

## Public Law 90-495

## AN ACT

To authorize appropriations for the fiscal years 1970 and 1971 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

August 23, 1968  
[S. 3418]

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

Federal-Aid  
Highway Act of  
1968.

## SHORT TITLE

SECTION 1. This Act may be cited as the "Federal-Aid Highway Act of 1968".

## REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 2. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of subsection (d) of section 103 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of \$1,000,000,000 for the fiscal year ending June 30, 1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of \$1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of \$2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of \$1,800,000,000 for the fiscal year ending June 30, 1961, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of \$2,400,000,000 for the fiscal year ending June 30, 1963, the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1964, the additional sum of \$2,700,000,000 for the fiscal year ending June 30, 1965, the additional sum of \$2,800,000,000 for the fiscal year ending June 30, 1966, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1967, the additional sum of \$3,400,000,000 for the fiscal year ending June 30, 1968, the additional sum of \$3,800,000,000 for the fiscal year ending June 30, 1969, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1970, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1971, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1972, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1973, and the additional sum of \$2,225,000,000 for the fiscal year ending June 30, 1974. Nothing in this subsection shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or 319(b) of title 23, United States Code, or any provision of law relating to highway safety enacted after May 1, 1966."

80 Stat. 766.  
23 USC 101  
note.

74 Stat. 415;  
81 Stat. 772.

79 Stat. 1028.  
1030, 1032;  
80 Stat. 768.

## AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 3. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1970, and 1971, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in the revision of table 5 of House Document Numbered 199, Ninetieth Congress, set forth in Senate Report 1340, Ninetieth Congress.

## EXTENSION OF TIME FOR COMPLETION OF SYSTEM

80 Stat. 767.

SEC. 4. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "sixteen years" and inserting in lieu thereof "eighteen years" and by striking out "June 30, 1972", and inserting in lieu thereof "June 30, 1974".

77 Stat. 277.

Estimate.  
Transmittal to  
Congress.

(b) The introductory phrase and the second and third sentences of section 104(b) (5) of title 23, United States Code, are amended by striking "1972" where it appears and inserting in lieu thereof "1974", and such section 104(b) (5) is further amended by striking the three sentences preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1970, and June 30, 1971. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974."

## AUTHORIZATIONS

SEC. 5. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

79 Stat. 1028,  
1030, 1032;  
80 Stat. 768.

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, \$1,100,000,000 for the fiscal year ending June 30, 1970, and \$1,100,000,000 for the fiscal year ending June 30, 1971. Nothing in this paragraph shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b) or chapter 4 of title 23, United States Code. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

80 Stat. 734.  
23 USC 135  
note.

(2) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, \$200,000,000 for the fiscal year ending June 30, 1970, and \$200,000,000 for the fiscal year ending June 30, 1971.

(3) For forest highways, \$33,000,000 for the fiscal year ending June 30, 1970, and \$33,000,000 for the fiscal year ending June 30, 1971.

(4) For public lands highways, \$16,000,000 for the fiscal year ending June 30, 1970, and \$16,000,000 for the fiscal year ending June 30, 1971.

(5) For forest development roads and trails, \$170,000,000 for the fiscal year ending June 30, 1970, and \$170,000,000 for the fiscal year ending June 30, 1971.

(6) For public lands development roads and trails, \$3,500,000 for the fiscal year ending June 30, 1970, and \$5,000,000 for the fiscal year ending June 30, 1971.

(7) For park roads and trails, \$30,000,000 for the fiscal year ending June 30, 1971.

(8) For parkways, \$11,000,000 for the fiscal year ending June 30, 1971.

(9) For Indian reservation roads and bridges, \$30,000,000 for the fiscal year ending June 30, 1970, and \$30,000,000 for the fiscal year ending June 30, 1971.

(10) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), \$75,000,000 for the fiscal year ending June 30, 1970, and \$100,000,000 for the fiscal year ending June 30, 1971. Sums for carrying out section 402 of title 23, United States Code, authorized by this paragraph shall not be apportioned until Congress, by law enacted after the date of enactment of this Act, shall provide for such apportionment.

80 Stat. 731.

(11) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), the additional sum of \$30,000,000 for the fiscal year ending June 30, 1970, and the additional sum of \$37,500,000 for the fiscal year ending June 30, 1971.

72 Stat. 913;  
80 Stat. 733.

(12) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, \$125,000,000 for the fiscal year ending June 30, 1970 and \$125,000,000 for the fiscal year ending June 30, 1971, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

#### HIGHWAY BEAUTIFICATION

SEC. 6. (a) Section 131(d) of title 23, United States Code, is amended by inserting the following sentence between the second and third sentences of the subsection: "Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority."

79 Stat. 1028.

(b) The first sentence of section 131(j) of title 23, United States Code, is amended by striking out "or the control required by this section, whichever control is stricter".

(c) Section 131(m) of title 23, United States Code, is amended to read as follows:

80 Stat. 768.

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, and not to exceed \$2,000,000 for the fiscal year ending June 30, 1970. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

Appropriation.

