

Public Law 97-134
97th Congress

An Act

To amend the Surface Transportation Assistance Act of 1978, to establish obligation limitations for fiscal year 1982, and for related purposes.

Dec. 29, 1981
[H.R. 3210]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 105 of the Surface Transportation Assistance Act of 1978 is amended by striking out "per fiscal year for each of the fiscal years ending September 30, 1982 and September 30, 1983." and inserting in lieu thereof "for the fiscal year ending September 30, 1982, not to exceed \$800,000,000 for the fiscal year ending September 30, 1983, and not to exceed \$800,000,000 for the fiscal year ending September 30, 1984."

Federal-Aid
Highway Act of
1981.
92 Stat. 2692.

SEC. 2. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1983, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 97-28 of the Committee on Public Works and Transportation of the House of Representatives.

23 USC 104 note.

23 USC 101 note.

SEC. 3. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1982 shall not exceed \$8,000,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, or projects covered under section 320 of title 23, United States Code, section 147 of the Surface Transportation Assistance Act of 1978, or section 9 of the Federal-Aid Highway Act of 1981. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

Limitation.
23 USC 104 note.

23 USC 144 note.

(b) For the fiscal year 1982, the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.

Distribution of
limitation.

(c) During the period October 1 through December 31, 1981, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—
(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its

intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1982, revise a distribution of the funds made available under subsection (b) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

23 USC 101 note.

SEC. 4. (a) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of \$3,200,000,000 for the fiscal year ending September 30, 1983," and inserting in lieu thereof the following: "the additional sum of \$3,100,000,000 for the fiscal year ending September 30, 1983,".

Interstate
system,
construction.

(b) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is further amended by adding at the end thereof the following: "Effective on and after the date of enactment of this sentence, the obligation of funds authorized by this subsection, except for advance construction interstate projects approved before the date of enactment of this sentence, shall be limited to the construction necessary to provide a minimum level of acceptable service on the Interstate System which shall consist of (1) full access control; (2) a pavement design to accommodate the types and volumes of traffic anticipated for the twenty-year period from date of authorization of the initial basic construction contract; (3) essential environmental requirements; (4) a design of not more than six lanes (exclusive of high occupancy vehicle lanes) in rural areas and all urbanized areas under four hundred thousand population, and up to eight lanes (exclusive of high occupancy vehicle lanes) in urbanized areas of four hundred thousand population or more as shown in the 1980 Federal census; and (5) those high occupancy vehicle lanes (including approaches and all directly related facilities) included in the interstate cost estimate for fiscal year 1981. The obligation of funds authorized by this subsection shall be further limited to the actual costs of only those design concepts, locations, geometrics, and other construction features included in the 1981 interstate cost estimate, except in any case where the Secretary of Transportation determines that a provision of Federal law requires a different design, location, geometric, or other construction feature of a type authorized by this subsection. For purposes of this subsection, construction necessary to provide a minimum level of acceptable service on the Interstate System shall include, but not be limited to, any construction on the Interstate System which is required under a court order issued before the date of enactment of this sentence."

Cost estimate,
transmittal to
Congress.

(c) Section 104(b)(5)(A) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provisions of this subparagraph, the Secretary in making the revised estimate of the cost of completing the then designated Interstate System for the purpose of transmitting it to the Senate and House of Representatives within ten days subsequent to January 2, 1983, or thereafter, shall include only those costs eligible for funds authorized by subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, including the amendments made by section 4 of the Federal-Aid Highway Act of 1981."

23 USC 101 note.

SEC. 5. Section 104(b)(5)(B) of title 23, United States Code, is amended to read as follows:

“(B) For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

“55 per centum in the ratio that lane miles on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and 45 per centum in the ratio that vehicle miles traveled on lanes on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States. Notwithstanding the preceding sentence, no State excluding any State that has no interstate lane miles shall receive less than one-half of 1 per centum of the total apportionment made by this subparagraph for any fiscal year.”

23 USC 103.
Post, p. 1702.

92 Stat. 2692.

SEC. 6. (a) Section 119(a) of title 23, United States Code, is amended by striking out the words “and rehabilitating” and by inserting in lieu thereof the words “rehabilitating, and reconstructing” and by striking out the words “those lanes in use for more than five years on the Interstate System” and inserting in lieu thereof the words “routes of the Interstate System designated under sections 103 and 139(c) of this title.”

(b) Section 119 of title 23, United States Code, is further amended by adding the following new subsection:

“(b) Reconstructing as authorized in subsection (a) of this section may include, but is not limited to, the addition of travel lanes and the construction and reconstruction of interchanges and overcrossings along existing completed interstate routes, including the acquisition of right-of-way where necessary.”

SEC. 7. Subsection (a) of section 119 of title 23, United States Code, is amended by adding at the end thereof the following: “Effective on and after the date of enactment of this sentence, the Federal share for projects financed by funds apportioned under section 104(b)(5)(B) of title 23, United States Code, for resurfacing, restoring, rehabilitating, and reconstructing routes of the Interstate System designated under sections 103 and 139(c) of this title shall be that set forth in section 120(c) of this title.”

