

FEDERAL-AID HIGHWAY ACT OF 1972

OCTOBER 18, 1972.—Ordered to be printed

Mr. KLUCZYNSKI, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 3939]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1972".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of \$3,500,000,000 for the fiscal year ending June 30, 1974, additional sum of \$3,500,000,000 for the fiscal year ending June 30, 1975, the additional sum of \$3,500,000,000 for the fiscal year ending June 30, 1976, the additional sum of \$3,500,000,000 for the fiscal year ending June 30, 1977, the additional sum of \$3,500,000,000 for the fiscal year ending June 30, 1978, and the additional sum of \$2,500,000,000 for the fiscal year ending June 30, 1979."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF
INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal year ending June 30, 1974, of the sums authorized to be appropriated for such year for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, of House Public Works Committee Print Numbered 92-29.

HIGHWAY AUTHORIZATIONS

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

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, \$725,000,000, for fiscal year ending June 30, 1974. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, \$425,000,000 for the fiscal year ending June 30, 1974.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, \$700,000,000 for the fiscal year ending June 30, 1974. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund, \$400,000,000 for the fiscal year ending June 30, 1974. For the Federal-aid small urban system, of the Highway Trust Fund, \$50,000,000 for the fiscal year ending June 30, 1974.

(3) For forest highways, out of the Highway Trust Fund, \$33,000,000 for the fiscal year ending June 30, 1974.

(4) For public lands highways, out of the Highway Trust Fund, \$16,000,000 for the fiscal year ending June 30, 1974.

(5) For forest development roads and trails, \$170,000,000 for the fiscal year ending June 30, 1974.

(6) For public lands development roads and trails, \$10,000,000 for the fiscal year ending June 30, 1974.

(7) For park roads and trails, \$30,000,000 for the fiscal year ending June 30, 1974.

(8) For parkways, \$20,000,000 for the fiscal year ending June 30, 1974.

(9) For Indian reservation roads and bridges, \$100,000,000 for the fiscal year ending June 30, 1974.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, \$150,000,000 for the fiscal year ending June 30, 1974.

(11) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), \$10,000,000 for the fiscal year ending June 30, 1974.

(12) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, \$3,000,000 for the fiscal year ending June 30, 1974.

(13) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed \$5,000,000 for the fiscal year ending June 30, 1974.

(B) for Guam not to exceed \$2,000,000 for the fiscal year ending June 30, 1974.

(C) for American Samoa not to exceed \$500,000 for the fiscal year ending June 30, 1974.

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

(14) Nothing in the first ten paragraphs or in paragraph (13) of this section 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.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for the fiscal year ending June 30, 1974, under section 104(b) (5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less. In addition to all other authorizations for the Interstate System for the fiscal year ending June 30, 1974, there are authorized to be appropriated out of the Highway Trust Fund to carry out this subsection not to exceed \$50,000,000 for such fiscal year for such system.

SUBMISSION OF CERTAIN REPORTS

SEC. 105. The Secretary of Transportation is hereby directed to forward to the Congress within thirty days of the date of enactment of this Act final recommendations proposed to him by the Administrator of the Federal Highway Administration in accordance with section 105(b) (2), section 121, and section 144 of the Federal-Aid Highway Act of 1970 together with those recommendations of the Secretary of Transportation to the Director of the Office of Management and Budget unless these recommendations have been submitted to the Congress prior to the date of enactment of this Act.

DEFINITIONS

SEC. 106. Subsection (a) of section 101 of title 23 of the United States Code is amended as follows:

(1) The definition of the term "construction" is amended by striking out "Coast and Geodetic Survey in the Department of Commerce)," and by inserting in lieu thereof: "National Oceanic and Atmospheric Administration in the Department of Commerce), traffic engineering and operational improvements,".

(2) The definition of the term "urban area" is amended by inserting immediately after "State highway department" the following: "and appropriate local officials in cooperation with each other".

(3) The definition of the term "Indian reservation roads and bridges" is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and

Alaska Native villages, groups or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979".

(b) (1) The introductory phrase and the second and third sentences of section 104(b) (5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) Such section 104(b) (5) is further amended by striking out the sentence immediately preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a 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, 1976. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending June 30, 1978, and June 30, 1979."

MINIMIZATION OF RED TAPE

SEC. 108. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the drastic minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID SYSTEMS

SEC. 109. Section 103 of title 23, United States Code, is amended as follows:

(1) The second sentence of subsection (d) is amended by inserting immediately after "such area" the following: "and shall provide for the collection and distribution of traffic within such area".

(2) Subsection (d) is further amended by inserting immediately following the next to the last sentence the following new sentence: "Any State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population

center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary."

(3) The next to the last sentence of subsection (g) is amended by striking out "1975" and inserting in lieu thereof "1977".

(4) Subsection (g) is further amended by adding at the end thereof the following new sentence: "This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968."

APPORTIONMENT

SEC. 110. Section 104 of title 23, United States Code, is amended as follows:

(1) Paragraph (1) of subsection (b) is amended by striking out "one-third in the ratio which the population of each State bears to the total of all the States" and inserting in lieu thereof the following: "one-third in the ratio which the rural population of each State bears to the total rural population of all the States".

(2) Paragraph (6) of subsection (b) is amended by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(3) Subsection (c) is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "30 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(4) Subsection (d) is amended to read as follows:

"(d) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 30 per centum."

(5) The last sentence of subsection (c) and subsection (f) are hereby repealed.

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 111. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

(b) The amount of all Federal-aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal-aid projects numbered U 244(7), U 244(10), UG 244(9), U 244(8), and U 244(11)), shall be repaid to the Treasurer of the United States and 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 funds have been repaid and any other Federal-aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the State of Texas. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 112. (a) The last sentence of subsection (a) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of paragraph (3) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

HIGHWAY NOISE LEVELS

SEC. 113. Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary after consultation with appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

SIGNS ON PROJECT SITE

SEC. 114. The last sentence of subsection (a) of section 114 of title 23, United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 115. (a) Section 117 of title 23 of the United States Code is amended to read as follows:

§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Inter-

state System, upon the request of any State, by accepting a certification by the State highway department of its performance of such responsibilities if he finds—

“(1) such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title;

“(2) the State meets the requirements of section 302 of this title;

“(3) that final decisions made by responsible State officials on such projects are made in the best overall public interest.