(d) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

79 Stat. 1028.

"(n) No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be

paid upon removal of such sign, display, or device is not available to make such payment."

79 Stat. 1032;  
80 Stat. 768.

(e) Section 136(m) of title 23, United States Code, is amended to read as follows:

Appropriation.

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, and not to exceed \$3,000,000 for the fiscal year ending June 30, 1970. The provisions of chapter 1 of this title relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(f) Section 319(b) of title 23, United States Code, is amended by striking out the last two sentences and inserting in lieu thereof the following: "There is authorized to be appropriated to carry out this subsection, out of any money in the Treasury not otherwise appropriated, not to exceed \$120,000,000 for the fiscal year ending June 30, 1966, not to exceed \$120,000,000 for the fiscal year ending June 30, 1967, and not to exceed \$20,000,000 for the fiscal year ending June 30, 1970. The provisions of chapter 1 of this title relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this subsection after June 30, 1967."

(g) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for necessary administrative expenses in carrying out sections 131, 136, and 319(b) of title 23, United States Code, not to exceed \$1,250,000 for the fiscal year ending June 30, 1969, and \$1,250,000 for the fiscal year ending June 30, 1970.

#### ADVANCE ACQUISITION OF RIGHTS-OF-WAY

72 Stat. 893.

SEC. 7. (a) Subsection (b) of section 108 of title 23, United States Code, is amended by striking out "this section" and inserting in lieu thereof "subsection (a) of this section".

(b) Section 108 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

Right-of-way  
revolving fund.

"(c) (1) There is hereby established in the Treasury of the United States a revolving fund to be known as the right-of-way revolving fund which shall be administered by the Secretary in carrying out the provisions of this subsection. Sums authorized to be appropriated to the right-of-way revolving fund shall be available for expenditure without regard to the fiscal year for which such sums are authorized.

"(2) For the purpose of acquiring rights-of-way for future construction of highways on any Federal-aid system and for making payments for the moving or relocation of persons, businesses, farms, and other existing uses of real property caused by the acquisition of such rights-of-way, in addition to the authority contained in subsection (a) of this section, the Secretary, upon request of a State highway department, is authorized to advance funds, without interest, to the State from amounts available in the right-of-way revolving fund, in accordance with rules and regulations prescribed by the Secretary. Funds so advanced may be used to pay the entire costs of projects for the acquisition of rights-of-way, including the net cost to the State of property management, if any, and related moving and relocation payments made pursuant to section 133 or chapter 5 of this title.

76 Stat. 1146;  
Post, p. 830.

"(3) Actual construction of a highway on rights-of-way, with respect to which funds are advanced under this subsection, shall be commenced within a period of not less than two years nor more than seven years following the end of the fiscal year in which the Secretary

approves such advance of funds, unless the Secretary, in his discretion, shall provide for an earlier termination date. Immediately upon the termination of the period of time within which actual construction must be commenced, in the case of any project where such construction is not commenced before such termination, or upon approval by the Secretary of the plans, specifications, and estimates for such project for the actual construction of a highway on rights-of-way with respect to which funds are advanced under this subsection, whichever shall occur first, the right-of-way revolving fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of this title, out of any Federal-aid highway funds apportioned to the State in which such project is located and available for obligation for projects on the Federal-aid system of which such project is to be a part, and the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the right-of-way revolving fund."

72 Stat. 898.  
23 USC 120.

(c) There is authorized to be appropriated, out of the highway trust fund, to the right-of-way revolving fund established by subsection (c) of section 108 of title 23, United States Code, \$100,000,000 for the fiscal year ending June 30, 1970, \$100,000,000 for the fiscal year ending June 30, 1971, and \$100,000,000 for the fiscal year ending June 30, 1972.

Appropriation.

Ante, p. 818.

(d) On or before January 1 next preceding the commencement of each fiscal year for which funds are authorized to be appropriated to the right-of-way revolving fund by subsection (c) of this section, the Secretary shall apportion the funds so authorized for such fiscal year to the States. Each State shall be apportioned for such fiscal year an amount which bears the same percentage relationship to the total amount being apportioned under this subsection as the total of all apportionments made to such State for such fiscal year under paragraphs (1), (2), (3), and (5), of subsection (b) of section 104 of title 23, United States Code, bears to the total of all amounts apportioned under such paragraphs to all States for such fiscal year. Amounts apportioned under this subsection shall not be construed to be authorizations of appropriations for the construction, reconstruction, or improvement of the Interstate System for the purposes of subsection (g) of section 209 of the Highway Revenue Act of 1956.

72 Stat. 889;  
77 Stat. 276;  
80 Stat. 767.

(e) Funds apportioned to a State under this subsection (d) of this section shall remain available for obligation for advances to such State until October 1 of the fiscal year for which such apportionment is made. All amounts not advanced or obligated for advancement before such date shall revert to the right-of-way revolving fund and together with all other amounts credited and reimbursed to such fund shall be available for advances to the States to carry out subsection (c) of section 108 of title 23, United States Code, in an equitable manner, taking into consideration each State's need for, and ability to use, such advances, in accordance with such rules and regulations as the Secretary of Transportation shall establish.

