 percent” and inserting “determined in accordance with section 120(b)”.

(c) **ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS.**—Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 120 note), as amended by section 417 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (106 Stat. 1565), is amended—

(1) by striking “and” at the end of clause (2) and inserting “or”; and

(2) in clause (3) by striking “section 143 of title 23” and inserting “a project for construction, reconstruction, or improvement of a development highway under section 143 of such title on a Federal-aid system (other than the Interstate System), as such system was described in section 103 of such title on the day before the date of the enactment of this Act”.

(d) **NORTHWEST ARKANSAS REGIONAL AIRPORT CONNECTOR.**—Notwithstanding any other provision of law, the Federal share of the cost of the project to construct a highway to the Northwest

Arkansas Regional Airport from United States Route 71 in Arkansas shall be 95 percent.

**SEC. 311. ELIGIBILITY OF BOND AND OTHER DEBT INSTRUMENT FINANCING FOR REIMBURSEMENT AS CONSTRUCTION EXPENSES.**

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

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

“(a) DEFINITION OF ELIGIBLE DEBT FINANCING INSTRUMENT.—In this section, the term ‘eligible debt financing instrument’ means a bond or other debt financing instrument, including a note, certificate, mortgage, or lease agreement, issued by a State or political subdivision of a State or a public authority, the proceeds of which are used for an eligible project under this title.

“(b) FEDERAL REIMBURSEMENT.—Subject to subsections (c) and (d), the Secretary may reimburse a State for expenses and costs incurred by the State or a political subdivision of the State and reimburse a public authority for expenses and costs incurred by the public authority for—

“(1) interest payments under an eligible debt financing instrument;

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

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

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

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

“(c) CONDITIONS ON PAYMENT.—The Secretary may reimburse a State or public authority under subsection (b) with respect to a project funded by an eligible debt financing instrument after the State or public authority has complied with this title with respect to the project to the extent and in the manner that would be required if payment were to be made under section 121.

“(d) FEDERAL SHARE.—The Federal share of the cost of a project payable under this section shall not exceed the Federal share of the cost of the project as determined under section 120.

“(e) STATUTORY CONSTRUCTION.—Notwithstanding any other provision of law, the eligibility of an eligible debt financing instrument for reimbursement under subsection (b) shall not—

“(1) constitute a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest on the eligible debt financing instrument; or

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

(b) DEFINITION OF CONSTRUCTION.—The first sentence of the undesignated paragraph relating to the term “construction” of section 101(a) of such title is amended by inserting “bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments,” after “highway, including”.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 122 and inserting the following:

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

**SEC. 312. VEHICLE WEIGHT AND LONGER COMBINATION VEHICLES EXEMPTIONS.**

(a) SIOUX CITY, IOWA.—

(1) VEHICLE WEIGHT LIMITATIONS.—The proviso in the second sentence of section 127(a) of title 23, United States Code, is amended by striking “except for those” and inserting the following: “except for vehicles using Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for those”.

(2) LONGER COMBINATION VEHICLES.—Section 127(d)(1) of such title is amended by adding at the end the following:

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

(3) PROPERTY-CARRYING UNIT LIMITATION.—Section 31112(c) of title 49, United States Code, is amended—

(A) in the subsection heading by striking “AND ALASKA” and inserting “ALASKA, AND IOWA”;

(B) by striking “and” at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting “; and”; and

(D) by adding at the end the following:

“(4) Iowa may allow the operation on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or on Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska of commercial motor vehicle combinations with trailer length, semitrailer length, and property-carrying unit length allowed by law or regulation and in actual lawful operation on a regular or periodic basis (including continued seasonal operation) in South Dakota or Nebraska, respectively, before June 2, 1991.”.

(b) APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.—Section 127 of such title 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 the enactment of this subsection.”.

**SEC. 313. TOLL ROADS.**

(a) **FEDERAL SHARE FOR HIGHWAYS, BRIDGES, AND TUNNELS.**—Section 129(a)(5) of title 23, United States Code, is amended to read as follows:

“(5) **LIMITATION ON FEDERAL SHARE.**—The Federal share payable for a project described in paragraph (1) shall be a percentage determined by the State but not to exceed 80 percent.”.

(b) **LOAN PROGRAM.**—Section 129(a)(7) of title 23, United States Code, is amended to read as follows:

“(7) **LOANS.**—

“(A) **IN GENERAL.**—A State may loan to a public or private entity constructing or proposing to construct under this section a toll facility or non-toll facility with a dedicated revenue source an amount equal to all or part of the Federal share of the cost of the project if the project has a revenue source specifically dedicated to it. Dedicated revenue sources for non-toll facilities include excise taxes, sales taxes, motor vehicle use fees, tax on real property, tax increment financing, and such other dedicated revenue sources as the Secretary determines appropriate.

“(B) **COMPLIANCE WITH FEDERAL LAWS.**—As a condition of receiving a loan under this paragraph, the public or private entity that receives the loan shall ensure that the project will be carried out in accordance with this title and any other applicable Federal law, including any applicable provision of a Federal environmental law.

“(C) **SUBORDINATION OF DEBT.**—The amount of any loan received for a project under this paragraph may be subordinated to any other debt financing for the project.

“(D) **OBLIGATION OF FUNDS LOANED.**—Funds loaned under this paragraph may only be obligated for projects under this paragraph.

“(E) **REPAYMENT.**—The repayment of a loan made under this paragraph shall commence not later than 5 years after date on which the facility that is the subject of the loan is open to traffic.

“(F) **TERM OF LOAN.**—The term of a loan made under this paragraph shall not exceed 30 years from the date on which the loan funds are obligated.

“(G) **INTEREST.**—A loan made under this paragraph shall bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible.

“(H) **REUSE OF FUNDS.**—Amounts repaid to a State from a loan made under this paragraph may be obligated—

“(i) for any purpose for which the loan funds were available under this title; and

“(ii) for the purchase of insurance or for use as a capital reserve for other forms of credit enhancement for project debt in order to improve credit market access or to lower interest rates for projects eligible for assistance under this title.

“(I) **GUIDELINES.**—The Secretary shall establish procedures and guidelines for making loans under this paragraph.”.

(c) FERRY BOATS AND TERMINAL FACILITIES.—Section 129(c)(5) of such title is amended—

- (1) by inserting before the period at the end of the first sentence the following: “or between a point in a State and a point in the Dominion of Canada”; and
- (2) in the second sentence—
  - (A) by striking “Hawaii and” and inserting “Hawaii”; and
  - (B) by inserting after “Puerto Rico” the following: “, operations between a point in a State and a point in the Dominion of Canada.”

(d) 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), shall be treated as if the agreement had been entered 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 such title.

(e) COLLECTION OF TOLLS TO FINANCE CERTAIN ENVIRONMENTAL PROJECTS IN FLORIDA.—Notwithstanding section 129(a) of title 23, United States Code, on request of the Governor of the State of Florida, the Secretary shall modify the agreement entered into with the transportation department of the State under section 129(a)(3) of such title to permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of an environmental project that is carried out under State law and approved by the Secretary of the Interior.

**SEC. 314. SCENIC BYWAYS.**

Section 131(s) of title 23, United States Code, is amended by adding at the end the following: “In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State’s criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.”.

**SEC. 315. APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.**

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

“(5) APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of a transportation enhancement activity funded from the allocation required under paragraph (2), if real property or an interest in real property is to be acquired from a qualified organization exclusively for conservation purposes (as determined under section 170(h) of the Internal Revenue Code of 1986), the

organization shall be considered to be the owner of the property for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

“(B) FEDERAL APPROVAL PRIOR TO INVOLVEMENT OF QUALIFIED ORGANIZATION.—If Federal approval of the acquisition of the real property or interest predates the involvement of a qualified organization described in subparagraph (A) in the acquisition of the property, the organization shall be considered to be an acquiring agency or person as described in section 24.101(a)(2) of title 49, Code of Federal Regulations, for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

“(C) ACQUISITIONS ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—If a qualified organization described in subparagraph (A) has contracted with a State highway department or other recipient of Federal funds to acquire the real property or interest on behalf of the recipient, the organization shall be considered to be an agent of the recipient for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.”.

**SEC. 316. STREAMLINING FOR TRANSPORTATION ENHANCEMENT PROJECTS.**

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

(1) in paragraph (3)—

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

“(3) PAYMENTS.—

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

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

(C) by adding at the end the following:

“(B) ADVANCE PAYMENT OPTION FOR TRANSPORTATION ENHANCEMENT ACTIVITIES.—

“(i) IN GENERAL.—The Secretary may advance

funds to the State for transportation enhancement activities funded from the allocation required by subsection (d)(2) for a fiscal year if the Secretary certifies for the fiscal year that the State has authorized and uses a process for the selection of transportation enhancement projects that involves representatives of affected public entities, and private citizens, with expertise related to transportation enhancement activities.

“(ii) LIMITATION ON AMOUNTS.—Amounts advanced under this subparagraph shall be limited to such amounts as are necessary to make prompt payments for project costs.

“(iii) EFFECT ON OTHER REQUIREMENTS.—This subparagraph shall not exempt a State from other requirements of this title relating to the surface transportation program.”; and

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(2) by adding at the end the following:

“(5) TRANSPORTATION ENHANCEMENT ACTIVITIES.—

“(A) CATEGORICAL EXCLUSIONS.—To the extent appropriate, the Secretary shall develop categorical exclusions from the requirement that an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) be prepared for transportation enhancement activities funded from the allocation required by subsection (d)(2).

“(B) NATIONWIDE PROGRAMMATIC AGREEMENT.—The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.), shall develop a nationwide programmatic agreement governing the review of transportation enhancement activities funded from the allocation required by subsection (d)(2), in accordance with—

“(i) section 106 of such Act (16 U.S.C. 470f); and  
 “(ii) the regulations of the Advisory Council on Historic Preservation.”.

**SEC. 317. 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. 318. 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. 319. 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 second 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”.

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(2) APPORTIONMENT.—Section 104(b)(2) of such title 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) TRAFFIC MONITORING, MANAGEMENT, AND CONTROL FACILITIES AND PROGRAMS.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following:

“(4) to establish or operate a traffic monitoring, management, and control facility or program if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the facility or program is likely to contribute to the attainment of a national ambient air quality standard; or”.