23 USC 120.
Reimbursement
to California.

89 Stat. 823.

23 USC 101 note.

SEC. 8. In any case in which the city of Santa Rosa, California, has incurred costs on behalf of the State of California for the acquisition, between the date of enactment of Public Law 94-154 and the date of enactment of the Federal-Aid Highway Act of 1976 (Public Law 94-280), of land which was utilized in a Federal-aid urban system project at an intersection with a segment of the Federal-aid primary system, the Secretary of Transportation is authorized, notwithstanding any other provision of law, to reimburse the State of California from funds apportioned to the State of California under section 104(b)(6) of title 23, United States Code, 75 per centum of such costs.

SEC. 9. (a) The Secretary of Transportation may approve any project for the reconstruction, resurfacing, restoration, or rehabilitation of any bridge on the Interstate System which is both owned by the United States Government and located in two States and the District of Columbia, whenever both such States and the District shall submit to the Secretary for approval appropriate plans, specifications, and estimates for any such project.

Project plans,
approval.

Appropriation
authorization.

23 USC 101 *et*
seq.

Cost estimates,
transmittal to
Congress.

Federal-aid
system.

23 USC 103.

23 USC 104.

Maine Turnpike.
Repayment.
92 Stat. 2713.

(b) The Secretary of Transportation shall prior to approval of such project enter into an agreement with such States and the District for future maintenance and rehabilitation of the bridge.

(c) There is hereby authorized to be appropriated \$60,000,000, out of the Highway Trust Fund, to be available until expended, to carry out the provisions of this section. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned for the Interstate System under chapter 1 of title 23, United States Code. The Federal share of the project cost shall be 100 per centum.

(d) In making any revised estimate of the cost completing the Interstate System, which estimate is required by section 104(b)(5)(A) of title 23, United States Code, to be transmitted to the Congress after the date of enactment of this Act, the Secretary of Transportation shall not include any costs for any bridge eligible for approval under subsection (a). The Secretary shall reduce apportionments made under section 104(b)(5) of title 23, United States Code, to such States or District by an amount, if any, equal to amounts apportioned under such section to any such State or District with respect to any such bridge for any fiscal year ending before October 1, 1982. The reduction, if any, made by the preceding sentence for each State or the District shall be made out of apportionments under such section to such State or the District, beginning with the apportionment for the fiscal year ending September 30, 1983, and shall be made, in equal shares, over the number of fiscal years in which apportionments described in the preceding sentence were made.

SEC. 10. Section 139 of title 23, United States Code, is amended by adding a new subsection (c) as follows:

"(c) The Secretary shall designate those portions of highway segments on the Federal-aid primary system in States which have no Interstate System that are logical components to a system serving the State's principal cities, national defense needs and military installations, and traffic generated by rail, water, and air transportation modes. The designated segments shall have been constructed to the geometric and construction standards adequate for current and probable future traffic demands and the needs of the locality of the segment. The mileage of any highway designated as part of the Interstate System under this subsection shall not be charged against the limitation established by the first sentence of section 103(e)(1) of this title. The designation of a highway under this subsection shall create no Federal financial responsibility with respect to such highway, except that the State involved may use Federal-aid highway funds available to it under sections 104(b)(1) and 104(b)(5)(B) of this title, for the resurfacing, rehabilitation, restoration, and reconstruction of a highway designated as a route on the Interstate System under this subsection."

SEC. 11. Section 145 of the Federal-Aid Highway Act of 1978 is amended to read as follows:

"SEC. 145. (a) Upon satisfaction by the State of Maine or the Maine Turnpike Authority of the following conditions, the State of Maine and the Maine Turnpike Authority shall be free of all restrictions with respect to the imposition and collection of tolls or other charges on the Maine Turnpike or for the use thereof contained in title 23, United States Code, or in any regulation or agreement thereunder: repayment by the State of Maine or the Maine Turnpike Authority to the Treasurer of the United States of the sum of \$8,577,900 which is the amount of Federal-aid highway funds received for construction of interchanges or connections with the Maine Turnpike at West

Gardiner, Kennebec County, Maine, at York, York County, Maine, and at Scarborough-South Portland, Cumberland County, Maine. The amount to be repaid shall be deposited to the credit of the appropriation for 'Federal-Aid Highway (Trust Fund)'. Such repayment shall be credited to the unprogramed balance of the Federal-aid highway funds of the classes determined by the Secretary to and in cooperation with the State of Maine. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

"(b) The State of Maine and the Maine Turnpike Authority are deemed to be in compliance with section 129(c) of title 23, United States Code: *Provided*, That the conditions of subsection (a) are satisfied."

SEC. 12. (a) Section 152 of the Federal-Aid Highway Act of 1978 is amended by adding after "fiscal year 1981" the following "and \$55,000,000 for fiscal year 1983".

92 Stat. 2716.

(b) Such section 152 is further amended by adding at the end thereof the following new sentence: "Sums authorized to be appropriated under this section shall not be subject to any State or local law relating to apportionment of funds available for the construction or improvement of highways."

SEC. 13. This Act may be cited as the "Federal-Aid Highway Act of 1981".

Short title.
23 USC 101 note.

Approved December 29, 1981.

LEGISLATIVE HISTORY—H.R. 3210 (S. 1024) (S. 1208):

HOUSE REPORT No. 97-92 (Comm. on Public Works and Transportation).

SENATE REPORTS: Nos. 97-202 accompanying S. 1024 and 97-114 accompanying S. 1208 (both from Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 127 (1981):

Sept. 24, considered and passed House.

Nov. 16, considered and passed Senate, amended, in lieu of S. 1024.

Dec. 15, House concurred in Senate amendment with an amendment.

Dec. 16, Senate concurred in House amendment.