70 Stat. 400.  
23 USC 120  
note.

#### DEFINITIONS OF FOREST ROAD OR TRAIL AND FOREST DEVELOPMENT ROADS AND TRAILS

SEC. 8. The fourth and fifth paragraphs in section 101 (a) of title 23, United States Code, are amended to read as follows:

72 Stat. 885.

"The term 'forest road or trail' means a road or trail wholly or partly within or adjacent to and serving the national forests and other areas administered by the Forest Service.

"The term 'forest development roads and trails' means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forest and other areas administered by the Forest Service or, where necessary, for the use and development

of the resources upon which communities within or adjacent to the national forest and other areas administered by the Forest Service are dependent.”

#### FOREST DEVELOPMENT ROADS AND TRAILS

72 Stat. 907.

SEC. 9. Subsection (c) of section 205 of title 23, United States Code, is amended to read as follows:

“(c) Construction estimated to cost \$15,000 or more per mile or \$15,000 or more per project for projects with a length of less than one mile, exclusive of bridges and engineering, shall be advertised and let to contract. If such estimated cost is less than \$15,000 per mile or \$15,000 per project for projects with a length of less than one mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account.”

#### URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

23 USC 101-141;  
Post, pp. 823,  
826, 836.

SEC. 10. (a) Chapter 1 of title 23, United States Code, is amended by adding immediately after section 134 the following new section 135:

#### “§ 135. Urban area traffic operations improvement programs

“(a) The Congress hereby finds and declares it to be in the national interest that each State should have a continuing program within the designated boundaries of urban areas of the State designed to reduce traffic congestion and to facilitate the flow of traffic in the urban areas.

“(b) The Secretary may approve under this section any project on an extension of the Federal-aid primary or secondary system in urban areas for improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and loading and unloading ramps, if such project is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

“(c) The sums authorized to carry out this section shall be apportioned in accordance with section 104(b) (3) of this title.

“(d) The Secretary shall report annually on projects approved under this section with any recommendations he may have for further improvement of traffic operations in accordance with this section.”

(b) The analysis of chapter 1 of title 23, United States Code, is hereby amended by adding thereto, immediately after the catchline for section 134, the following:

“135. Urban area traffic operations improvement programs.”

#### FRINGE PARKING FACILITIES

SEC. 11. (a) The Secretary may, until June 30, 1971, approve as a project under title 23, United States Code, for demonstration purposes, the acquisition of land adjacent to the right-of-way on any Federal-aid highway system outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of more than fifty thousand population. Such parking facility shall be located and designed to permit its use in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

77 Stat. 276.  
Report.

(b) The Federal share payable on account of any project authorized by this section shall be 50 per centum. The sums apportioned in accordance with section 104(b)(3) of title 23, United States Code, shall be available to finance the Federal share payable under this section.

77 Stat. 276.

(c) The Secretary shall not approve any project under this section until—

(1) he has determined that the State, or the political subdivision thereof, where such project is to be located, or an agency or instrumentality of such State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

(2) he has entered into an agreement governing the financing, maintenance, and operation of the parking facility with such State, political subdivision, agency, or instrumentality, including necessary requirements to insure that adequate public transportation services will be available to persons using such facility; and

(3) he has approved design standards for constructing such facility developed in cooperation with the State highway department.

(d) The term "parking facilities", for purposes of this section, shall include access roads, buildings, structures, equipment, improvements, and interests in lands.

"Parking facilities."

(e) Nothing in this section, or in any rule or regulation issued under this section, or in any agreement required by this section, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility constructed under this section, or (2) any such person from so operating such facility.

(f) The Secretary shall not approve any project under this section unless he determines that it is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

76 Stat. 1148.

(g) The Secretary shall submit to Congress annually a report of the demonstration projects approved under this section together with his recommendations with respect to the future operation of these projects including, but not limited to, the possible sale of such projects to private enterprise and the possibility of future construction of projects of this type by private enterprise.

Report to Congress.

#### PREVAILING RATE OF WAGE

SEC. 12. (a) Section 113 of title 23, United States Code, is amended to read as follows:

72 Stat. 895.

#### "§ 113. Prevailing rate of wage

"(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U.S.C. 267a).

49 Stat. 1011.  
40 USC 276a-  
276a-5.

"(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on any of the Federal-aid systems is to be performed. After giving due regard to the information thus obtained, he

shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

“(c) The provisions of the section shall not be applicable to employment pursuant to apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal-aid highway construction programs.”

(b) The analysis of chapter 1 of title 23, United States Code, is hereby amended by striking out

“113. Prevailing rate of wage—Interstate System.”

and inserting in lieu thereof:

“113. Prevailing rate of wage.”