(c) EFFECT OF LIMITATION ON APPORTIONMENT.—Notwithstanding any other provision of law, for each of fiscal years 1996 and 1997, the amendments made by subsection (a) shall not affect any apportionment adjustments under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943).

#### **SEC. 320. 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. 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)(B) of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on that 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)(B) 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 that date.

“(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle in the State to be driving while intoxicated or driving under the influence of alcohol.

**“(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NON-COMPLIANCE.—**

**“(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 the 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 the 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 the 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 the funds are so apportioned. Sums not obligated at the end of that period shall lapse.

“(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), the funds shall lapse.”.

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

“161. Operation of motor vehicles by intoxicated minors.”.

**SEC. 321. 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 projects under this title. In carrying out this subsection, the Secretary shall recommend 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) recommending methods for increasing the use by the States of private sector sources for surveying and mapping activities.”.

**SEC. 322. DONATIONS OF FUNDS, MATERIALS, OR SERVICES FOR FEDERALLY ASSISTED PROJECTS.**

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

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following:

“(c) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES.—Nothing in this title or any other law shall prevent a person from offering to donate funds, materials, or services in connection with a project eligible for assistance under this title. In the case of such a project with respect to which the Federal Government and the State share in paying the cost, any donated funds, or the fair market value of any donated materials or services, that are accepted and incorporated into the project by the State highway department shall be credited against the State share.”.

**SEC. 323. 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. 324. 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 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 that—

“(I) 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) 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 or driving under the influence of alcohol.”.

(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. 325. REFERENCES TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.**

(a) RAILWAY-HIGHWAY CROSSINGS REPORT.—The third sentence of section 130(g) of title 23, United States Code, is amended by

striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(b) HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION REPORT.—Section 144(i)(1) of such title is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(c) HAZARD ELIMINATION REPORT.—The third sentence of section 152(g) of such title is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(d) RESEARCH REPORTS.—Subsections (d)(5), (e)(11), and (h) of section 307 of such title are each amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(e) CONGESTION PRICING PILOT PROGRAM REPORT.—Section 1012(b)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(f) MOTOR FUEL TAX ENFORCEMENT REPORT.—Section 1040(d)(1) of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

(g) ALLOCATION FORMULA STUDY.—Section 1098(b) of such Act (23 U.S.C. 104 note; 105 Stat. 2025) is amended by striking “these committees as they” and inserting “the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as the committees”.

(h) NATIONAL RECREATIONAL TRAILS REPORT.—Section 1303(i) of such Act (16 U.S.C. 1262(i)) is amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

#### SEC. 326. 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. 327. USE OF RECYCLED PAVING MATERIAL.

Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 1987-1990), as amended by section 205(b) of this Act, is amended—

(1) by inserting before subsection (e) the following:

“(d) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—

“(1) CRUMB RUBBER MODIFIER RESEARCH.—Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall develop testing procedures and conduct research to develop performance grade classifications, in accordance with the strategic highway research program carried out under section 307(d) VerDate 17-NOV-95 22:30 Dec 01, 1995

of title 23, United States Code, for crumb rubber modifier binders. The testing procedures and performance grade classifications should be developed in consultation with representatives of the crumb rubber modifier industry and other interested parties (including the asphalt paving industry) with experience in the development of the procedures and classifications.

**“(2) CRUMB RUBBER MODIFIER PROGRAM DEVELOPMENT.—**

“(A) IN GENERAL.—The Secretary may make grants to States to develop programs to use crumb rubber from scrap tires to modify asphalt pavements.

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

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

“(ii) for the placement and evaluation of crumb rubber modified asphalt pavement field tests; and

“(iii) for the expansion of State crumb rubber modifier programs in existence on the date the grant is made available.”; and

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

“(1) the term ‘asphalt pavement containing recycled rubber’ means any mixture of asphalt and crumb rubber derived from whole scrap tires, such that the physical properties of the asphalt are modified through the mixture, for use in pavement maintenance, rehabilitation, or construction applications; and”.

**SEC. 328. 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)—

(A) by striking “median” and inserting “or temporary crashworthy”; and

(B) by inserting “crashworthy” after “innovative”; and

(2) in subsection (c)—

(A) in the subsection heading by inserting “CRASHWORTHY” after “INNOVATIVE”;

(B) by inserting “crashworthy” after “innovative”;

(C) by striking “median”;

(D) by inserting “or guiderail” after “guardrail”; and

(E) by inserting before the period at the end the following: “, and that meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers”.

**SEC. 329. CORRECTIONS TO MISCELLANEOUS AUTHORIZATIONS.**

(a) GOWANUS EXPRESSWAY CORRIDOR, NEW YORK.—Section 1069(ee) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: “In carrying out such improvements, the State of New York shall consider the economic and social impacts of the project on the neighboring community.”

(b) NEW YORK CITY, NEW YORK.—Section 1069(gg) of such Act (105 Stat. 2011) is amended to read as follows:

“(gg) INTERMODAL FACILITIES, NEW YORK.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection

\$150,000,000 for fiscal years beginning after September 30, 1995, for—

- “(A) design and construction of the Whitehall Street Ferry Terminals in New York, New York;
- “(B) completion of construction of the Oak Point Link in the Harlem River in New York, New York;
- “(C) engineering, design, and construction activities to permit the James A. Farley Post Office in New York, New York, to be used as an intermodal transportation facility and commercial center; and
- “(D) necessary improvements to and redevelopment of Pennsylvania Station and associated service buildings in New York, New York.

Such sums shall remain available until expended.

“(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

- “(A) not to exceed \$50,000,000 may be used to carry out paragraph (1)(A); and
- “(B) not to exceed \$10,000,000 may be used to carry out paragraph (1)(B).”.

#### SEC. 330. CORRECTIONS TO 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 2, relating to Eugene, Oregon—
  - (A) by striking “Construction” and inserting “Design, right-of-way acquisition, and construction”; and
  - (B) by inserting “, including pedestrian, bicycle, and vehicle approach roadways, intersections, signalization, and structural bridge changes, and related structures between East Broadway and Oakway Road” after “Bridge”;
- (2) in item 5, relating to Gloucester Point, Virginia, by inserting after “York River” the following: “and for repair, strengthening, and rehabilitation of the existing bridge”; and
- (3) in item 10, relating to Shakopee, Minnesota, by inserting “project, including the bypass of” after “replacement”.

#### SEC. 331. CORRECTIONS TO 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 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 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 23, relating to Tucson, Arizona, by inserting “, of which a total of \$3,609,620 shall be available for the project authorized by item 74 of the table contained in section 1106(b)” after “in Tucson, Arizona”;
- (4) in item 38, relating to New York, New York, by striking “Construction” and all that follows through “Bypass” and inserting the following: “Whitehall Street ferry terminals”; and
- (5) in item 43, relating to West Virginia, by striking “Coal Fields” and inserting “Coalfields”. VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029139 PO 00058 Frm 00028 Fm

**SEC. 332. HIGH PRIORITY CORRIDORS.****(a) IDENTIFICATION OF HIGH PRIORITY CORRIDORS.—**

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

(A) by inserting before the period at the end of paragraph (3) the following: “commencing on the Atlantic Coast in the Hampton Roads area going westward across Virginia to the vicinity of Lynchburg, Virginia, continuing west to serve Roanoke and then 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 moving westward across southern Kansas”;

(B) 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 Greens-

boro; VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029139 PO 00058 Frm 00029 Fmt 6580 Sfmt 6581 \SLIPLAW\PUBL59.104 APPS21

“(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.”;

(C) in paragraph (18)—

(i) by striking “and”;

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

(iii) by inserting after “Texas” the following: “, and to the Lower Rio Grande Valley at the border between the United States and Mexico; and

(iv) by inserting before the period at the end 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, including FM511 from United States Route 77 to the Port of Brownsville”; and

(D) 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 CANAMEX Corridor from Nogales, Arizona, through Las Vegas, Nevada, to Salt Lake City, Utah, to Idaho Falls, Idaho, to Montana, to the Canadian Border as follows:

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“(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 in the vicinity of 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 through Montana 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 continuing to the Wyoming border.

“(D) In the State of Wyoming, the Camino Real Corridor shall generally follow—

“(i) I-25 north to join with I-90 at Buffalo; and

“(ii) I-90 to the Montana border.

“(E) In the State of Montana, the Camino Real Corridor shall generally follow—

“(i) I-90 to Billings; and

“(ii) Montana Route 3, United States Route 12, United States Route 191, United States Route 87, to I-15 at Great Falls; and

“(iii) I-15 from Great Falls to the Canadian border.

“(28) The Birmingham Northern Beltline beginning at I-59 in the vicinity of Trussville, Alabama, and traversing westwardly intersecting with United States Route 75, United States Route 79, and United States Route 31; continuing southwardly intersecting United States Route 78 and terminating at I-59 with the I-459 interchange.

“(29) The Coalfields Expressway beginning at Beckley, West Virginia, to Pound, Virginia, generally following the corridor defined as State Routes 54, 97, 10, 16, and 83.”.

(2) 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.—

“(A) IN GENERAL.—The portions of the routes referred to in clauses (i), (ii), and (iii) of subsection (c)(5)(B), inVerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029139 PO 0

subsection (c)(9), and in subsections (c)(18) and (c)(20) that are not a part of the Interstate System are designated as 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—

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

“(ii) connects to an existing Interstate System segment.

The portion of the route referred to in subsection (c)(9) is designated as Interstate Route I-99.

“(B) TREATMENT OF SEGMENTS.—Subject to subparagraph (C), segments designated as part of the Interstate System by this paragraph and the mileage of such segments shall be treated in the manner described in the last 2 sentences of section 139(a) of title 23, United States Code.

“(C) USE OF FUNDS.—

“(i) GENERAL RULE.—Funds apportioned under section 104(b)(5)(A) of title 23, United States Code, may be used on a project to construct a portion of a route referred to in this paragraph to standards set forth in section 109(b) of such title if the State determines that the project for which the funds were originally apportioned is unreasonably delayed or no longer viable.

“(ii) LIMITATION.—If funds apportioned under section 104(b)(5)(A) of title 23, United States Code, for completing a segment of the Interstate System are used on a project pursuant to this subparagraph, no interstate construction funds may be made available, after the date of the enactment of this paragraph, for construction of such segment.”.