“(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

“(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

“(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

“(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than this title.”

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

“117. Secondary road responsibilities.”
and inserting in lieu thereof the following:

“117. Certification acceptance.”.

MATERIALS AT OFF-SITE LOCATIONS

SEC. 116. Section 121(a) of title 23 of the United States Code is amended by inserting after the period at the end thereof the following: “Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity.”

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 117. After the second sentence of section 129(b) of title 23, United States Code, insert the following: “When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System.”

CONTROL OF OUTDOOR ADVERTISING

SEC. 118. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1973, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of incorporated cities and villages, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,"

(b) Subsection (c) of section 131 of title 32, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays or devices after January 1, 1968, if located within six hundred and sixty feet of the right of way and on or after July 1, 1973, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right of way be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof:

"In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or individual areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence:

"The Secretary may also, in consultation with the States, provide within the rights-of-way of other roads on the Federal-aid highway system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

"Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law prior to the date of enactment of the Federal-Aid Highway Act of 1972."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned 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 each of the fiscal years 1966 and 1967, not to exceed \$2,000,000 for the fiscal year 1970, not to exceed \$27,000,000 for the fiscal year 1971, not to exceed \$20,500,000 for the fiscal year 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973, and \$50,000,000 for the fiscal year ending June 30, 1974. 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."

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

"(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required by the Secretary to be removed until December 31, 1974, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first. A State may not refuse to purchase and remove any directional sign, display, or device voluntarily offered to the State for removal by a sign owner if funds are available in the Department of Transportation.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1972, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs)."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 119. Subsection (c) of section 135 of title 23, United States Code, is hereby repealed and existing subsection (d) is relettered as subsection (c), including any references thereto.

CONTROL OF JUNKYARDS

SEC. 120. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(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 each of the fiscal years 1966 and 1967, not to exceed \$3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed \$5,000,000 for the fiscal year ending June 30, 1973, and not to exceed \$15,000,000 for the fiscal year ending June 30, 1974. 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."

HIGHWAY PUBLIC TRANSPORTATION

SEC. 121. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as 'buses'), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Sums apportioned under section 104(b) of this title shall be available to finance the cost of these projects.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project.

"(e) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where

this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 127. (a) Section 143 of title 23, United States Code, is amended by striking out "demonstration projects" each place it appears and inserting in lieu thereof "projects", and by striking out "demonstration project" each place it appears and inserting in lieu thereof in each such place "project". by striking out "the Federal-aid primary system" in each place it appears and inserting in lieu thereof in each such place "a Federal-aid system (other than the Interstate System)", and in subsection (d) by striking out "Federal-aid primary highways" and inserting in lieu thereof "highways on the Federal-aid system on which such development highway is located".

(b) Section 143(e) of title 23, United States Code, is amended to read as follows:

"(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located."

(c) Section 143(a) of title 23, United States Code, is amended by striking out "to demonstrate the role that highways can play".

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 123. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 145. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending June 30, 1974, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

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

"145. Special urban high density traffic program."

PRIORITY PRIMARY ROUTES

SEC. 124. It is the intent of Congress to establish priority primary routes in each State, and the Secretary of Transportation, in cooperation with the State highway departments, is directed to develop such routes and criteria for the designation thereof and to submit a report to the Congress not later than June 30, 1973.

ALASKA HIGHWAY

SEC. 125. (a) (1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 217. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highways. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or per-

sons from the United States that does not apply equally to vehicles or persons of Canada;

“(4) will continue to grant reciprocal recognition of vehicle registration and drivers’ licenses in accordance with agreements between the United States and Canada; and

“(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

“(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.”

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

“217. Alaska Highway.”

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of \$58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

BRIDGES ON FEDERAL DAMS

SEC. 126. (a) Section 320(d) of title 23, United States Code, is amended by striking out “\$16,761,000” and inserting in lieu thereof “\$25,261,000”.

(b) All sums appropriated under authority of the increased authorization of \$8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of \$2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of \$6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been completed by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

ALASKAN ASSISTANCE

SEC. 127. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking out at the end of the last sentence “June 30, 1972, and June 30, 1973.” and substituting “June 30, 1972, June 30, 1973, and June 30, 1974.”

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 128. (a) Subsection (i) of section 123 of the Federal-Aid Highway Act of 1970 is amended by striking out the first sentence and inserting the following in lieu thereof: “The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report.”

(b) Subsection (n) of section 123 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(n) There are hereby authorized to be appropriated such sums, but not more than \$450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended."

CLINTON BRIDGE COMMISSION

SEC. 129. (a) In order to facilitate interstate commerce by expediting the completion of interstate bridge facilities across the Mississippi River in the vicinity of the city of Clinton, Iowa, the City of Clinton Bridge Commission (hereafter referred to as the "commission"), created and operating under the Act approved December 21, 1944, as revived, amended, and reenacted, is hereby authorized to sell, convey, and transfer to the State of Iowa all of its real and personal property, books, records, money, and other assets, including all existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Clinton, Iowa, and the substructure constituting the partially constructed new bridge which has been designed to replace the older of the two existing vehicular bridges, together with all easements, approaches, and approach highways appurtenant to said bridge structures, and to enter into such agreements with the State Highway Commission of the State of Iowa (hereafter referred to as the "highway commission"), and the Department of Transportation of the State of Illinois as may be necessary to accomplish the foregoing: Provided, however, That at or before the time of delivery of the deeds and other instruments of conveyance, all outstanding indebtedness or other liabilities of said commission must either have been paid in full as to both principal and interest or sufficient funds must have been set aside in a special fund pledged to retire said outstanding indebtedness or other liabilities and interest thereon at or prior to maturity, together with any premium which may be required to be paid in the event of payment of the indebtedness prior to maturity. The cost to the highway commission of acquiring the existing bridge structures by the State of Iowa shall include all engineering, legal, financing, architectural, traffic surveying, and other expenses as may be necessary to accomplish the conveyance and transfer of the properties, together with such amount as may be necessary to provide for the payment of the outstanding indebtedness or other liabilities of the commission as hereinbefore referred to, and permit the dissolution of the commission as hereinafter provided, less the amount of cash on hand which is turned over to the highway commission by the commission.