#### HIGHWAY SAFETY PROGRAM

80 Stat. 732.

SEC. 13. The fourth sentence of subsection (c) of section 402 of title 23 of the United States Code is amended by striking out “December 31, 1968” and inserting in lieu thereof “December 31, 1969”, and the fifth sentence of such subsection is amended by striking out “January 1, 1969” and inserting in lieu thereof “January 1, 1970”.

#### INTERSTATE SYSTEM ADJUSTMENTS

74 Stat. 415;  
81 Stat. 772.

SEC. 14. (a) The first sentence of paragraph (1) of subsection (d) of section 103 of title 23, United States Code, is amended by inserting after the word “and” a comma and the following: “except as provided in paragraphs (2) and (3) of this subsection.”

(b) Subsection (d) of section 103 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

“(3) In addition to the mileage authorized by paragraphs (1) and (2) of this subsection, there is hereby authorized additional mileage of not to exceed 1,500 miles for the designation of routes in the same manner as set forth in paragraph (1), in order to improve the efficiency and service of the Interstate System to better accomplish the purposes of that System.”

#### PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVERSION OF FUNDS

72 Stat. 885.

SEC. 15. Section 101 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

“(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the highway trust fund to defray the expenditures which will be required to be made from such fund.

“(d) It is the sense of Congress that funds authorized to be appropriated from the Highway Trust Fund may be used to pay only those administrative expenses of the Federal Highway Administration (in-

cluding the Bureau of Public Roads) which are incurred under this title and are attributable to Federal-aid highways. No funds authorized to be appropriated from the Highway Trust Fund shall be used to pay the administrative expenses of any other Federal department, agency, office, or instrumentality, or any other agency, instrumentality, or entity established by Federal law, executive order, or otherwise by the Federal Government, either by transfer or funds, reassignment of personnel or activities, contract, or otherwise, unless the expenditures are to meet obligations incurred under this title, which are attributable to Federal-aid highways and are—

“(1) contracted for in accordance with the Act of March 4, 1915, as amended (31 U.S.C. 686) and (A) relate to work or services of a type not usually performed by the Federal Highway Administration or (B) relate to the furnishing of materials, supplies, or equipment; or

“(2) are specifically identified in the budget and included in an appropriation Act.”

47 Stat. 417.

#### ADDITIONS TO THE INTERSTATE SYSTEM

SEC. 16. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

23 USC 101-141; *Ante*, p. 820; *Post*, pp. 826, 836.

#### “§ 139. Additions to Interstate System

“Whenever the Secretary determines that a highway on the Federal-aid primary system meets all of the standards of a highway on the Interstate System and that such highway is a logical addition or connection to the Interstate System, he may, upon the affirmative recommendation of the State or States involved, designate such highway as a part of the Interstate System. The mileage of any highway designated as part of the Interstate System under this section shall not be charged against the limitation established by the first sentence of section 103(d) of this title. The designation of a highway as part of the Interstate System under this section shall create no Federal financial responsibility with respect to such highway.”

*Ante*, p. 822.

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

“139. Additions to Interstate System.”

#### FUNCTIONAL HIGHWAY CLASSIFICATION STUDY

SEC. 17. The Secretary of Transportation shall, in the report to Congress required to be submitted by January 1970 by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89-139), include the results of a systematic nationwide functional highway classification study to be made in cooperation with the State highway departments and local governments with particular attention to the establishment of highway system categories, rural and urban, according to the functional importance of routes, desirable as one of the bases for realigning Federal highway programs to better meet future needs and priorities.

23 USC 101 note.

#### PRESERVATION OF PARKLANDS

SEC. 18. (a) Section 138 of title 23, United States Code, is amended to read as follows:

80 Stat. 771.

#### “§ 138. Preservation of parklands

“It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate

and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

49 USC 1653.

(b) Section 4(f) of the Department of Transportation Act (80 Stat. 931; Public Law 89-670) is amended to read as follows:

"(f) It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

#### FORT WASHINGTON PARKWAY

SEC. 19. (a) The Secretary of the Interior is authorized to acquire by (1) donation, (2) purchase with donated funds, (3) purchase with funds appropriated to him under subsection (c) of this section, (4) transfer from any other Federal department, agency, or instrumentality (including the government of the District of Columbia), or (5) exchange, lands and interests in lands in Prince Georges County, Maryland, within the boundary depicted on drawing NCR 117.4-186 which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Notwithstanding any other provision of law, any property of the United States within the boundary depicted on such drawing may, with the concurrence of the head of the department, agency, or instrumentality having jurisdiction thereof, be transferred without reimbursement to the Secretary of the Interior to carry out this section.

(b)(1) With respect to those lands which are identified on the map by the legend "Fee simple acquisition to be acquired", striped green, the Secretary of the Interior is authorized to acquire the fee simple absolute title to such property.