(b) FEASIBILITY STUDIES.—

(1) EVACUATION ROUTES FOR LOUISIANA COASTAL AREAS.—Section 1105(e)(2) of such Act (105 Stat. 2033) is amended by adding at the end the following: “A feasibility study may be conducted under this paragraph to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.”.

(2) 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 area.

(c) CORRECTIONS TO PROJECTS.—The table contained in section 1105(f) of such Act (105 Stat. 2033-2035) is amended—

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(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”;

(3) in item 21, relating to Louisiana, by inserting after “Shreveport, Louisiana” insert the following: “, and up to \$6,000,000 for surface transportation projects in Louisiana, including \$4,500,000 for the I-10 and I-610 project in Jefferson Parish, Louisiana, in the corridor between the St. Charles Parish line and Tulane Avenue, \$500,000 for noise analysis and safety abatement measures or barriers along the Lakeview section of I-610 in New Orleans, and \$1,000,000 for 3 highway studies (including \$250,000 for a study to widen United States Route 84/Louisiana Route 6 traversing north Louisiana, \$250,000 for a study to widen Louisiana Route 42 from United States Route 61 to Louisiana Route 44 and extend to I-10 in East Ascension Parish, and \$500,000 for a study to connect I-20 on both sides of the Ouachita River)”;

(4) in item 26, relating to Indiana, Kentucky, Tennessee, by striking “Newberry” and inserting “Evansville”.

(d) COALFIELDS EXPRESSWAY DESCRIPTION.—The first sentence of section 1069(v) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2010) is amended by striking “93” and inserting the following: “83, and from the West Virginia-Virginia State line generally following Route 83 to Pound, Virginia.”.

### SEC. 333. CORRECTIONS TO 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 18, relating to Louisiana, by inserting after “in Louisiana” the following: “and for Zachary Taylor Parkway, Alexandria to Bogalusa, Louisiana, to I-59 in Mississippi not to exceed \$1,000,000”;

(2) in item 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”;

(3) in item 52, relating to Bedford Springs, Pennsylvania, by striking “and Huntington” and inserting “Franklin, and Huntingdon”;

(4) in item 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 border between Texas and Oklahoma”;

(5) in item 71, relating to Chautauqua County, New York, by inserting “and other improvements” after “expressway lanes”;

(6) in item 75, relating to Pennsylvania, by striking “Widen” and all that follows through “lanes” and inserting “Road improvements on a 14-mile segment of United States Route 15 in Lycoming County, Pennsylvania”;

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- (7) in item 93, relating to New Mexico, by striking “Raton-Clayton Rd., Clayton, New Mexico” and inserting “United States Route 64/87 from Raton, New Mexico, through Clayton to the border between Texas and New Mexico”; and
- (8) in item 111, relating to Parker County, Texas—
  - (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. 334. CORRECTIONS TO 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 9, relating to New York, New York, by inserting after “NY” the following: “, \$4,440,398, and redevelopment of the James A. Farley Post Office, Pennsylvania Station, and associated service buildings into an intermodal transportation facility and commercial center, \$11,159,602”;
- (2) in item 13, relating to Joliet, Illinois, by striking “and construction and interchange at Houbolt Road and I-80”;
- (3) in item 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 52, relating to Chicago, Illinois, by striking “Right-of-way” and all that follows through “Connector)” and inserting “Reconstruct the Michigan Avenue viaduct”.

**SEC. 335. CORRECTIONS TO 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 10, relating to Atlanta, Georgia, by striking “(IVHS)” and inserting “(ITS)”;
- (2) 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;
- (3) 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;
- (4) in item 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”;
- (5) in item 29, relating to Blacksburg, Virginia—
  - (A) by inserting “methods of facilitating public and private participation in” after “demonstrate”; and

- (B) by striking “intelligent/vehicle highway systems” and inserting “intelligent transportation systems”;
- (6) in item 35, relating to Alabama, by striking “to bypass” and all that follows through “I-85” and inserting “beginning on United States Route 80 west of Montgomery, Alabama, and connecting to I-65 south of Montgomery and I-85 east of Montgomery”;
- (7) 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”;
- (8) in item 52, relating to Pennsylvania, by striking “2” and all that follows 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”;
- (9) in item 61, relating to Mojave, California—
  - (A) by striking “Mojave” and inserting “Victorville”; and
  - (B) by inserting “Mojave” after “reconstruct”;
- (10) in item 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”;
- (11) in item 76, relating to Tennessee—
  - (A) by inserting “Improved access to” before “I-81”;
  - (B) by striking “Interchange”; and
  - (C) by inserting after “Tennessee” the second place it appears the following: “via improvements at I-181/Eastern Star Road and I-81/Kendrick Creek Road”;
- (12) in item 100, relating to Arkansas, by striking “Thornton” and inserting “Little Rock”;
- (13) in item 113, relating to Durham County, North Carolina, by inserting after “Route 147” the following: “, including the interchange at I-85”;
- (14) in item 114, relating to Corpus Christi to Angleton, Texas, by striking “Construct new multi-lane freeway” and inserting “Construct a 4-lane divided highway”;
- (15) in item 162, relating to New York, New York, by inserting after “paint” the following: “, \$40,000,000, and James A. Farley Post Office, Pennsylvania Station, and associated service buildings: redevelopment, \$15,000,000”;
- (16) in item 193, relating to Corning, New York, by inserting “and other improvements” after “expressway lanes”; and
- (17) 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. 336. CORRECTIONS TO INTERMODAL PROJECTS.

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

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- (1) in item 9, relating to E. Haven/Wallingford, Connecticut—
  - (A) by striking “for \$8.8 million”;
  - (B) by striking “for \$2.4 million”; and
  - (C) by striking “for \$0.7 million”;
- (2) in item 12, relating to Buffalo, New York, by inserting after “Project” the following: “and the Crossroads Arena Project”;
- (3) in item 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”;
- (4) in item 33, relating to Orange County, New York, strike “Stuart Airport Interchange Project” and insert “Stewart Airport interchange projects”; and
- (5) in item 38, relating to Provo, Utah, strike “South” and all that follows through “Airport” and insert “East-West Connector from United States Route 89-189”.

**SEC. 337. NATIONAL RECREATIONAL TRAILS.**

(a) **STATE ELIGIBILITY.**—Section 1302(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(c)) is amended—

- (1) by striking “Act” each place it appears and inserting “part”;
- (2) in paragraph (2)-
  - (A) by striking subparagraph (B); and
  - (B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and
- (3) by adding at the end the following:

**“(3) FEDERAL SHARE.—**

“(A) **PRIOR TO FISCAL YEAR 2001.**—Prior to October 1, 2000, the Federal share of the cost of a project under this section shall be 50 percent.

“(B) **FISCAL YEAR 2001 AND THEREAFTER.**—For fiscal year 2001 and each fiscal year thereafter, a State shall be eligible to receive moneys under this part for 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 that fiscal year.”

(b) **ADMINISTRATIVE COSTS.**—Section 1302(d)(1) of such Act (16 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.**—VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029139 PO 00058 Frm 00036 F-

(1) IN GENERAL.—Section 1302(e) of such Act (16 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 should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

“(B) GUIDANCE.—A recreational trail advisory board satisfying the requirements of subsection (c)(2)(A) shall issue guidance to a State for the purposes of implementing subparagraph (A).

(2) CONFORMING AMENDMENT.—Section 1302(e)(4) of such Act (16 U.S.C. 1261(e)(4)) is amended by striking “paragraphs (6) and (8)(B)” and inserting “paragraphs (7) and (9)(B)”.

(d) RETURN OF MONEYS NOT EXPENDED.—Section 1302(e)(9)(B) of such Act, as redesignated by subsection (c)(1)(A), 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.

(e) ADVISORY COMMITTEE.—

(1) IN GENERAL.—Section 1303(b) of such Act (16 U.S.C. 1262(b)) is amended—

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

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

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

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

(2) CONFORMING AMENDMENT.—Section 1303(c) of such Act (16 U.S.C. 1262(c)) is amended by striking “subsection (b)(2)” and inserting “subsection (b)(3)”.

(f) FUNDING.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (j); and

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

“(h) NATIONAL RECREATIONAL TRAILS FUNDING.—In addition to funds made available from the National Recreational Trails Trust Fund, the Secretary shall obligate, from administrative funds (contract authority) deducted under subsection (a), to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) \$15,000,000 for each of fiscal years 1996 and 1997.”.

#### SEC. 338. INTELLIGENT TRANSPORTATION SYSTEMS.

(a) IMPROVED COLLABORATION IN INTELLIGENT TRANSPORTATION SYSTEMS RESEARCH AND DEVELOPMENT.—Section 6054 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2191-2192) is amended by adding at the end the following:

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“(e) COLLABORATIVE RESEARCH AND DEVELOPMENT.—In carrying out this part, the Secretary may carry out collaborative research and development in accordance with section 307(a)(2) of title 23, United States Code.”.

(b) TIME LIMIT FOR OBLIGATION OF FUNDS FOR INTELLIGENT TRANSPORTATION SYSTEMS PROJECTS.—Section 6058 of such Act (23 U.S.C. 307 note; 105 Stat. 2194-2195) is amended—

- (1) in subsection (e) by striking “until expended” and inserting “for obligation in accordance with this section”; and
- (2) by adding at the end the following:

“(f) OBLIGATION OF FUNDS.—

“(1) IN GENERAL.—Funds made available pursuant to subsections (a) and (b) on or after the date of the enactment of this subsection and other funds made available on or after that date to carry out specific intelligent transportation systems projects shall be obligated not later than the last day of the fiscal year following the fiscal year for which the funds are made available. Funds made available pursuant to subsections (a) and (b) before such date of enactment shall remain available until expended.

“(2) REALLOCATION OF FUNDS.—If funds described in paragraph (1) are not obligated by the date described in the paragraph, the Secretary may make the funds available to carry out any other project with respect to which funds may be made available under subsection (a) or (b).”.

(c) CONFORMING AMENDMENTS.—

(1) FINDINGS.—Section 6009(a)(6) of such Act (23 U.S.C. 307 note; 105 Stat. 2176) is amended by striking “intelligent vehicle highway systems” and inserting “intelligent transportation systems”.