(b) The highway commission is hereby authorized to accept the conveyance and transfer of the above-mentioned bridge structures, property, and assets of the City of Clinton Bridge Commission on behalf of the State of Iowa, to complete the construction of the new replacement bridge, to repair, reconstruct, maintain, and operate as toll bridges the existing bridges so acquired until the new replacement bridge has been completed, to dismantle the older of the two existing bridges upon completion of the new replacement bridge, and to thereafter repair, reconstruct, maintain, and operate the two remaining bridges as toll bridges. There is hereby conferred upon the highway commission the right and power to enter upon such lands and to ac-

quire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, reconstruction, or completion of any such bridges and for the operation and maintenance of any bridge and the approaches, upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes by said State. The highway commission is further authorized to enter into agreements with the State of Illinois and any agency or subdivision thereof, and with any agency or subdivision of the State of Iowa, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision. The cost of acquiring the existing bridge structures, of completing the replacement bridge and of dismantling the bridge to be replaced and paying expenses incidental thereto as referred to in subsection (a) of this section may be provided by the highway commission through the issuance of its revenue bonds pursuant to legislation enacted by the General Assembly of the State of Iowa, or through the use of any other funds available for the purpose, or both. The above-described toll bridge structures shall be repaired, reconstructed, maintained, and operated by the highway commission in accordance with the provisions of the General Bridge Act of 1946, approved August 2, 1946, and the location and plans for the replacement bridge shall be approved by the Secretary of Transportation in accordance with the provisions of said Act, as well as by the Department of Transportation of the State of Illinois. The rates and schedule of tolls for said bridges shall be charged and collected in accordance with said General Bridge Act of 1946 and applicable Iowa legislation and shall be continuously adjusted and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridges and approaches under economical management, to provide a fund sufficient to pay the principal of and interest on such bonds as may be issued by the highway commission as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity, and to repay any money borrowed by any other means in connection with the acquisition, construction, reconstruction, completion, repair, operation, or maintenance of any of said bridge structures. All tolls and other revenues from said bridges are hereby pledged to such uses. No toll shall be charged officials or employees of the highway commission, nor shall any toll be charged officials of the United States while in the discharge of duties incident to their office or employment, nor shall any toll be charged members of the fire department or peace officers while engaged in the performance of their official duties. No obligation created pursuant to any provision of this section shall constitute an indebtedness of the United States.

(c) *After all bonds or other obligations issued or indebtedness incurred by the highway commission or loans of funds for the account of said bridges and interest and premium, if any, have been paid, or after sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the State of Iowa*

shall deliver deeds or other suitable instruments of conveyance of the interest of the State of Iowa in and to those parts lying within Illinois of said bridges to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same, and thereafter the bridges shall be properly repaired, reconstructed, maintained, and operated, free of tolls by the State of Iowa and by the State of Illinois, or any municipality or agency thereof, as may be agreed upon.

(d) The interstate bridge or bridges purchased, constructed, or completed under the authority of this section and the income derived therefrom shall, on and after the effective date of this section, be exempt from all Federal, State, municipal, and local property and income taxation.

(e) After all of the property, books, records, money, and other assets of the City of Clinton Bridge Commission have been conveyed and transferred to the State of Iowa as contemplated by this section, such commission shall cease to exist, without the necessity for any hearing, order, or other official action.

(f) The right to alter, amend, or repeal this section is hereby expressly reserved.

ROUTE 101 IN NEW HAMPSHIRE

SEC. 130. The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire 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 toll road and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. 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) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such sections of said route 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:

(1) That section of Route 101 from Route 125 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths cen-

terline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

FREING INTERSTATE TOLL BRIDGES

SEC. 131. Section 129, title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which before January 1, 1974, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1974, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount."

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 132. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than February 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies as will achieve a uniform system of tolls and best serve the public interest.

PARTICIPATION IN TOPICS AND FRINGE PARKING PROGRAMS

SEC. 133. In the administration of title 23 of the United States Code the Secretary of Transportation shall take such actions as he deems necessary to facilitate broad participation by the States in the urban area traffic operations improvement programs and projects for fringe and corridor parking facilities authorized by sections 135 and 137 of such title.

DISTRICT OF COLUMBIA

SEC. 134. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

SEC. 135. (a) The Secretary of Transportation shall permit no further action on Interstate Route I-287 between Montville and Mahwah, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

INTERSTATE SYSTEM

SEC. 136. Paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended as follows:

(1) The first sentence is amended by striking out "additional mileage for the Interstate System of two hundred miles, to be used in making modifications" and inserting in lieu thereof "there is hereby authorized such additional mileage for the Interstate System as may be required in making modifications".

(2) The fourth sentence is amended by striking out "the 1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised." and inserting in lieu thereof the following: the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92-29."

(3) The fifth sentence is amended by striking out "due regard" and inserting in lieu thereof the following: "preference, along with due regard for interstate highway type needs on a nationwide basis,".

FERRY OPERATIONS

SEC. 137. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, shall be inapplicable to any ferry operated solely between the States of Alaska and Washington.

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 138. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90-480 and 91-205. There is authorized to be appropriated, to carry out this section, not to exceed \$65,000,000.

FEDERAL-AID SMALL URBAN SYSTEM

SEC. 139. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Federal-aid urban system" add the following new paragraph:

"The term 'Federal-aid small urban system' means the Federal-aid highway system described in subsection (h) of section 103 of this title."

(2) After the definition of the term "urban area" add the following new paragraph:

"The term 'small urban area' means an urban area having a population of less than fifty thousand, and not within an urbanized area."

(b) Section 103 of title 23, United States Code, is amended by adding immediately after subsection (g) a new subsection (h):

"(h) The Federal-aid small urban system may be established in each small urban area at the request of local officials. The system shall consist of arterial and collector routes, exclusive of urban extensions of the Federal-aid primary and secondary systems, selected by responsible local officials in cooperation with the State highway department based upon anticipated functional usage for the year 1980. Each route of the system shall connect with another route on a Federal-aid system. The provisions of chapters 1, 3, and 5 of this title applicable to Federal-aid primary highways, other than apportionment, shall apply to the Federal-aid small urban system except as determined by the Secretary to be inconsistent with this subsection.

(c) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(7) For the Federal-aid small urban system:

"In the ratio which the population in small urban areas, or parts thereof, in each State bears to the total population in such small urban areas, or parts thereof, in all the States as shown by the latest available Federal census."