(2) With respect to lands which are identified on the map by the legend "Private development areas" striped blue, the Secretary of the Interior is authorized to acquire only such easements and other

interests in lands less than fee simple title as may be necessary to protect the natural scenery and shoreline of such property, and to prohibit the use of such property for industrial or commercial purposes or for residential purposes, other than low density single family detached dwellings, except that any such property which on the date of enactment of this section is lawfully used for any purposes thereafter prohibited by this paragraph may continue to be used for such purpose until such time as it ceases to be so used.

(c) No money shall be expended by the Secretary of the Interior under this section until he shall have received definite commitments from the State of Maryland or from political subdivisions thereof, for one-third the cost of acquiring land easements or interests in lands under subsection (b) of this section, other than lands belonging to the United States on the date of enactment of this section or donated to the United States to carry out this section. In the discretion of the Secretary he may advance the State of Maryland, or any political subdivision thereof, the full amount of the funds necessary for the acquisition of lands under subsection (b) of this section on the condition that the State or political subdivision reimburse the United States one-third the cost of such acquisition, without interest, within a period of not to exceed 8 years from the date such funds are so advanced.

(d) There is authorized to be appropriated to the Secretary of the Interior to carry out this section an amount equal to the unappropriated balance of the amount authorized to be appropriated in subsection (a) of the first section of the Act of May 29, 1930 (46 Stat. 482), as amended, for acquiring and developing the George Washington Memorial Parkway, and the authorization contained in such first section of such Act of May 29, 1930, is reduced by such amount.

(e) Upon the completion of the acquisition of all of the real property and interests in real property authorized by this section, the Secretary of the Interior shall report to Congress his recommendations (including any necessary legislation) on the construction of the Fort Washington Parkway through the portion of Prince Georges County, Maryland, authorized to be acquired under this section. Such report shall include cost estimates and other information as may be necessary for the authorization of construction of such parkway by Congress.

66 Stat. 791;  
72 Stat. 705;  
79 Stat. 981.

Report to Congress.

#### GARDEN STATE PARKWAY

SEC. 20. (a) The amount of all Federal-aid highway funds paid on account of those sections of the Garden State Parkway in the State of New Jersey referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such parkway and programmed for expenditure on any such project, shall be credited to the unprogrammed balance of Federal-aid highways funds of the same class last apportioned to the State of New Jersey. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) When the New Jersey Highway Authority shall have constructed toll-free highway facilities in the vicinity of said sections of the Garden State Parkway in accordance with a general plan approved by the Secretary of Transportation as adequate to service local traffic, and pursuant to an agreement between the Authority and the State of New Jersey, acting by and through its State House Commission con-

cerning the financing and construction of such facilities, then upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of all projects on such sections of the Garden State Parkway, as provided in subsection (a) of this section, such sections shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections of the Garden State Parkway:

(1) That section of the parkway near Cape May Court House from interchange numbered 8 to interchange numbered 12 at route United States 9—a distance of approximately four and twenty one-hundredths centerline miles.

(2) That section of the parkway from a point near its connection with route United States 9 north of Toms River to Dover Road in South Toms River—a distance of approximately two and fifty one-hundredths centerline miles.

(3) That section of the parkway from route United States 9 in Woodbridge to the Middlesex-Union County line—a distance of approximately six and thirty-seven one-hundredths centerline miles.

(4) That section of the parkway from a point near its connection with the Middlesex-Union County line to a point near its connection with route United States 22 in Union Township—a distance of approximately seven and ninety-two one-hundredths centerline miles.

#### SECTION 103, TITLE 23, UNITED STATES CODE

SEC. 21. Paragraph (2) of subsection (d) of section 103 of title 23, United States Code, is amended by striking out "1965 Interstate System cost estimate set forth in House Document Numbered 42, Eighty-ninth Congress" and inserting in lieu thereof "1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised".

81 Stat. 772.

#### EQUAL EMPLOYMENT OPPORTUNITY

SEC. 22. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

##### "§ 140. Equal employment opportunity

"Prior to approving any programs for projects as provided for in subsection (a) of section 105 of this title, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed or national origin. He shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this chapter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed or national origin. The Secretary shall periodically obtain from the

*Ante*, pp. 820, 823.  
*Post*, p. 836.

72 Stat. 891.

Secretary of Labor and the respective State highway departments information which will enable him to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"140. Equal employment opportunity."

(c) Subsection (b) of section 112 of title 23, United States Code, is amended by adding at the end thereof the following: "Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility. No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications."

72 Stat. 895.

#### DISTRICT OF COLUMBIA

SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

- (1) Three Sisters Bridge, I-266 (Section B1 to B2).
- (2) Potomac River Freeway, I-266 (Section B2 to B4).
- (3) Center Leg of the Inner Loop, I-95 (Section A6 to C4), terminating at New York Avenue.
- (4) East Leg of the Inner Loop, I-295 (Section C1 to C4), terminating at Bladensburg Road.

(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

Report to  
Congress.

(d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under section 106 or 117 of title 23, United States Code, the Commissioner of the District of

72 Stat. 892,  
897; 77 Stat. 278.

Columbia may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507, and 508 of title 23, United States Code.