(2) INTELLIGENT TRANSPORTATION SYSTEMS GENERALLY.—Part B of title VI of such Act (23 U.S.C. 307 note) is amended—

- (A) by striking the part heading and inserting the following:

## “PART B—INTELLIGENT TRANSPORTATION SYSTEMS”;

(B) in section 6051 by striking “Intelligent Vehicle-Highway Systems” and inserting “Intelligent Transportation Systems”;

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

(D) in section 6054(a)(2)(A) by striking “intelligent vehicle-highway” and inserting “intelligent transportation systems”;

(E) in the subsection heading for section 6054(b) by striking “INTELLIGENT VEHICLE-HIGHWAY SYSTEMS” and inserting “INTELLIGENT TRANSPORTATION SYSTEMS”;

(F) in the subsection heading for section 6056(a) by striking “IVHS” and inserting “ITS”;

(G) in the subsection heading for each of subsections (a) and (b) of section 6058 by striking “IVHS” and inserting “ITS”; and

(H) in the paragraph heading for section 6059(1) by striking “IVHS” and inserting “ITS”.VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029139 PO 00058 Frm 0

(3) DOT APPROPRIATIONS ACT.—Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1995 (23 U.S.C. 104 note; 108 Stat. 2489-2490) is amended by striking “intelligent vehicle highway systems” and inserting “intelligent transportation systems”.

(4) HAZMAT.—Section 109(a) of the Hazardous Materials Transportation Authorization Act of 1994 (23 U.S.C. 307 note) is amended—

(A) by striking “Intelligent Vehicle-Highway Systems” each place it appears and inserting “Intelligent Transportation Systems”; and

(B) by striking “intelligent vehicle-highway system” and inserting “intelligent transportation system”.

(5) UNIVERSITY RESEARCH INSTITUTE.—Section 5316(d) of title 49, United States Code, is amended—

(A) in the subsection heading by striking “INTELLIGENT VEHICLE-HIGHWAY” and inserting “INTELLIGENT TRANSPORTATION”; and

(B) by striking “intelligent vehicle-highway” each place it appears and inserting “intelligent transportation”.

**SEC. 339. ELIGIBILITY.**

(a) PENNSYLVANIA TURNPIKE AND I-95.—

(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.

(b) TYPE II NOISE BARRIERS.—

(1) GENERAL RULE.—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 subsections (h) and (i) of section 109 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.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to construction of Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.

(c) ROUTE SEGMENTS IN WYOMING.—

(1) IN GENERAL.—The Secretary shall cooperate with the State of Wyoming in monitoring the changes in growth along, and traffic patterns of, the route segments in Wyoming described in paragraph (2), for the purpose of future consideration of the addition of the route segments to the National Highway System in accordance with section 103(b)(6) of title 23, United States Code.

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

- (A) United States Route 191 from Rock Springs to Hoback Junction;
- (B) United States Route 16 from Worland to Interstate Route 90; and
- (C) Wyoming Route 59 from Douglas to Gillette.

(d) ORANGE STREET BRIDGE, MISSOULA, MONTANA.—Notwithstanding section 149 of title 23, United States Code, or any other provision of law, a project to construct new capacity for the Orange Street Bridge in Missoula, Montana, shall be eligible for funding under the congestion mitigation and air quality improvement program established under such section.

(e) NATIONAL RAILROAD PASSENGER CORPORATION LINE.—The improvements to, or adjacent to, the main line of the National Railroad Passenger Corporation between milepost 190.23 at Central Falls, Rhode Island, and milepost 168.53 at Davisville, Rhode Island, that are necessary to support the rail movement of freight shall be eligible for funds apportioned under sections 103(e)(4), 104(b)(2), and 104(b)(3) of title 23, United States Code.

(f) POCONO NORTHEAST RAILWAY COMPANY LINE.—The improvements to the former Pocono Northeast Railway Company freight rail line by the Luzerne County Redevelopment Authority that are necessary to support the rail movement of freight shall be eligible for funds apportioned under sections 104(b)(2) and 104(b)(3) of title 23, United States Code.

(g) 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.

(h) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia, Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of \$23,680,000, with an estimated Federal cost of \$20,341,000 and an estimated non-Federal cost of \$3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge to be constructed under the project, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Notwithstanding section 101(a) of title 23, United States Code, and the requirements of sections 202 and 204 of such title, the highway projects described in section 149(a)(62) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), section 1 of Public Law 100-211 (101 Stat. 1442), and Public Law 99-647 (100 Stat. 3625) and projects on State Highway 488 within the Great Basin National Park, Nevada, and United States Route 93 from Somers to Whitefish, Montana, shall be eligible for assistance

under sections 202 and 204 of such title. Any funds allocated for fiscal year 1996 and thereafter for such projects as a result of enactment of this subsection shall not affect the apportionment adjustments made under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991.

(j) ALAMEDA TRANSPORTATION CORRIDOR, CALIFORNIA.—Funds apportioned to the State of California under section 104(b)(1) of title 23, United States Code, for the National Highway System may be obligated for construction of, and operational improvements for, grade separation projects for the Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate Route 10, Los Angeles, California. The Federal share of the costs of such projects shall be determined in accordance with section 120(b) of such title.

**SEC. 340. MISCELLANEOUS CORRECTIONS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.**

(a) 34TH STREET CORRIDOR PROJECT IN MOORHEAD, MINNESOTA.—Section 149(a)(5)(A) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181), relating to Minnesota, is amended—

- (1) by striking “and” at the end of clause (i); and
- (2) by inserting “and (iii) a safety overpass,” after “interchange.”.

(b) CALIFORNIA.—Section 149(a)(69) of such Act (101 Stat. 191), relating to Burbank-Glendale-Pasadena Airport, California, is amended—

- (1) by striking “highway”;
- (2) by striking “and construction of terminal and parking facilities at such airport”; and

(3) by striking “by making” and all that follows through the period at the end of the second 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.”.

(c) PENNSYLVANIA.—Section 149(a)(74) of such Act (101 Stat. 192) is amended—

- (1) by striking “CHAMBERSBURG, PENNSYLVANIA” in the paragraph heading and inserting “PENNSYLVANIA”; and

(2) 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) LOUISIANA.—

(1) RURAL ACCESS PROJECT.—Section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194) is amended—

(A) by striking “WEST CALCASIEU PARISH, LOUISIANA” and inserting “LOUISIANA”; and

(B) by inserting before the period at the end the following: “and construction of roads and a bridge to provide access to the Rose Bluff industrial area, Lake Charles, Louisiana”.VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029139 PO 00058 Frm 00041 Fmt 6580 Sfmt 6581 \SLIPLAWPUBL59.104 APPS

(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. 194) is amended—

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

(B) by inserting before the period at the end the following: “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 10 to Ryan Street in Lake Charles, Louisiana, and \$269,661 to carry out projects described in paragraph (90)”.

(3) CONTRABAND BRIDGE.—Section 149(a)(90) of such Act (101 Stat. 194) 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 a project to construct the Contraband Bridge portion of the Nelson Access Road Project”.

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

(1) by striking “UNITED STATES ROUTE 48” in the paragraph heading and inserting “WASHINGTON AND FREDERICK COUNTIES”; and

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

(f) NORTH DAKOTA.—Of funds remaining available for obligation under sections 149(a)(111)(C), 149(a)(111)(E), 149(a)(111)(J), 149(a)(111)(K), 149(a)(111)(L), 149(a)(111)(M), and 149(a)(112) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, \$217,440 shall be made available for the repair of County Road 8 west of Lawton, Ramsey County, North Dakota. The remainder of such funds shall be made available to the North Dakota department of transportation for flood prevention and repair activities on North Dakota county roads on a Federal-aid system that are threatened by flooding (as determined by the North Dakota department of transportation).

**SEC. 341. 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 clause (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. 342. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.**

(a) MASS TRANSIT TESTING.—Section 5331(b) of title 49, United States Code, is amended by striking the subsection designation and all that follows through paragraph (1)(A) and inserting the following:

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**(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) of such title is amended by striking the subsection designation and all that follows through paragraph (1)(A) and inserting the following:

**(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 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 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) of title 49, United States Code, is amended by striking the subsection designation and all that follows through paragraph (1) and inserting the following:

**(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, crew members, 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, crew members, 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, crew members, 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) of title 49, United States Code, is amended by striking the subsection designation and all that follows through paragraph (1) and inserting the following:

“(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator 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. 343. 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. 344. COMMERCIAL MOTOR VEHICLE SAFETY PILOT PROGRAM.**

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

(1) by inserting “(1) IN GENERAL.—” before “After”;

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

(3) by adding at the end the following:

“(2) COMMERCIAL MOTOR VEHICLE SAFETY PILOT PROGRAM.—

“(A) IN GENERAL.—Not later than the 270th day following the date of the enactment of this paragraph, the Secretary shall implement a commercial motor vehicle regulatory relief and safety pilot program (hereinafter in this paragraph referred to as the ‘program’) to grant and to monitor exemptions from the provisions of this section and sections 504 and 31502. The program shall provide that the Secretary, within 120 days after receiving an application for participation in the program from an employer, shall determine whether to exempt some or all of the eligible vehicles operated by the applicant, and some or all of the drivers of such vehicles employed by the applicant, from some or all of the regulations prescribed under this section and sections 504 and 31502—

“(i) if the applicant has a satisfactory safety rating issued by the Secretary or meets criteria established by the Secretary pursuant to subparagraph (J) instead of such rating; and

“(ii) if the applicant and the Secretary enter into an agreement that provides that the applicant while participating in the program—

“(I) shall operate safely;

“(II) shall provide the Secretary with accident and nonconfidential insurance-related information relevant to the safety performance of the applicant and vehicles and drivers of the applicant subject to the program;

“(III) shall use in the program only drivers with good safety records in the preceding 36 months and who maintain such good safety records while in the program; and

“(IV) shall implement such safety management controls as the Secretary (in cooperation with the applicant) determines are necessary to carry out the objectives of this subsection.

“(B) SAFETY MANAGEMENT CONTROLS.—Safety management controls implemented by participants in the program shall be designed to achieve a level of operational safety equal to or greater than that resulting from compliance with the regulations prescribed under this section and sections 504 and 31502.

“(C) PAPERWORK BURDEN TO BE MINIMIZED.—The Secretary shall ensure that participants in the program are subject to a minimum of paperwork and regulatory burdens necessary to ensure compliance with the requirements of the program.