(d) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "the Federal-aid secondary system, and the Federal-aid urban system," and inserting in lieu thereof the following: "the Federal-aid secondary system, the Federal-aid urban system, and the Federal-aid small urban system."

(e) Section 103(f) of title 23, United States Code, is amended by inserting immediately after "the Federal-aid urban system," the following: "the Federal-aid small urban system,".

TRAINING PROGRAMS

SEC. 140. Subsection (b) of section 140 of title 23, United States Code, is amended by striking out in the second sentence "and 1973," and inserting in lieu thereof "1973, and 1974".

TOLL ROAD REIMBURSEMENT PROGRAM

SEC. 141(a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 146. Toll road reimbursement program

"(a) Whenever a State has received its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, the Secretary may permit, notwithstanding the provisions of section 301 of this title, reimbursement of the Federal share of the actual cost of construction of new toll highways or improvements to existing toll highways, construction of which highways or improvement is begun after July 1, 1972, but not including the cost of toll collection and service facilities, on the same basis and in the same manner

as in the construction of free highways under this chapter upon compliance with the conditions contained in this section.

"(b) The Secretary may permit reimbursement of the Federal share of the costs of construction as applicable to a project under section 120(a) of this title from funds apportioned to such State pursuant to paragraph (1) subsection (b) of section 104 of this title whenever the State enters into an agreement with the Secretary whereby it undertakes performance of the following obligations:

"(1) to provide for the construction of such highway in accordance with standards approved by the Secretary;

"(2) all tolls received from the operation of such highway, less the actual cost of such operation and maintenance, shall be applied by the State to the repayment of the actual costs of construction, except for an amount equal to the Federal share payable of such actual costs of a project; and

"(3) no tolls shall be charged for the use of such highway after the Federal share has been paid and the highway shall be maintained and operated as a free highway.

Such agreements may be entered into between the Secretary and a State upon enactment of this section. Reimbursements shall not be made until after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System.

"(d) The Federal share payable of such actual cost of the project shall be made in not more than fifteen equal annual installments, from the funds apportioned to the State pursuant to paragraph (1) of subsection (b) of section 104 of this title, with the first installment being made one year after the project agreement has been entered into between the Secretary and the State highway departments or one year after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, whichever is last to occur. Such payment shall be applied against the outstanding obligations of the project."

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

"146. Toll road reimbursement program."

"(c) Such highway shall be designated as a part of the Federal-aid primary system, other than the Interstate System, before the payment of any Federal funds under this section, notwithstanding the mileage limitations in subsection (b) of section 103 of this title.

HIGHLAND SCENIC HIGHWAY

SEC. 142. (a) The Secretary of the Interior, in cooperation with the Secretary of Agriculture (acting through the Forest Service), is authorized to develop and construct as a parkway the Highland Scenic Highway from West Virginia State Route 39 to U.S. 250 near Barton Knob.

(b) The route from Richwood, West Virginia, to U.S. 250 near Barton Knob, via West Virginia State Route 39 and the parkway authorized by subsection (a) of this section, shall be designated as the Highland Scenic Highway.

(c) Such Secretaries are authorized to acquire rights-of-way, lands containing such rights-of-way, and interests in land, including scenic easements, necessary to carry out the purpose of a scenic highway.

(d) Funds available for parkways shall be available for signs on interstate highways, Appalachian highways and other appropriate highways at natural points of access to such geographic area, indicating the direction and distance to the Highland Scenic Highway and to Richwood as "Gateway to the Highland Scenic Highway".

(e) Funds available for parkways shall be available for upgrading that portion of West Virginia State Route 39 designated as the Highland Scenic Highway to appropriate standards for a scenic and recreational highway, including the construction of vistas and other scenic improvements.

(f) Upon construction of the Highland Scenic Highway as authorized by subsection (a) of this section, such road and all associated lands and rights-of-way shall be transferred to the Forest Service and managed as part of the Monongahela National Forest, solely for scenic and recreational use and passenger car travel.

(g) Any parkway authorized in the future to proceed southward in such area shall begin in the immediate vicinity of Richwood, West Virginia.

INCREASED FEDERAL SHARE—EFFECTIVE DATE

SEC. 143. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(b) The amendments made by subsection (a) of this section shall take effect with respect to all obligations incurred after June 30, 1973, except for projects on which Federal funds were obligated on or before that date."

GREAT RIVER ROAD

SEC. 144. (a) Section 14 of the Federal-Aid Highway Act of 1954, as amended (68 Stat. 70; Public Law 83-350), is amended by striking out "\$500,000", and inserting in lieu thereof "\$600,000".

(b) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 147. Development of a prototype of a national scenic and recreational highway program

"(a) (1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to prove the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration of the tricentennial of the discovery of the Mississippi River.

"(b) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal-aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform indentifying signs;

"(4) section 131 shall apply to the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(c) For the purpose of this section the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be part of the Federal-aid primary system except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds appropriated for each fiscal year pursuant to subsection (h) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purpose of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the State pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction or roads on a Federal-aid highway system, not to exceed \$20,000,000 for the fiscal year ending June 30, 1974, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed \$10,000,000 for the fiscal year ending June 30, 1974, for construction and reconstruction of roads not on a Federal-aid highway system."

(c) The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"147 Development of a prototype of a national scenic and recreational highway program."

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 145. The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than January 1, 1975, including an estimate of the cost of implementing such a program. There is authorized to be appropriated \$250,000 from the Highway Trust Fund to carry out this section.

CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 146. (a) Notwithstanding the definition of parkways in subsection (a) of section 101, funds available for parkways shall be available to finance the cost of reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park, including construction of a tunnel and the approaches thereto, so as to permit restoration of the Gap and provide adequate traffic capacity.

(b) Upon construction, such highway and tunnel and all associated lands and rights-of-way shall be transferred to the National Park Service and managed as part of the Cumberland Gap National Historical Park.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1972".