Post, pp. 831-833.

(e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 (47 Stat. 161; D.C. Code, sec. 8-115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.

40 USC 122.

(f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of the replacement property.

#### URBAN IMPACT AMENDMENT

SEC. 24. The first sentence of subsection (a) of section 128 of title 23, United States Code, is amended by striking everything after the word "economic" down to and including the period at the end thereof and inserting in lieu thereof the following: "and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community."

72 Stat. 902.

#### CONSTRUCTION BY STATES IN ADVANCE OF APPORTIONMENT

SEC. 25. (a) Subsection (a) of section 115 of title 23, United States Code, is amended to read as follows:

72 Stat. 896.

#### **§ 115. Construction by States in advance of apportionment**

"(a) When a State has obligated all funds for any of the Federal-aid systems, including the Interstate System, apportioned to it under section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on any of the Federal-aid systems in such State, including the Interstate System, as any of those systems may be designated at that time, in accordance with all procedures and all requirements applicable to projects on any such system, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

72 Stat. 889.

"(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Federal-aid system involved, and

"(2) the project conforms to the applicable standards adopted under section 109 of this title;

72 Stat. 894;  
77 Stat. 277;  
80 Stat. 767, 771.

The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State and that no application may be approved which will exceed the State's expected apportionment of such authorizations."

(b) Subsection (b) of section 115 of title 23, United States Code, is amended by striking the following: "of subsection (b) (5)".

72 Stat. 896.

(c) The analysis of chapter 1 of title 23, United States Code, as it refers to section 115 is hereby amended to read as follows:

"115. Construction by States in advance of apportionment."

#### BRIDGE INSPECTION

SEC. 26. Section 116 of title 23, United States Code, is amended by adding at the end thereof the following:

73 Stat. 145.

"(d) The Secretary in consultation with the State highway departments and interested and knowledgeable private organizations and individuals shall as soon as possible establish national bridge inspection standards in order to provide for the proper safety inspection of bridges on any of the Federal-aid highway system. Such standards shall specify in detail the method by which inspections shall be conducted by the State highway departments, the maximum time lapse between inspections and the qualifications for those charged with the responsibility for carrying out such inspections. Each State shall be required to maintain written reports to be available to the Secretary pursuant to such inspections together with a notation of the action taken pursuant to the findings of such inspections. Each State shall be required to maintain a current inventory of all bridges on the Federal-aid system.

"(e) The Secretary shall establish in cooperation with the State highway departments a program designed to train appropriate employees of the Federal Government and the State governments to carry out bridge inspections. Such a program shall be revised from time to time in light of new or improved techniques. For the purposes of this section the Secretary may use funds made available pursuant to the provisions of section 104(a) and section 307(a) of this title."

72 Stat. 889,  
913.

#### EMERGENCY RELIEF

SEC. 27. (a) The first sentence of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120, for the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (1) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (2) catastrophic failures from any cause, in any part of the United States."

73 Stat. 612.

(b) The first sentence of section 120(f) of title 23, United States Code, is amended by inserting after the period at the end the following: "The Secretary may increase the Federal share payable on account of any repair or reconstruction under this section up to 100 per centum of the replacement cost of a comparable facility if he determines it is in the public interest."

78 Stat. 1090;  
80 Stat. 769.

(c) The amendments made by this section shall be applicable to repair or reconstruction with respect to which project agreements have been entered into on or after January 1, 1968.

Applicability.

#### TOLL ROADS

SEC. 28. Section 129(b) of title 23 of the United States Code is amended by adding at the end thereof the following: "After June 30, 1968, all agreements between the Secretary and a State highway department for the construction of projects on the Interstate System shall contain a clause providing that no toll road will be constructed after

72 Stat. 902.

June 30, 1968, on the interstate highway route involved without the official concurrence of the Secretary. The Secretary shall not concur in any such construction unless he makes an affirmative finding that, under the particular circumstances existing, the construction of such road as a toll facility rather than a toll-free facility is in the public interest. The preceding two sentences shall not apply to any toll bridge or toll tunnel."

#### HIGHWAY STUDY—GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS

SEC. 29. (a) The Secretary of Transportation, in cooperation with the government of Guam, the government of American Samoa, and the government of the Virgin Islands, shall make studies of the need for, and estimates and planning surveys relative to, highway construction programs for Guam, American Samoa, and the Virgin Islands.

(b) On or before April 1, 1969, the Secretary of Transportation shall submit a report to the Congress which shall include—

(1) an analysis of the adequacy of present highway programs to provide satisfactory highways in both the rural and urban areas in Guam, American Samoa, and the Virgin Islands;

(2) specific recommendations as to a program for the construction of highways throughout Guam, American Samoa, and the Virgin Islands; and

(3) a feasible program for implementing such specific recommendations, including cost estimates, recommendations as to the inclusion of all or parts of such highways on the Federal-aid systems and as to the sharing of cost responsibilities, and other pertinent matters.