“(D) ENCOURAGEMENT OF ADVANCED TECHNOLOGY.—The Secretary shall encourage participants in the program to use such advanced technologies as may be necessary to ensure compliance with the requirements of the program.

“(E) APPROVAL FACTORS.—In approving applicants for participation in the program, the Secretary shall—

“(i) ensure that the participants represent a broad cross-section of fleet size and drivers of eligible vehicles; and

“(ii) ensure participation by qualified applicants, except to the extent limited by resources of the Secretary that are necessary to permit effective monitoring under subparagraph (G).

“(F) MODIFICATIONS TO REFLECT CHANGES IN REGULATIONS.—If there is a material change in the regulations prescribed under this section or section 504 or 31502, the Secretary shall require each participant in the program to modify the safety management controls applicable to such participant, and the agreement provided for in subparagraph (A)(ii), to the extent necessary to reflect the material change.

“(G) MONITORING.—The Secretary and participants in the program shall monitor periodically the safety of vehicles and drivers subject to the program.

“(H) TERMINATION OF PARTICIPATION.—A participant shall participate in the program until—

“(i) the Secretary finds that—VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029139 PO 00058 Frm 00045 Fmt 6580 Sf

“(I) the participant has exceeded the average ratio of preventable accidents to vehicle miles traveled for a period of 12 months for eligible vehicles;

“(II) the participant has failed to comply with the requirements established by the Secretary for participation in the program (including applicable safety management controls); or

“(III) continued participation in the program is not in the public interest; or

“(ii) the participant voluntarily withdraws from the program.

“(I) EMERGENCIES.—The Secretary may suspend or modify participation in the program in case of emergency.

“(J) GUIDELINES.—

“(i) IN GENERAL.—Not later than the 270th day following the date of the enactment of this paragraph, the Secretary, after notice and opportunity for comment, shall establish criteria and define any terms necessary for implementing the program consistent with this section. In establishing the criteria, the Secretary may consider to what extent and under what conditions safety management controls may substitute, in whole or in part, for compliance with some or all of the regulations prescribed under this section and sections 504 and 31502.

Effective date. VerDate 17-NOV-95 22:30 Dec 01, 1995 L102A30.0000 Notwithstanding clause (i), the program shall take effect on or before the 270th day following the date of the enactment of this paragraph. If the rulemaking described in clause (i) is not completed on or before such 270th day, the Secretary shall issue interim criteria, consistent with this section, pending the completion of the rulemaking described in this subsection.

“(K) ELIGIBLE VEHICLES.—For purposes of this subsection, the term ‘eligible vehicle’ means a commercial motor vehicle with a gross vehicle weight rating of at least 10,001 pounds, but not more than 26,000 pounds, other than a vehicle—

“(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 and transported in a quantity requiring placarding under the regulations issued under such section.

“(3) REVIEW OF REGULATIONS.—Based in part on the information and experience obtained from the program, the Secretary shall conduct a zero-based review of the need for, and the costs and benefits of, all regulations prescribed under this section and sections 504 and 31502 to determine whether and to what extent such regulations should apply to eligible vehicles. The review shall focus on the appropriate level of safety that is in the public interest and the paperwork and regulatory burdens of such regulations as the regulations apply to employers and employees that use such vehicles. The Secretary shall complete the review by the last day of the 3-year period beginning on the date of the enactment of this paragraph. Upon completion of the review, the Secretary shall,

after notice and an opportunity for public comment, grant such exemptions or modify or repeal existing regulations to the extent appropriate.”.

**SEC. 345. EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS.**

49 USC 31136

note.VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029136

**(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 7 or 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 7 or 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 7 or 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) PREEMPTION.—Nothing contained in this section shall require the preemption of State laws and regulations concerning the safe operation of commercial motor vehicles as the result of exemptions from Federal requirements provided under this section.

(c) REVIEW BY THE SECRETARY.—The Secretary may conduct a rulemaking proceeding to determine whether granting any exemp-

tion provided by subsection (a) (other than paragraph (2)) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time as a result of such a proceeding, 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, the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption. The Secretary may develop a program to monitor the exemption, including agreements with carriers to permit the Secretary to examine insurance information maintained by an insurer on a carrier.

(d) REPORT.—The Secretary shall monitor the commercial motor vehicle safety performance of drivers of vehicles that are subject to an exemption under this section. If the Secretary determines that public safety has been adversely affected by an exemption granted under this section, the Secretary shall report to Congress on the determination.

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

(1) 7 OR 8 CONSECUTIVE DAYS.—The term “7 or 8 consecutive days” means the period of 7 or 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 and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between initial mobilization of equipment and materials to the site to the final completion of the construction project) within a 50 air mile radius of the normal work reporting location of the driver. This paragraph does not apply to the transportation of material found by the Secretary to be hazardous under section 5103 of title 49, United States Code, in a quantity requiring placarding under regulations issued to carry out such section.

(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 commercial motor vehicle—

(A) used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, VerDate 17-NOV-95 22:30 Dec 01, 1

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 by the utility.

(f) EFFECTIVE DATE.—Subsection (a) of this section shall take effect on the 180th day following the date of the enactment of this Act; except that paragraphs (1) and (2) of subsection (a) shall take effect on such date of enactment.

**SEC. 346. WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.**

(a) IN GENERAL.—After notice and opportunity for comment, the Secretary shall develop and implement a pilot program for the purpose of evaluating waivers of the regulations issued by the Secretary pursuant to sections 31136 and 31502 of title 49, United States Code, relating to maximum on-duty time, and sections 31102 and 31104(j) of such title, relating to the Motor Carrier Safety Assistance Program, to permit any period of 7 or 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 on-duty time for drivers of motor vehicles making intrastate home heating oil deliveries that occur within 100 air miles of a central terminal or distribution point of the delivery of such oil. The Secretary may approve up to 5 States to participate in the pilot program during the winter heating season in the 6-month period beginning on November 1, 1996.

(b) APPROVAL CRITERIA.—The Secretary shall select States to participate in the pilot program upon approval of applications submitted by States to the Secretary. The Secretary shall act on a State's application within 30 days after the date of its submission. The Secretary may only approve an application of a State under this section if the Secretary finds, at a minimum, that—

(1) a substantial number of the citizens of the State rely on home heating oil for heat during winter months;

(2) current maximum on-duty time regulations may endanger the welfare of these citizens by impeding timely deliveries of home heating oil;

(3) the State will ensure an equal to or greater level of safety with respect to home heating oil deliveries than the level of safety resulting from compliance with the regulations referred to in subsection (a);

(4) the State will monitor the safety of home heating oil deliveries while participating in the program;

(5) employers of deliverers of home heating oil that will be covered by the program will agree to make all safety data developed from the pilot program available to the State and to the Secretary;

(6) the State will only permit employers of deliverers of home heating oil with satisfactory safety records to be covered by the program; and

(7) the State will comply with such other criteria as the Secretary determines are necessary to implement the program consistent with this section.

(c) PARTICIPATION IN PROGRAM.—Upon approval of an application of a State under this section, the Secretary shall permit the State to participate in the pilot program for an initial period of 15 days during the winter heating season of the State (as determined by the Governor and the Secretary). If, after the last day of such 15-day period, the Secretary finds that a State's continued participation in the program is consistent with this section and has resulted in no significant adverse impact on public safety and is in the public interest, the Secretary shall extend the State's participation in the program for periods of up to 30 additional days during such heating season.

(d) SUSPENSION FROM PROGRAM.—The Secretary may suspend a State's participation in the pilot program at any time if the Secretary finds—

(1) that the State has not complied with any of the criteria for participation in the program under this section;

(2) that a State's participation in the program has caused a significant adverse impact on public safety and is not in the public interest; or

(3) the existence of an emergency.

Rulemaking. VerDate 17-NOV-2008 09:59 Dec-01-2009 Jkt 000000 PO 00000 PUBLIC LAW 104-59 APPS21  
(e) REVIEW BY SECRETARY.—Within 90 days after the completion of the pilot program, the Secretary shall initiate a rulemaking to determine, based in part on the results of the program, whether to—

(1) permit a State to grant waivers of the regulations referred to in subsection (a) to motor carriers transporting home heating oil within the borders of the State, subject to such conditions as the Secretary may impose, if the Secretary determines that such waivers by the State meet the conditions in section 31136(e) of title 49, United States Code; or

(2) amend the regulations referred to in subsection (a) as may be necessary to provide flexibility to motor carriers delivering home heating oil during winter periods of peak demand.

(f) DEFINITION.—In this section, the term “7 or 8 consecutive days” has the meaning such term has under section 345 of this Act.

23 USC 154 note.

**SEC. 347. SAFETY REPORT.**

Not later than September 30, 1997, the Secretary, 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 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. 348. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.**42 USC 7511a  
note.VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 02913

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") shall not require adoption or implementation by a State of a test-only I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 or 187 of the Clean Air Act (42 U.S.C. 7511a; 7512a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance with such section.

(b) LIMITATION ON PLAN DISAPPROVAL.—The Administrator shall not disapprove or apply an automatic discount to a State implementation plan revision under section 182 or 187 of the Clean Air Act (42 U.S.C. 7511a; 7512a) on the basis of a policy, regulation, or guidance providing for a discount of emissions credits because the inspection and maintenance program in such plan revision is decentralized or a test-and-repair program.

(c) EMISSIONS REDUCTION CREDITS.—

(1) STATE PLAN REVISION; APPROVAL.—Within 120 days of the date of the enactment of this subsection, a State may submit an implementation plan revision proposing an interim inspection and maintenance program under section 182 or 187 of the Clean Air Act (42 U.S.C. 7511a; 7512a). The Administrator shall approve the program based on the full amount of credits proposed by the State for each element of the program if the proposed credits reflect good faith estimates by the State and the revision is otherwise in compliance with such Act. If, within such 120-day period, the State submits to the Administrator proposed revisions to the implementation plan, has all of the statutory authority necessary to implement the revisions, and has proposed a regulation to make the revisions, the Administrator may approve the revisions without regard to whether or not such regulation has been issued as a final regulation by the State.

(2) EXPIRATION OF INTERIM APPROVAL.—The interim approval shall expire on the earlier of (A) the last day of the 18-month period beginning on the date of the interim approval, or (B) the date of final approval. The interim approval may not be extended.