HIGHWAY SAFETY

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

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, out of the Highway Trust Fund,

\$200,000,000 for the fiscal year ending June 30, 1974, and \$360,000,000 for fiscal year ending June 30, 1975.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, \$115,000,000 for the fiscal year ending June 30, 1974, and \$115,000,000 for the fiscal year ending June 30, 1975.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, \$35,000,000 for the fiscal year ending June 30, 1974, and \$45,000,000 for the fiscal year ending June 30, 1975.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, and June 30, 1975, not to exceed \$10,000,000 per fiscal year.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings, \$150,000,000 for the fiscal year ending June 30, 1974, and \$225,000,000 for the fiscal year ending June 30, 1975. Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

(b) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

(2) one-third for projects on highways not included on any Federal-aid system.

(c) Funds made available in accordance with paragraph (1) of subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972."; by inserting immediately after "1973," the following: "\$225,000,000 for the fiscal year ending June 30, 1974, and \$450,-

000,000 for the fiscal year ending June 30, 1975,"; by striking out "out of the Highway Trust Fund," in the first sentence; and by inserting after the first sentence the following: "Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund."

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereto); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid system."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PAVEMENT MARKING PROGRAM

SEC. 205. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 148. Special pavement marking program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special pavement marking program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included in any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, out of the Highway Trust Fund, the sum of \$100,000,000, to be available until expended. Such sums shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter. Such funds shall be apportioned on the same basis as is provided in paragraph (2) of section 104(b) of this title.

"(f) Funds apportioned to a State but not required by it for pavement-marking projects authorized by this section may be released by the Secretary to such State for expenditure for projects to eliminate

or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator.

"(g) Each State shall report to the Secretary in January 1975, and in each January thereafter for three years following completion within that State of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished since commencement of the program. The report shall include an analysis and evaluation with respect to the number, rate, and severity of accidents at improved locations, and the cost-benefit ratio of such improvements, comparing a period one year prior to completion of improvements to annual periods subsequent to completion of such improvements. The Secretary shall submit a report to Congress not later than June 30, 1975, and not later than June 30 of each year thereafter until completion of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished by the several States under this section."

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

"148. Special pavement-marking program."

PAVEMENT-MARKING RESEARCH AND DEMONSTRATION PROGRAM

SEC. 206. (a) In addition to the research authorized by section 307 (a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs with respect to the effectiveness of various types of pavement markings and related delineators under inclement weather and nighttime conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, \$15,000,000 for the fiscal year ending June 30, 1974, and \$25,000,000 for the fiscal year ending June 30, 1975.

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 207. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

"(2) *Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.*

"(c) *The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals.*"

(b) *There is authorized to be appropriated to carry out the amendments made by this section by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of \$15,000,000 for the fiscal year ending June 30, 1974, and \$25,000,000 for the fiscal year ending June 30, 1975.*

PROJECTS FOR HIGH HAZARD LOCATIONS (SPOT IMPROVEMENTS)

SEC. 208. (a) *Chapter 1 of title 23, United States Code, is amended by adding at the end thereof (after the section added by section 2 of this Act) the following new section:*

"§ 149. Projects for high hazard locations

"(a) *For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of \$100,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.*

"(b) *Funds authorized by this section shall be available for expenditure as follows:*

"(1) *two-thirds for projects on any Federal-aid system (other than the Interstate System); and*

"(2) *one-third for projects on highways not included on any Federal-aid system.*

"(c) *Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof."*

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

"149. Projects for high hazard locations."

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 209. (a) *Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:*

"§ 150. Program for the elimination of roadside obstacles

"(a) *Each State shall conduct a survey of all expressways, major streets and highways, and through streets to identify roadside obstacles*

which may constitute a hazard to vehicles, and assign priorities and establish a schedule of projects for their correction. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or break away upon impact. Yielding or breakaway sign and light supports shall be used, to the extent necessary, on all new construction or reconstruction of highways.

"(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of \$75,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

"(e) Commencing in 1974, the Secretary of Transportation shall report to Congress the progress made by the several States during the preceding calendar year in implementing improvements for the elimination of roadside obstacles. His report shall analyze and evaluate each State program, identify any State found not to be in substantial compliance with the schedule of improvements required by subsection (a), and contain recommendations for future implementation of the program."

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

"150. Program for the elimination of roadside obstacles."

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 210. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media and other techniques for informing the public of means and methods for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The

Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of \$1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation shall develop highway safety pilot television messages of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of \$4,000,000 out of the Highway Trust Fund.

CITIZEN PARTICIPATION STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with State and local traffic safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on the traffic enforcement process, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purposes of carrying out this section, there is hereby authorized to be appropriated the sum of \$1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 212. (a) The Secretary of Transportation shall make a thorough study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein. The Secretary shall report to the Congress his findings and recommendations not later than June 30, 1974.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of \$5,000,000 out of the Highway Trust Fund.

UNDERPASS DEMONSTRATION PROJECT

SEC. 213. (a) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed \$3,000,000 to carry out this section.

DEMONSTRATION PROJECT—RAIL-HIGHWAY CROSSINGS

SEC. 214. (a) *The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.*

(b) *The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.*

(c) *There is authorized to be appropriated not to exceed \$36,000,000 to carry out subsections (a) and (b) of this section.*

(d) *The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebraska, for the relocation of railroad lines from the central area of the city in conformance with the methodology developed under proposed numbered DOT-FR-20037. The city shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.*

(e) *Federal grants or payments for the purpose of subsection (d) of this section shall cover 70 per centum of the costs involved.*

(f) *The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to subsection (d) of this section.*

(g) *For the purpose of carrying out subsections (d), (e), and (f) of this section, there is hereby authorized to be appropriated the sum of \$2,500,000 out of the Highway Trust Fund, and not to exceed \$9,500,000 out of any money in the Treasury not otherwise appropriated.*

(h) *There is authorized to be appropriated not to exceed \$1,000,000 in the case of Lincoln, Nebraska, and \$1,400,000 in the case of Elko, Nevada, from the Highway Trust Fund, and not to exceed \$2,000,000 in the case of Lincoln, Nebraska, and \$2,800,000 in the case of Elko, Nevada, from money in the Treasury not otherwise appropriated, for carrying out the provisions of this section.*

MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

SEC. 215 (a) *The first sentence of subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after "approved in accordance with subsection (a)," the following: "including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom such funds.*

PUBLIC ROAD MILEAGE

SEC. 216. *Subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after the third sentence the following: "Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary."*

MINIMUM APPORTIONMENT

SEC. 217. Subsection (c) of section 402 is amended by striking "one-third of 1 per centum" in the fifth sentence thereof as amended, and inserting "one-half of 1 per centum."