(c) Costs of the studies required by this section shall be paid from funds made available to the Secretary under section 104(a) of title 23, United States Code.

#### RELOCATION ASSISTANCE

SEC. 30. Title 23, United States Code, is hereby amended by adding at the end thereof a new chapter:

#### "Chapter 5.—HIGHWAY RELOCATION ASSISTANCE

"Sec.

"501. Declaration of policy.

"502. Assurances of adequate relocation assistance program.

"503. Administration of relocation assistance program.

"504. Federal reimbursement.

"505. Relocation payments.

"506. Replacement housing.

"507. Expenses incidental to transfer of property.

"508. Relocation services.

"509. Relocation assistance programs on Federal highway projects.

"510. Authority of Secretary.

"511. Definitions.

#### "§ 501. Declaration of policy

"Congress hereby declares that the prompt and equitable relocation and reestablishment of persons, businesses, farmers, and nonprofit organizations displaced as a result of the Federal highway programs and the construction of Federal-aid highways is necessary to insure that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Therefore, Congress determines that relocation payments and advisory assistance should be provided to all persons so displaced in accordance with the provisions of this title.

Report to Congress.

72 Stat. 889.

**“§ 502. Assurances of adequate relocation assistance program**

“The Secretary shall not approve any project under section 106 or section 117 of this title which will cause the displacement of any person, business, or farm operation unless he receives satisfactory assurances from the State highway department that—

72 Stat. 892,  
897; 77 Stat. 278.

“(1) fair and reasonable relocation and other payments shall be afforded to displaced persons in accordance with sections 505, 506, and 507 of this title;

“(2) relocation assistance programs offering the services described in section 508 of this title shall be afforded to displaced persons; and

“(3) within a reasonable period of time prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by the Secretary, equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment.

**“§ 503. Administration of relocation assistance program**

“In order to prevent unnecessary expenses and duplication of functions, a State highway department may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this chapter by utilizing the facilities, personnel, and services of any other Federal, State, or local governmental agency having an established organization for conducting relocation assistance programs.

**“§ 504. Federal reimbursement**

“(a) The Secretary shall approve, as a part of the cost of construction of a project under any Federal-aid highway program which he administers, the cost of providing the payments and services described in section 502, except that notwithstanding any other law, the Federal share of the first \$25,000 of such payments to any person, on account of any real property acquisition or displacement occurring prior to July 1, 1970, shall be increased to 100 per centum of such cost.

“(b) Any project agreement with a State highway department executed before the date of enactment of this chapter with respect to property which has not been acquired as of the date of enactment of this chapter under any such program shall be amended to include the cost of providing the payments and services described in section 502 with respect to such property.

**“§ 505. Relocation payments**

“(a) **PAYMENTS FOR ACTUAL EXPENSES.**—Upon application approved by the State agency, a person displaced by any highway project approved under section 106 or section 117 of this title may elect to receive actual reasonable expenses in moving himself, his family, his business, or his farm operation, including personal property.

“(b) **OPTIONAL PAYMENTS—DWELLINGS.**—Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive—

“(1) a moving expense allowance, determined according to a schedule established by the Secretary, not to exceed \$200; and

“(2) a dislocation allowance of \$100.

“(c) **OPTIONAL PAYMENTS—BUSINESSES AND FARM OPERATIONS.**—Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this section in

lieu of the payment authorized by subsection (a) of this section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or \$5,000, whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the State agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment, not being acquired by the State or by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term 'average annual net earnings' means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year period.

"Average annual net earnings."

#### **§ 506. Replacement housing**

"(a) In addition to amounts otherwise authorized by this title, the State agency shall make a payment to the owner of real property acquired for a project which is improved by a single-, two-, or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed \$5,000, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined, in accordance with standards established by the Secretary, to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project. No such payment shall be required or included as a project cost under section 504 of this title if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the Secretary to have substantially the same purpose and effect as this section and to be part of the cost of the project for which Federal financial assistance is available.

"(b) In addition to amounts otherwise authorized by this title, the State agency shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under subsection (a) of this section which dwelling was actually and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed \$1,500, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed 2 years, or to make the down payment on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

#### **§ 507. Expenses incidental to transfer of property**

"(a) In addition to amounts otherwise authorized by this title, the State shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such prop-

erty; (2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date of final approval by the State of the location of such project; and (3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the State, or the effective date of the possession of such real property by the State, whichever is earlier.

“(b) No payment received under this chapter shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

68A Stat. 3.  
26 USC 1 et seq.

49 Stat. 620.  
42 USC 1305.

#### “§ 508. Relocation services

“(a) Each State shall provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order—

“(1) to determine the needs, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

“(2) to assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the Secretary for decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment;

“(3) to assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations; and

“(4) to supply information concerning the Federal Housing Administration home acquisition program under section 221(d) (2) of the National Housing Act, the small business disaster loan program under section 7(b) (3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons.