(3) FINAL APPROVAL.—The Administrator shall grant final approval of the revision based on the credits proposed by the State during or after the period of interim approval if data collected on the operation of the State program demonstrates that the credits are appropriate and the revision is otherwise in compliance with the Clean Air Act.

(4) BASIS OF APPROVAL; NO AUTOMATIC DISCOUNT.—Any determination with respect to interim or full approval shall be based on the elements of the program and shall not apply any automatic discount because the program is decentralized or a test-and-repair program.

**SEC. 349. ROADS ON FEDERAL LANDS.**

(a) MORATORIUM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no agency of the Federal Government may take any action to prepare, promulgate, or implement any rule or regulation addressing rights-of-way authorized pursuant to section 2477



(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary may enter into cooperative agreements with not to exceed 10 States for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

(2) INTERSTATE COMPACTS.—Congress grants consent to 2 or more of the States, entering into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, to enter into an interstate compact establishing such bank in accordance with this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNTS.—An infrastructure bank established under this section shall maintain a separate highway account for Federal funds contributed to the bank under paragraph (2) and a separate transit account for Federal funds contributed to the bank under paragraph (3). No Federal funds contributed or credited to an account of an infrastructure bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) HIGHWAY ACCOUNT.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (g)(1), a State entering into a cooperative agreement under this section to contribute not to exceed—

(A) 10 percent of the funds apportioned to the State for each of fiscal years 1996 and 1997 under each of sections 104(b)(1), 104(b)(3), 104(b)(5)(B), 144, and 160 of title 23, United States Code, and section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991; and

(B) 10 percent of the funds allocated to the State for each of such fiscal years under each of section 157 of such title and section 1013(c) of such Act;

into the highway account of the infrastructure bank established by the State. Federal funds contributed to such account under this paragraph shall constitute for purposes of this section a capitalization grant for the highway account of the infrastructure bank.

(3) TRANSIT ACCOUNT.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (g)(1), a State entering into a cooperative agreement under this section, and any other Federal transit grant recipient, to contribute not to exceed 10 percent of the funds made available to the State or other Federal transit grant recipient in each of fiscal years 1996 and 1997 for capital projects under sections 5307, 5309, and 5311 of title 49, United States Code, into the transit account of the infrastructure bank established by the State. Federal funds contributed to such account under this paragraph shall constitute for purposes of this section a capitalization grant for the transit account of the infrastructure bank.

(4) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.— Funds that are apportioned or allocated to a State under section 104(b)(3) or 160 of title 23, United States Code, or under section 1013(c) or 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 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 be used to provide assistance with respect to a project only if the metropolitan planning organization designated for such area concurs, in writing, with the provision of such assistance.

(c) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—An infrastructure bank established under this section may make loans or provide other assistance to a public or private entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project. Initial assistance provided with respect to a project from Federal funds contributed to an infrastructure bank under this section may not be made in the form of a grant.

(d) QUALIFYING PROJECTS.—Federal funds in the highway account of an infrastructure bank established under this section may be used only to provide assistance with respect to construction of Federal-aid highways. Federal funds in the transit account of such bank may be used only to provide assistance with respect to capital projects.

(e) INFRASTRUCTURE BANK REQUIREMENTS.—In order to establish an infrastructure bank under this section, each State establishing the bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and contributed to the bank; except that if the contribution is into the highway account of the bank and the State has a lower non-Federal share under section 120(b) of title 23, United States Code, such percentage shall be adjusted by the Secretary to correspond with such lower non-Federal share;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) provide that the repayment of a loan or other assistance from an account of the bank under this section shall be consistent with the repayment provisions of section 129(a)(7) of title 23, United States Code, except to the extent the Secretary determines that such provisions are not consistent with this section;

(5) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(6) ensure that repayment of any loan from the bank will commence not later than 5 years after the project has been

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completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

(7) ensure that the term for repaying any loan will not exceed 30 years after the date of the first payment on the loan under paragraph (6); and

(8) require the bank to make an annual report to the Secretary on its status no later than September 30, 1996, and September 30, 1997, and to make such other reports as the Secretary may require by guidelines.

(f) LIMITATION ON REPAYMENTS.—Notwithstanding any other provision of law, the repayment of a loan or other assistance provided from an infrastructure bank under this section may not be credited towards the non-Federal share of the cost of any project.

(g) SECRETARIAL REQUIREMENTS.—In administering this section, the Secretary shall—

(1) ensure that Federal disbursements shall be at a rate consistent with historic rates for the Federal-aid highway program and the Federal transit program, respectively;

(2) issue guidelines to ensure that all requirements of title 23, United States Code, or title 49, United States Code, that would otherwise apply to funds made available under such title and projects assisted with such funds apply to—

(A) funds made available under such title and contributed to an infrastructure bank established under this section; and

(B) projects assisted by the bank through the use of such funds;

except to the extent that the Secretary determines that any requirement of such title is not consistent with the objectives of this section; and

(3) specify procedures and guidelines for establishing, operating, and providing assistance from the bank.

(h) UNITED STATES NOT OBLIGATED.—The contribution of Federal funds into an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States for payment solely by virtue of the contribution. Any security or debt financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(i) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds contributed under this section.

(j) PROGRAM ADMINISTRATION.—For each of fiscal years 1996 and 1997, a State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

(k) SECRETARIAL REVIEW.—The Secretary shall review the financial condition of each infrastructure bank established under this section and transmit to Congress a report on the results of such review not later than March 1, 1997. In addition, the report shall contain—

(1) an evaluation of the pilot program conducted under this section and the ability of such program to increase public investment and attract non-Federal capital; and

(2) recommendations of the Secretary as to whether the program should be expanded or made a part of the Federal-aid highway and transit programs.

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

(1) CAPITAL PROJECT.—The term “capital project” has the meaning such term has under section 5302 of title 49, United States Code.

(2) CONSTRUCTION; FEDERAL-AID HIGHWAY.—The terms “construction” and “Federal-aid highway” have the meanings such terms have under section 101 of title 23, United States Code.

(3) OTHER ASSISTANCE.—The term “other assistance” includes any use of funds in an infrastructure bank—

(A) to provide credit enhancements;

(B) to serve as a capital reserve for bond or debt instrument financing;

(C) to subsidize interest rates;

(D) to ensure the issuance of letters of credit and credit instruments;

(E) to finance purchase and lease agreements with respect to transit projects;

(F) to provide bond or debt financing instrument security; and

(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which such assistance is being provided.

(4) STATE.—The term “State” has the meaning such term has under section 101 of title 23, United States Code.

#### SEC. 351. RAILROAD-HIGHWAY GRADE CROSSING SAFETY.

23 USC 307 note. VerDate 17-JUL-2003 09:55 Nov 28, 1995  
(a) INTELLIGENT TRANSPORTATION SYSTEMS.—In implementing the Intelligent Transportation Systems Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2189-2195), the Secretary shall ensure that the national intelligent transportation systems program addresses, in a comprehensive and coordinated manner, the use of intelligent transportation technologies to promote safety at railroad-highway grade crossings. The Secretary shall ensure that 2 or more operational tests funded under such Act are designed to promote highway traffic safety and railroad safety.

23 USC 130 note.

(b) SAFETY ENFORCEMENT.—

(1) COOPERATION BETWEEN FEDERAL AND STATE AGENCIES.—The National Highway Traffic Safety Administration and the Office of Motor Carriers within the Federal Highway Administration shall cooperate and work, on a continuing basis, with the National Association of Governors’ Highway Safety Representatives, the Commercial Vehicle Safety Alliance, and Operation Lifesaver, Inc., to improve compliance with and enforcement of laws and regulations pertaining to railroad-highway grade crossings.

(2) REPORT.—Not later than June 1, 1998, the Secretary shall submit to Congress a report indicating—

(A) how the Department of Transportation worked with the entities referred to in paragraph (1) to improve the awareness of the highway and commercial vehicle safety and law enforcement communities of regulations and safety challenges at railroad-highway grade crossings; and

(B) how resources are being allocated to better address these challenges and enforce such regulations.

(c) FEDERAL-STATE PARTNERSHIP.—

(1) STATEMENT OF POLICY.—

(A) HAZARDS TO SAFETY.—Certain railroad-highway grade crossings present inherent hazards to the safety of railroad operations and to the safety of persons using those crossings. It is in the public interest—

(i) to promote grade crossing safety and reduce risk at high risk railroad-highway grade crossings; and

(ii) to reduce the number of grade crossings while maintaining the reasonable mobility of the American people and their property, including emergency access.

(B) EFFECTIVE PROGRAMS.—Effective programs to reduce the number of unneeded and unsafe railroad-highway grade crossings require the partnership of Federal, State, and local officials and agencies, and affected railroads.

(C) HIGHWAY PLANNING.—Promotion of a balanced national transportation system requires that highway planning specifically take into consideration grade crossing safety.

(2) PARTNERSHIP AND OVERSIGHT.—The Secretary shall encourage each State to make progress toward achievement of the purposes of this subsection.

23 USC 130 note.VerDate 17-NOV-95 22:30 Dec 01, 1995

**SEC. 352. COLLECTION OF BRIDGE TOLLS.**

New York.

Notwithstanding any other provision 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. 353. TRAFFIC CONTROL.**

Oregon.

(a) 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.

Rhode Island.

(b) STRIPES.—Notwithstanding any other provision of law, a red, white, and blue center line in the Main Street of Bristol, Rhode Island, shall be deemed to comply with the requirements of section 3B-1 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

Rhode Island.

**SEC. 354. PUBLIC USE OF REST AREAS.**

Notwithstanding section 111 of title 23, United States Code, or any project agreement under such section, the Secretary shall permit the conversion of any safety rest area adjacent to Interstate Route 95 within the State of Rhode Island that was closed as of May 1, 1995, to use as a motor vehicle emissions testing facility. At the option of the State, vehicles shall be permitted to enter and exit any such testing facility directly from Interstate Route 95.