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY STANDARDS

SEC. 218. Section 402 of title 23 of the United States Code is amended by adding a new subsection (i), as follows:

"(i) (1) The Secretary shall award, in addition to other grants pursuant to this section, \$10,000,000 in grants in each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have attained above average results in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. The amount appropriated in each fiscal year for the purpose of carrying out this paragraph shall be apportioned among the States eligible for grants pursuant to this paragraph in the ratio which the total apportionments to each State pursuant to section 104(b) (1) and (2) for such year bears to the total such apportionments to all such eligible States for such year.

"(2) The Secretary may also award, in addition to other grants pursuant to this section, \$10,000,000 in grants in each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have made the most significant improvements in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. No State shall receive in excess of \$500,000 in any fiscal year pursuant to the provisions of this paragraph."

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

SEC. 219. The second sentence of subsection (a) of section 403 of title 23, United States Code, is amended to read as follows: "In addition, the Secretary may use the funds appropriated to carry out this subsection, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which are deemed by the Secretary to be necessary to carry out the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel."

TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

SEC. 220. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equip-

ment purchased for demonstration projects with funds authorized by this section."

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

SEC. 221. Subsection (a) (1) of section 404 of title 23, United States Code, is amended by inserting immediately after "Federal Highway Administrator," the following: "the National Highway Traffic Safety Administrator,".

DATE OF ANNUAL REPORT

SEC. 222. The first sentence of subsection (a) of section 202 of the Highway Safety Act of 1966 (80 Stat. 736) is amended by deleting "March 1" and substituting in lieu thereof the following: "July 1".

TITLE III

URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 301. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 (other than a project for payment of operating expenses) shall be in an amount equal to 80 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1972.

(c) (1) Section 3 of such Act is amended—

(A) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(B) by adding at the end thereof a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis, and (3) the Secretary determines that the mass transportation services provided by each system involved is being provided by an efficient operation of such system in accordance with regulations promulgated by the Secretary.

The amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to

pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant."

(2) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(3) Section 12 (c) is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service."

(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and sections 7 (b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed \$400,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed \$100,000,000 prior to July 1, 1973, which amount may be increased to not to exceed an aggregate of \$400,000,000 prior to July 1, 1974. Sums so appropriated shall remain available until expended."

(d) Section 4(c) of such Act is amended by striking out "\$3,100,000,000" in the first and third sentences and inserting in lieu thereof "\$6,100,000,000".

TITLE IV

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

SEC. 401. (a) Chapter 3 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 323. Prohibition of discrimination on the basis of sex

"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through

agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(b) *The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof the following:*

"323. *Discrimination on the basis of sex prohibited.*"

And the House agree to the same.

JOHN C. KLUCZYNSKI,
JIM WRIGHT,
HAROLD T. JOHNSON,
JAMES J. HOWARD,
DON H. CLAUSEN,

Managers on the Part of the House.

JENNINGS RANDOLPH,
JOSEPH M. MONTOYA,
MIKE GRAVEL,
LLOYD BENTSEN,
JOHN S. COOPER,
HOWARD H. BAKER, Jr.,
HARRISON A. WILLIAMS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

With respect to the amendment of the House, the Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

PROVISIONS OF THE SENATE BILL

Section 101 of the Senate bill would provide that title I may be cited as the "Federal-Aid Highway Act of 1972".

Section 102 of the Senate bill would provide authorizations for the Interstate highway program through the fiscal year 1980. \$3.25 billion would be authorized for each fiscal year from 1974 through 1979 and \$257 million for fiscal year 1980.

Section 103 of the Senate bill would approve the use of apportionment factors contained in table 5 in the 1972 Interstate Cost Estimate (House Document 29, 92d Congress) for the apportionment of Interstate funds authorized to be appropriated for fiscal years 1974 and 1975.

Section 104 of the Senate bill would extend the time for completion of the Interstate System until June 30, 1980. It would further direct the Secretary to submit to Congress a revised Interstate System cost estimate in January of 1974, January of 1976 and January of 1978 for apportionment of Interstate funds for fiscal years 1976 and 1977, 1978 and 1979, and 1980 respectively.

Section 105 of the Senate bill would authorize funds for the Federal-Aid and Federal domain roads programs for the fiscal years 1974 and 1975.

The bill changes prior patterns of authorization by eliminating the specific authorization of funds for urban extensions of the primary and secondary systems.

The bill would authorize \$950 million for each of the fiscal years 1974 and 1975 for the primary system and its urban extensions with the requirement that \$300 million be expended for elimination of roadway dangers as defined in new Section 148 of Title 23, with special emphasis on railroad grade crossing elimination.

Five hundred million dollars would be authorized for each of the fiscal years 1974 and 1975 for the secondary system and its urban extensions with the requirement that at least \$50 million for each of those years be expended for public transportation under the provisions of Section 142 of Title 23.

Appropriations for the urban system authorized for fiscal years 1974 and 1975 would be \$800 million per year.

The small urban system, which would be established by the bill, would be authorized at \$50 million for fiscal 1974 and for \$100 million for fiscal 1975.

In addition to the authorizations for the regular Federal-Aid system, the bill also continues at increased levels funds for the Federal domain road program, with funds for parkways and Indian reservation roads and bridges being authorized to be appropriated from the trust fund for the first time. Funds for forest highways and public lands highways will be available from the trust fund in accordance with the practice established in the 1970 Federal-Aid Highway Act. The authorizations for these highways are as follows:

(In millions)

Category	1974	1975
Forest highways.....	\$50	\$50
Public lands highways.....	25	25
Forest development roads and trails.....	170	170
Public lands development roads and trails.....	20	20
Park roads and trails.....	50	50
Parkways.....	75	100
Indian reservation roads and bridges.....	75	100

This section also authorizes \$75 million for fiscal 1974 and fiscal 1975 for landscaping and scenic enhancement; \$1.5 million for each of those years for the administrative expenses of the beautification program; and continues the territorial highway program established in the 1970 act with authorization to the territories in the following amounts:

(In millions)

Category	1974	1975
Virgin Islands.....	\$2.5	\$2.5
Guam.....	2.0	2.0
American Samoa.....	.5	.5

For fiscal years 1974 and 1975, each State would receive at least $\frac{1}{2}$ of 1% of total apportionments for the Interstate System. Whenever such amount exceeds the cost of completing the system in any State, the excess amount would be added to primary, secondary, urban and small urban apportionments for such States in the ratio which the respective amounts bear to each other.