73 Stat. 659.  
12 USC 1715f.  
Post, p. 835.

“(b) Nothing in this chapter shall be construed to prohibit any person from exercising any right or remedy available to him under State law with respect to any action of a State agency in carrying out this chapter.

#### “§ 509. Relocation assistance programs on Federal highway projects

“Notwithstanding any other provision of law, on and after the effective date of this title any Federal agency which acquires real property for use in connection with a highway project authorized by section 107 and chapter 2 of this title or any other Federal law shall, in accordance with regulations issued by the Secretary, provide the payments and services described in sections 502, 505, 506, 507, and 508 of this title. When real property is acquired by a State or local governmental agency for such a Federal project for purposes of this chapter, the acquisition shall be deemed an acquisition by the Federal agency having authority over such project.

72 Stat. 892.  
23 USC 201-214.

**“§ 510. Authority of the Secretary**

“(a) To carry into effect the provisions of this chapter, the Secretary is authorized to make such rules and regulations as he may determine to be necessary to assure—

“(1) that the payments authorized by this chapter shall be fair and reasonable and as uniform as practicable;

“(2) that a displaced person who makes proper application for a payment authorized for such person by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and

“(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, may have his application reviewed by the head of the State agency making such determination.

“(b) The Secretary may make such other rules and regulations consistent with the provisions of this chapter as he deems necessary or appropriate to carry out this chapter.

**“§ 511. Definitions**

“As used in this chapter—

“(1) The term ‘person’ means—

“(A) any individual, partnership, corporation, or association which is the owner of a business;

“(B) any owner, part owner, tenant, or sharecropper who operates a farm;

“(C) an individual who is the head of a family; or

“(D) an individual not a member of a family.

“(2) The term ‘family’ means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

“(3) The term ‘displaced person’ means any person who moves from real property on or after the effective date of this chapter as a result of the acquisition or reasonable expectation of acquisition of such real property, which is subsequently acquired, in whole or in part, for a Federal-aid highway, or as the result of the acquisition for a Federal-aid highway of other real property on which such person conducts a business or farm operation.

“(4) The term ‘business’ means any lawful activity conducted primarily—

“(A) for the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

“(B) for the sale of services to the public; or

“(C) by a nonprofit organization.

“(5) The term ‘farm operation’ means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support.

“(6) The term ‘Federal agency’ means any department, agency, or instrumentality in the executive branch of the Government and any corporation wholly owned by the Government.

“(7) The term ‘State agency’ means a State highway department or any agency designated by a State highway department to

administer the relocation assistance program authorized by this chapter.”

#### SMALL BUSINESS ACT

SEC. 31. Paragraph (3) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended to read as follows:

75 Stat. 167.

“(3) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government; and the purpose of a loan made pursuant to such project or program may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business; and”.

#### EMINENT DOMAIN

SEC. 32. Nothing contained in chapter 5 of title 23, United States Code, shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the date of enactment of such chapter 5.

Ante, p. 830.

#### ANNUAL REPORT

SEC. 33. The Secretary of Transportation shall report annually to Congress, but no later than January 15 of each year, concerning his administration of chapter 5 of title 23, United States Code, together with his recommendations, including any necessary legislation with respect to such chapter.

Report to Congress.

#### FEDERAL SHARE

SEC. 34. Section 120(a) of title 23, United States Code, is hereby amended to read as follows:

72 Stat. 898.

“(a) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall either (A) not exceed 50 per centum of the cost of construction, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area, or (B) not exceed 50 per centum of the cost of construction, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national

forests, and national parks and monuments, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that the Federal share payable on any project in a State shall not exceed 95 per centum of the total cost of any such project. In any case where a State elects to have the Federal share provided in clause (B) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than one year, requiring such State to use solely for highway construction purposes (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the State's share as provided in clause (B) and what its share would be if it elected to pay the share provided in clause (A) for all projects subject to such agreement."

#### REAL PROPERTY ACQUISITION POLICIES

SEC. 35. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

#### "§ 141. Real property acquisition policies

"Before approving projects under this chapter, the Secretary shall obtain from the State highway department the following assurances:

"(1) that every reasonable effort shall be made to acquire the real property by negotiation;

"(2) that the construction of projects shall be so scheduled that to the greatest extent practicable no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least 90 days' written notice from the State or political subdivision having responsibility for such acquisition; and

"(3) that it will be the policy of the State, before initiating negotiations for real property, to establish an amount which is believed to be just compensation, under the law of the State, and to make a prompt offer to acquire the property for the full amount so established."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"141. Real property acquisition policies."

#### SEPARABILITY

SEC. 36. If any provision of this Act (including the amendments made by this Act), or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected thereby.

#### EFFECTIVE DATE

SEC. 37. This Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed.

Approved August 23, 1968.

*Ante*, pp. 820,  
823, 826.

*Ante*, p. 830.

76 Stat. 1146.

*Ante*, p. 830.  
Repeal.