**SEC. 355. SAFETY BELT USE LAW REQUIREMENTS FOR NEW HAMPSHIRE AND MAINE.**

(a) IN GENERAL.—For purposes of this section and section 153 of title 23, United States Code, the States of New Hampshire and Maine shall each be treated as having in effect a State law described in subsection (a)(2) of such section and as having achieved a rate of compliance with the State law required by subsections (f)(2) and (f)(3) of such section upon certification by the Secretary that the State has achieved—

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

(2) a safety belt use rate in each fiscal year thereafter of not less than the national average safety belt use rate, as determined by the Secretary.

(b) RETROACTIVE APPLICABILITY.—

(1) EFFECTIVE DATE.—Subsection (a) shall take effect September 30, 1995.

(2) TREATMENT OF CONTINUANCE OF SAFETY BELT USE LAW.—If the State of New Hampshire or Maine continues in effect a law described in subsection (a)(2) of section 153 of title 23, United States Code, within 60 days after the date of the enactment of this section, the State shall be treated, for purposes of this section and such section, as having in effect a State law described in such subsection on September 30, 1995.

(c) RESERVATION OF APPORTIONMENT PENDING CERTIFICATION.—If, at any time in a fiscal year beginning after September 30, 1994, the State of New Hampshire or Maine does not have in effect a law described in subsection (a)(2) of section 153 of title 23, United States Code, the Secretary shall reserve 3 percent of the funds to be apportioned to the State for the succeeding fiscal year, under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of such title, if the Secretary has not certified, in accordance with subsection (a) of this section, that the State has achieved the applicable safety belt use rate.

(d) EFFECT ON NONCERTIFICATION.—If, at the end of the fiscal year in which the funds are reserved under subsection (c), the Secretary has not certified, in accordance with subsection (a), that the State of New Hampshire or Maine achieved the applicable safety belt use rate, the Secretary shall transfer the funds reserved from the State under subsection (c) to the apportionment of the State under section 402 of title 23, United States Code.

**SEC. 356. ORANGE COUNTY, CALIFORNIA, TOLL ROADS.**

(a) MODIFICATION OF AGREEMENT.—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 (106 Stat. 1552) to conform such agreement to the provisions of section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (108 Stat. 2495).

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change the amount of the appropriation made by section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (106 Stat. 1552), and the line of credit provided for shall not exceed an amount supported by such appropriation.

(c) HIGHER INTEREST RATE.—In implementing sections 336 and 339 referred to in subsection (a), the Secretary may enter into an agreement requiring an interest rate that is higher than the rate specified in such sections.

**SEC. 357. COMPILATION OF TITLE 23, UNITED STATES CODE.**

(a) LEGISLATIVE PROPOSAL.—The Secretary shall, by March 31, 1997, prepare and submit to Congress a draft legislative proposal of necessary technical and conforming amendments to title 23, United States Code, and related laws.

(b) CONFORMING REPEAL.—Section 1066 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2006) is repealed.

**SEC. 358. 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 that 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 that have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode.

(3) COOPERATIVE AGREEMENT.—The Secretary shall conduct 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 (23 U.S.C. 401 note; 105 Stat. 2001), the Secretary shall utilize a variety of methods to increase safety at highway construction sites, including each of the following:

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

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

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

(4) Encouraging the use of enforceable speed limits in work zones.

(5) Developing training programs for work site designers and construction workers to promote safe work zone practices.

(6) Encouraging the use of unit price bid items in contracts for traffic control devices and implementation of traffic control plans.

(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

23 USC note  
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a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles.

(2) EQUIPMENT.—Equipment developed under the study 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, the Secretary shall determine whether the technology described in this subsection has other appropriate safety applications.

23 USC 408 note. VerDate 17-OCT-2007 09:54 Dec 05, 2007 Jkt 069132 PO 00000 Frm 00001 Sfmt 00000

~~DOEFFECTIVENESS OF DRUNK DRIVING LAWS~~ The Secretary shall conduct a study to evaluate the effectiveness on reducing drunk driving and appropriateness 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.

#### SEC. 359. MISCELLANEOUS STUDIES.

23 USC 309 note.

(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 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 resulting from 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 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.

(b) HIGHWAY SIGNS FOR NATIONAL HIGHWAY SYSTEM.—

(1) STUDY.—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 the study, the Secretary shall make a determination concerning whether to identify National Highway System route numbers.

(2) REPORT.—Not later than March 1, 1997, the Secretary shall transmit to Congress a report on the results of the study.

**(c) COMPLIANCE WITH BUY AMERICAN ACT.—**

(1) STUDY.—The Secretary shall conduct a study on compliance with 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.

**(d) MAGNETIC LEVITATION.—**

(1) STUDY.—The Secretary shall conduct a study evaluating the near-term applications of magnetic levitation ground transportation technology in the United States, with particular emphasis in identifying projects which would warrant immediate application of such technology. The study shall also evaluate the use of innovative financial techniques for the construction and operation of such projects.

(2) ELEMENTS.—The study shall be undertaken in consultation with a committee of 8 persons chosen by the Secretary with appropriate backgrounds in magnetic levitation transportation, design and construction, public and private finance, and infrastructure policy disciplines. The chairperson of the committee shall be elected by the members.

(3) REPORT.—Not later than September 30, 1996, the Secretary shall transmit to the President and Congress a report on the results of the study.

## **TITLE IV—WOODROW WILSON MEMORIAL BRIDGE**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Woodrow Wilson Memorial Bridge Authority Act of 1995”.

Woodrow Wilson  
Memorial Bridge  
Authority Act of  
1995.  
Maryland.  
Virginia.  
Washington, DC.

**SEC. 402. FINDINGS.**

Congress finds that—

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

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

(3) the deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the metropolitan Washington, D.C., area contribute significantly to traffic congestion;

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

(5) identifying alternative methods for maintaining this vital link of the Interstate System is critical to addressing the traffic congestion of the area;

(6) the Bridge is—

(A) the only drawbridge in the metropolitan Washington, D.C., area on the Interstate System;

(B) the only segment of the Capital Beltway with only 6 lanes; and

- (C) the only segment of the Capital Beltway with a remaining expected life of less than 10 years;
- (7) the Bridge is the only part of the Interstate System owned by the Federal Government;
- (8)(A) the Bridge was constructed by the Federal Government;
- (B) prior to the date of the enactment of this Act, the Federal Government has contributed 100 percent of the cost of building and rehabilitating the Bridge; and
- (C) the Federal Government has a continuing responsibility to fund future costs associated with the upgrading of the Interstate Route 95 crossing, including the rehabilitation and reconstruction of the Bridge;
- (9) the Woodrow Wilson Memorial Bridge Coordination Committee is undertaking planning studies pertaining to the Bridge, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable Federal laws;
- (10) the transfer of ownership of the Bridge to a regional entity under the terms and conditions described in this title would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the Bridge;
- (11) any material change to the Bridge must take into account the interests of nearby communities, the commuting public, Federal, State, and local government organizations, and other affected groups; and
- (12) a commission of congressional, State, and local officials and transportation representatives has recommended to the Secretary that the Bridge be transferred to an independent authority to be established by the Capital Region jurisdictions.

**SEC. 403. PURPOSES.**

The purposes of this title are—

- (1) to grant consent to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to establish by interstate agreement or compact the Woodrow Wilson Memorial Bridge Authority;
- (2) to authorize the transfer of ownership of the Woodrow Wilson Memorial Bridge to the Authority for the purposes of owning, constructing, maintaining, and operating a bridge or tunnel or a bridge and tunnel project across the Potomac River; and
- (3) to direct the Secretary to continue working with the parties that comprise the Woodrow Wilson Memorial Bridge Coordination Committee to complete all planning, preliminary engineering and design, environmental studies and documentation, and final engineering, and to submit a proposed agreement to Congress by October 1, 1996, that specifies the selected alternative, implementation schedule, and costs of the Project and the Federal share of the costs of the activities to be carried out as part of the Project.

**SEC. 404. DEFINITIONS.**

In this title, the following definitions apply:

- (1) **AUTHORITY.**—The term “Authority” means the Woodrow Wilson Memorial Bridge Authority established under section 405.

(2) **BOARD.**—The term “Board” means the board of directors of the Authority established under section 406.

(3) **BRIDGE.**—The term “Bridge” means the Woodrow Wilson Memorial Bridge across the Potomac River, including approaches thereto.

(4) **CAPITAL REGION JURISDICTION.**—The term “Capital Region jurisdiction” means—

- (A) the Commonwealth of Virginia;
- (B) the State of Maryland; and
- (C) the District of Columbia.

(5) **PROJECT.**—The term “Project” means the upgrading of the Interstate Route 95 Potomac River crossing, consistent with the selected alternative to be determined under section 407. Such term shall include ongoing short-term rehabilitation and repairs to the Bridge and may include 1 or more of the following:

(A) Construction of a new bridge or bridges in the vicinity of the Bridge.

(B) Construction of a tunnel in the vicinity of the Bridge.

(C) Long-term rehabilitation or reconstruction of the Bridge.

(D) Work necessary to provide rights-of-way for a rail or bus transit facility or bus or high occupancy vehicle lanes in connection with an activity described in subparagraph (A), (B), or (C).

(E) Work on Interstate Route 95 approaching the Bridge and other approach roadways if necessitated by an activity described in subparagraph (A), (B), or (C).

(F) Construction or acquisition of any building, improvement, addition, extension, replacement, appurtenance, land, interest in land, water right, air right, machinery, equipment, furnishing, landscaping, easement, utility, approach, roadway, or other facility that is necessary or desirable in connection with or incidental to a facility described in subparagraph (A), (B), or (C).

(6) **SIGNATORY.**—The term “Signatory” means any political jurisdiction that enters into the interstate agreement or compact that establishes the Authority.

(7) **WOODROW WILSON MEMORIAL BRIDGE COORDINATION COMMITTEE.**—The term “Woodrow Wilson Memorial Bridge Coordination Committee” means the Woodrow Wilson Memorial Bridge Coordination Committee established and chaired by the Federal Highway Administration and comprised of representatives of Federal, State, and local governments.

#### **SEC. 405. ESTABLISHMENT OF AUTHORITY.**

(a) **CONSENT TO INTERSTATE AGREEMENT.**—Congress grants consent to the Capital Region jurisdictions to enter into an interstate agreement or compact to establish the Authority and to designate the governance, powers, and duties of the Authority. The Authority shall be a non-Federal entity designated by the interstate agreement or compact.