In addition, each State would receive at least $\frac{1}{2}$ of 1% of apportionments for the Federal-aid urban system and for the Federal-aid small urban system. Similar authority exists with respect to the apportionment of primary and secondary funds.

Section 106. Definitions

This section would amend Section 101 to include traffic operation improvement programs (TOPICS) under the definition of "construction."

The definition of "Indian roads and bridges" would be modified so that Alaska native villages would be eligible for funding under Chapter 2 of title 23.

The definition of "urbanized area" would be changed to allow the Secretary, in cooperation with local officials, to fix the urbanized area boundary.

Section 107 of the Senate bill would permit the establishment of a new Federal-aid small urban system in each urban area of 5,000 to 50,000 population. The system would consist of arterial and collector streets, exclusive of urban extensions of the Federal-aid primary and secondary systems, selected by responsible local officials in cooperation with the State highway department. The Secretary could delegate authority to the State highway department to approve designation of the system. Guidelines for carrying out this section and other applicable provisions of law would be issued by the Secretary no later than March 30, 1973. The apportionment of funds authorized to be appropriated for the system would be made on the basis of population in small urban areas. The Federal share of the cost of projects would be 70 percent, the same as for the primary, secondary and urban programs.

Section 108 of the Senate bill would declare it to be in the national interest and the intent of Congress that the Secretary should administer the Federal-aid highway program in such a manner as to give the highest priority in all instances to highway safety and to the saving of human lives.

Section 109 of the Senate bill would require the realignment by June 30, 1975 of the Federal-aid primary, secondary and urban systems, based upon anticipated functional usage for the year 1980. The primary system would consist of rural arterial routes and their extensions into or through urban areas; the secondary system would consist of rural major collector routes; and the urban system would consist of urban arterial and collector routes, exclusive of extensions of rural arterial routes through urban areas.

Section 110 of the Senate bill would expand the urban system as presently designated to include collector streets. This section would also amend section 103 of Title 23 to allow area-wide governmental organizations acting for local officials to select the urban system.

Section 111 of the Senate bill would amend subsection (e) of section 103 of title 23 to provide that, at the joint request of a State Governor and the local government concerned, the Secretary could withdraw his approval of any controversial Interstate segment. After the Secretary withdraws his approval of any controversial Interstate segment within a State, dollar-for-dollar substitution of Interstate mileage for any substitute essential connection would be permitted.

The cost of withdrawn Interstate mileage for each project would be the maximum Federal cost of any substitute project. If no substitute essential connection is necessary or if the cost of substitute mileage is less than the cost of the original route, the total amount or difference in amount would be available for use only in the urbanized area from which the controversial route was withdrawn, for use on the urban system or for local public transportation purposes under section 142 of title 23, United States Code. Any costs incurred by reason of the development of the project withdrawn would be deducted from such amounts. Any mileage from a route or portion thereof which is withdrawn from designation and not replaced may be redesignated elsewhere as part of the Interstate System.

Costs would be that as of the date of withdrawal. In approving substitute mileage, the Secretary would be required to "assure", rather than "give due regard to", connectivity of Interstate routes and extensions of routes which terminate within municipalities served by a single Interstate route, so as to provide traffic service entirely through such municipalities.

For alternate segments previously designated under existing law, the Cramer-Howard amendment to the Federal-Aid Highway Act of 1968, subsection (e) (2) of section 103, would be modified to provide that costs to the United States of substitute mileage in any State must not exceed the cost of original mileage removed from designation in such State. For the purposes of substitution, costs would be determined as of the date of withdrawal of the original segment.

Section 112 of the Senate bill would require the States to notify the Secretary by July 1, 1973, of their intent to build any remaining Interstate segments; otherwise, such segments would be removed from Interstate designation. By July 1, 1974, States would be required to submit a schedule for completing for the system (including alternate segments). For routes added to the Interstate System after December 1, 1968, the above submission of plans, specifications and estimates would be eliminated.

Section 113 of the Senate bill would make no separate authorizations for extensions of the Federal-aid primary and secondary systems in urban areas, but instead would provide for such highways under the normal primary and secondary authorizations. Each State would make its own determination as to the amount of funds that would be made available out of its primary and secondary apportionments for urban extensions. The method of apportionment for urban extensions would be revised to reflect this change.

Section 114 of the Senate bill would make available to metropolitan transportation agencies qualifying under section 123 of this bill $\frac{1}{2}$ of 1% of funds apportioned for the Federal-aid systems for the purpose of carrying out section 134 of title 23, relating to transportation planning. Funds would be apportioned to the States on the basis of population and further apportioned to metropolitan agencies in accordance with a formula developed by each State and approved by the Secretary. Funds would be matched in accordance with section 120 of title 23 unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

Section 115 of the Senate bill would amend section 105 of title 23, United States Code, to give the Governor of each State, rather than the highway department, the ultimate responsibility for overall transportation plans in that State.

Section 116 of the Senate bill would extend from 7 years to 10 years the allowable time period within which actual highway construction should begin following the advance purchase of right of way.

Section 117 of the Senate bill would prohibit the initiation of any highway program or the construction of any highway project under title 23 unless it is in conformity with guidelines promulgated by the Secretary to assure attainment of ambient air quality standards under the Clean Air Act, as amended.

Section 118 of the Senate bill would prohibit any informational signs, other than official traffic control devices, from being erected on any projects where actual construction is in progress.

Section 119 of the Senate bill would authorize in the case of the Interstate System, repayment to the States of an amount equal to the principal and interest of bonds whose proceeds are used to construct projects on the Federal-aid primary or Interstate Systems, or extensions of any of the Federal-aid highway system in urban areas.

Section 120 of the Senate bill would require that, when plans are submitted for a Federal-aid project, the State highway department must provide assurance that it has taken steps to ensure and foster public participation in the development of such project before and after the required public hearings.

Section 121 (a) of the Senate bill would apply to any toll road designated as part of the Interstate System on or before June 30, 1968, and which becomes toll free prior to July 1, 1976. In such situations, funds apportioned for the Interstate System could be expended for the construction, reconstruction or improvement of that road to bring it up to proper standards.