(b) **ESTABLISHMENT OF AUTHORITY.—**

(1) **IN GENERAL.**—Upon execution of the interstate agreement or compact described in subsection (a) and an agreement between the Secretary and the Signatories as to the Federal

share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to the Authority as provided in section 407(c), the Authority shall be considered to be established for purposes of subsection (c).

(2) GENERAL POWERS.—The Authority shall be a body corporate and politic, and an instrumentality of each of the Capital Region jurisdictions, having the powers and jurisdiction described in this title and such additional powers as are conferred on the Authority by the Capital Region jurisdictions, to the extent that the additional powers are consistent with this title.

(c) PURPOSES OF AUTHORITY.—The Authority shall be established—

- (1) to assume ownership of the Bridge; and
- (2) to undertake the Project.

**SEC. 406. GOVERNMENT OF AUTHORITY.**

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

(b) BOARD.—The Authority shall be governed by a board of directors consisting of not more than 12 members appointed by the Capital Region jurisdictions and 1 member appointed by the Secretary.

(c) QUALIFICATIONS.—At least 2 members of the Board shall be elected officials each of whom represents a political subdivision that has jurisdiction over the area at an end of the Project crossing.

(d) FAILURE TO APPOINT.—The failure of a Capital Region jurisdiction to appoint 1 or more members of the Board shall not impair the establishment of the Authority if the condition of the establishment described in section 405(b)(1) has been met.

(e) PERSONAL LIABILITY OF MEMBERS.—A member of the Board, including any nonvoting member, shall not be personally liable for—

- (1) any action taken in his or her capacity as a member of the Board; or
- (2) any note, bond, or other financial obligation of the Authority.

(f) RESIDENCY REQUIREMENT.—Each member of the Board shall reside within a Capital Region jurisdiction.

**SEC. 407. OWNERSHIP OF BRIDGE.**

(a) CONVEYANCE BY SECRETARY.—

(1) IN GENERAL.—After execution of the agreement under subsection (c), the Secretary shall convey to the Authority all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project. Except as provided in paragraph (2), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge and all duties and responsibilities associated with the Bridge.

(2) INTERIM RESPONSIBILITIES.—Until such time as the Project is constructed and operational, the conveyance under paragraph (1) shall not—

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- (A) relieve the Capital Region jurisdictions of the sole and exclusive responsibility to maintain and operate the Bridge; or
  - (B) relieve the Secretary of the responsibility to rehabilitate the Bridge or to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other requirements applicable with respect to the Bridge.
- (b) TRANSFERS OF JURISDICTION.—For the purpose of making the conveyance under subsection (a), the Secretary of the Interior and the head of any other Federal department or agency that has jurisdiction over land under or adjacent to the Bridge shall transfer such jurisdiction to the Secretary.
- (c) AGREEMENT.—
  - (1) IN GENERAL.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed in accordance with this subsection.
  - (2) SUBMISSION TO CONGRESS.—Not later than October 1, 1996, the Secretary shall submit to Congress a proposed agreement between the Secretary and the Signatories that specifies—
    - (A) the selected alternative, implementation schedule, and costs of the Project;
    - (B) the Federal share of the costs of the activities to be carried out as part of the Project, including, at a minimum, a 100 percent Federal share of—
      - (i) the cost of the continuing rehabilitation of the Bridge until such time as the Project is constructed and operational;
      - (ii) an amount, as determined by the Woodrow Wilson Memorial Bridge Coordination Committee, equivalent to the cost of replacing the Bridge with a comparable modern bridge designed according to current engineering standards; and
      - (iii) the cost of planning, preliminary engineering and design, environmental studies and documentation, and final engineering for the Project; and
    - (C) the Federal share of the cost of activities to be carried out as part of the project after September 30, 1997, will be reduced by amounts expended by the United States for activities (other than environmental studies and documentation) described in subparagraph (B)(iii) in fiscal years 1996 and 1997.
  - (3) APPROVAL AND EXECUTION OF AGREEMENT.—After the enactment of a Federal law approving an agreement described in paragraph (2), the Secretary may execute the agreement.

**SEC. 408. PROJECT PLANNING.**

The Secretary shall work with the Woodrow Wilson Memorial Bridge Coordination Committee, or with the Authority consistent with the purpose of the Authority, to complete, at the earliest possible date, planning, preliminary engineering and design, environmental studies and documentation, and final engineering for the Project, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable Federal laws. VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029139 PO 00058 Frm 00065 Fmt 6580 Sfmt 6581 \SLIPLAW\PUBL59.104 APPS21

**SEC. 409. ADDITIONAL POWERS AND RESPONSIBILITIES OF AUTHORITY.**

In addition to the powers and responsibilities of the Authority under the other provisions of this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, the Authority shall have all powers necessary and appropriate to carry out the duties of the Authority, including the power—

- (1) to adopt and amend any bylaw that is necessary for the regulation of the affairs of the Authority and the conduct of the business of the Authority;
- (2) to adopt and amend any regulation that is necessary to carry out the powers of the Authority;
- (3) subject to section 407(a)(2), to plan, establish, finance, operate, develop, construct, enlarge, maintain, equip, or protect the facilities of the Project;
- (4) to employ, in the discretion of the Authority, such personnel and agents as may be necessary to carry out the purposes of the Authority (including consulting engineers, attorneys, accountants, construction and financial experts, superintendents, and managers) and to fix the compensation and benefits of the employees and agents, except that—
  - (A) an employee of the Authority shall not engage in an activity described in section 7116(b)(7) of title 5, United States Code, with respect to the Authority; and
  - (B) an employment agreement entered into by the Authority shall contain an explicit prohibition against an activity described in subparagraph (A) with respect to the Authority by an employee covered by the agreement;
- (5) to acquire personal and real property (including land lying under water and riparian rights), or any easement or other interest in real property, by purchase, lease, gift, transfer, or exchange;
- (6) to exercise such powers of eminent domain in the Capital Region jurisdictions as are conferred on the Authority by the Signatories, in the exercise of the powers and the performance of the duties of the Authority;
- (7) to apply for and accept any property, material, service, payment, appropriation, grant, gift, loan, advance, or other fund that is transferred or made available to the Authority by the Federal Government or by any other public or private entity or individual;
- (8) to borrow money on a short-term basis and issue notes of the Authority for the borrowing payable on such terms and conditions as the Board considers advisable, and to issue long-term or short-term bonds in the discretion of the Authority for any purpose consistent with this title, which notes and bonds—
  - (A) shall not constitute a debt of the United States (or any political subdivision of the United States), or a general obligation of a Capital Region jurisdiction (or any political subdivision of a Capital Region jurisdiction), unless consented to by the jurisdiction or political subdivision; and
  - (B) may be secured solely by the general revenues of the Authority, or solely by the income and revenues of the Bridge or a new crossing of the Potomac River

constructed as part of the Project, or by other revenues in the discretion of the Authority;

(9) to fix, revise, charge, and collect any reasonable toll or other charge;

(10) to enter into any contract or agreement necessary or appropriate to the performance of the duties of the Authority or the proper operation of the Bridge or a new crossing of the Potomac River constructed as part of the Project;

(11) to make any payment necessary to reimburse a local political subdivision having jurisdiction over an area where the Bridge or a new crossing of the Potomac River is situated for any extraordinary law enforcement cost incurred by the subdivision in connection with the Authority facility;

(12) to enter into partnerships or grant concessions between the public and private sectors for the purpose of—

(A) financing, constructing, maintaining, improving, or operating the Bridge or a new crossing of the Potomac River constructed as part of the Project; or

(B) fostering development of a new transportation technology;

(13) to obtain any necessary Federal authorization, permit, or approval for the construction, repair, maintenance, or operation of the Bridge or a new crossing of the Potomac River constructed as part of the Project;

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

(15) to appoint 1 or more advisory committees;

(16) to sue and be sued in the name of the Authority;

(17) to carry out or contract with other entities to carry out such maintenance of traffic activities during construction of the Project as is considered necessary by the Authority to properly manage traffic and minimize congestion, such as public information campaigns, improvements designed to encourage appropriate use of alternative routes, use of high occupancy vehicles and transit services, and deployment and operation of intelligent transportation technologies; and

(18) to carry out any activity necessary or appropriate to the exercise of the powers or performance of the duties of the Authority under this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, if the activity is coordinated and consistent with the transportation planning process implemented by the metropolitan planning organization for the Washington, District of Columbia, metropolitan area under section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

#### **SEC. 410. FUNDING.**

Section 104 of title 23, United States Code, as amended by section 337(f) of this Act, is amended by inserting before subsection (j), as redesignated by such section 337(f), the following:

“(i) WOODROW WILSON MEMORIAL BRIDGE.—

“(1) EXPENDITURE.—From any available administrative funds deducted under subsection (a), the Secretary shall obligate such sums as are necessary for each of fiscal years 1996 and 1997 for the rehabilitation of the Woodrow Wilson Memorial Bridge and for environmental studies and documentation, VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029139 PO 0

planning, preliminary engineering and design, and final engineering for a new crossing of the Potomac River as part of the Project, as defined by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

“(2) FEDERAL SHARE.—The Federal share of the cost of any project funded with amounts expended under paragraph (1) shall be 100 percent.”.

**SEC. 411. AVAILABILITY OF PRIOR AUTHORIZATIONS.**

In addition to the funds made available under section 104(i) of title 23, United States Code, any funds made available for the rehabilitation of the Bridge under sections 1069(i) and 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2009 and 2028) shall continue to be available after the conveyance under section 407(a) of the Bridge, in accordance with the terms under which the funds were made available under such sections 1069(i) and 1103(b).

Approved November 28, 1995. VerDate 17-NOV-95 22:30 Dec 01, 1995 Jkt 029139 PO 00058 Frm 00068 Fmt 6580 S

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**LEGISLATIVE HISTORY—S. 440 (H.R. 2274):**

HOUSE REPORTS: Nos. 104-246 accompanying H.R. 2274 (Comm. on Transportation and Infrastructure) and 104-345 (Comm. of Conference).

SENATE REPORTS: No. 104-86 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 141 (1995):

June 16, 19-22, considered and passed Senate.

Sept. 20, H.R. 2274 considered and passed House; S. 440, amended, passed in lieu.

Nov. 17, Senate agreed to conference report.

Nov. 18, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 31 (1995):

Nov. 28, Presidential statement.