Section 121 (b) of the Senate bill would allow expenditure of Interstate funds for reconstruction of any interchange between three or more Interstate routes and a toll road where improvements to such toll road have resulted in serious impairment of the capacity of the interchange and Interstate routes.

Section 122 of the Senate bill would make a number of changes in the Highway Beautification Act which have been suggested by the Highway Beautification Commission.

First, the present 660 foot limit on the control of signs along the Interstate and primary systems would be eliminated. After January 1, 1973, the 10% penalty could be imposed on States which do not remove signs beyond 660 feet away which are "visible from the main traveled way" and are "erected with the purpose of their message being read from such main traveled way."

Second, since the present 660 foot limitation would be removed, the authority of erecting approved signs in areas zoned industrial and commercial (now valid within the 660 foot zone) would be extended for the sake of consistency to areas beyond 660 feet.

Third, unless determined otherwise by the Secretary, signs that are not in conformity with State law would have to be removed no later than five years after they became non-conforming. The original act

provided that any signs which were lawfully in existence on September 1, 1965, but were not in conformity with Federal law, could not be required to be removed before July 1, 1970, and other lawfully erected signs that were non-conforming could not be required to be removed for five years.

Fourth, the present authority of the Secretary to provide standards for the erection along the Interstate System of signs providing specific information for the traveling public would be expanded to include the same authority with respect to other Federal-aid highway systems.

Fifth, just compensation would be paid for the removal of all outdoor advertising signs which have been lawfully erected under State law. This provision would help remove an ambiguity in the original act.

Not to exceed \$50,000,000 would be authorized to be appropriated from the Highway Trust Fund for each of the 1974 and 1975 fiscal years for purposes of outdoor advertising control.

Finally, the Secretary could not require any State to remove any directional signs lawfully in existence on June 1, 1972, until December 31, 1974, or until the State assures the Secretary that the directional information would reasonably be available to motorists by some alternate means.

Section 123 of the Senate bill would amend section 134 of title 23 to (1) require the States take reasonable measures to permit, encourage and assist public participation in the urban transportation planning process and (2) require the Secretary to develop minimum guidelines for such participation. These guidelines must include annual public hearings to review the planning process, plans and programs, and opportunity provided for consideration of alternative modes of transportation at such hearings. Noncompliance with these provisions by any urbanized area would result in the Secretary's disapproval of all Federal-aid highway projects within such urbanized area.

Section 124 of the Senate bill would allow urban system funds to any urbanized area within the State on the basis of population, and would be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas would agree to such a transfer.

This section would allow urban system funds to be passed through to urbanized areas where local jurisdictions agree to combine together under State law to create a metropolitan transportation agency (or where the State creates a metropolitan transportation agency) with sufficient authority to develop and implement a plan for expenditure of funds allocated to such urbanized area for the urban system and related highway public transportation purposes. Plans would be developed in accordance with the comprehensive, coordinated and continuing transportation planning process required by section 134 of title 23.

For purposes of this section, a metropolitan transportation agency would have to meet the following criteria: (1) represent at least 75% of the total urbanized area population, including the central city; (2) be suitably empowered, equipped and organized to carry out projects on the urban system. Projects could be implemented through delegation of authority to participating local governments.

Section 125 of the Senate bill would provide that just compensation would be paid for removing, relocating or disposing of junkyards which were lawful on the effective date of State compliance legislation.

\$15,000,000 would be authorized out of the Highway Trust Fund for purposes of junkyard control for each of the 1974 and 1975 fiscal years.

Section 126 of the Senate bill would amend section 137 of title 23 to allow the imposition of parking fee rates (for fringe parking facilities) necessary to finance the liquidation of bonds or other obligations incurred in financing the local share of constructing such facility, as well as financing the costs of maintenance and operation, which are now authorized by law.

Section 127 of the Senate bill would amend section 138, title 23, regarding parkland preservation to also protect publicly-owned water recreation areas and historic water areas of national, state or local significance, as well as public lands.

Section 128 of the Senate bill would extend authorizations for the highway construction training program for two years through fiscal year 1975. \$5 million would be provided for each of the fiscal years 1974 and 1975.

Section 129 of the Senate bill would permit the use of sums apportioned in accordance with section 104(6)(b) of title I of the bill (highway trust fund) to finance the Federal share of the cost of construction of and acquisition of facilities and equipment for public mass transportation projects, which shall be deemed highway projects for the purposes of title 23 of the United States Code.

Section 130 of the Senate bill would provide authorizations for economic growth center development highways through fiscal year 1975. \$50 million from the Highway Trust Fund would be authorized for fiscal year 1974 and \$100 million for fiscal year 1975. Section 143 of Title 23 would be expanded to allow the designation of Federal-aid secondary roads as development highways as well as Federal-aid primary roads as now provided by law. Subsection (e) of this section would be amended to provide that the Federal share of the cost of construction of any development highway would be increased by not to exceed an additional 10% of the project cost, except that in no case could the Federal share exceed 95%.

Section 131 of the Senate bill would provide that sums apportioned for the Federal-aid highway systems would be made available for the development and improvement of bicycle transportation, equestrian trails and pedestrian walkways located on or in conjunction with highway rights-of-way.

Funds could be used to finance the Federal share of the cost of constructing separate or preferential bicycle lanes or paths, bicycle traffic control devices, bicycle shelters and parking facilities, pedestrian walkways, and equestrian trails. Projects to be authorized under this program would have to be located and designed according to an overall plan providing for safety and for contiguous routes.

An additional \$10 million for each of the fiscal years 1974 and 1975 would be authorized for carrying out the provisions of this section. Such funds would be apportioned to the States in accordance with the apportionment formula for the Federal-aid primary system, except that no State would receive less than 1% of such apportionments.

Funds authorized and appropriated for forest highways, forest development roads and trails, parkways, Indian reservation roads and bridges and public lands highways would also be available for carrying out the provisions of this section at the discretion of the Department charged with the administration of such programs.

No motorized vehicle would be permitted on trails and walkways authorized under this section except for maintenance purposes.

Section 132 would authorize the Secretary to reimburse States after they have received their final apportionment on the Interstate System, for 70% of the construction cost for new toll roads and improvements to existing toll roads. The Federal share would be drawn from funds apportioned to the State for its Federal-aid primary system.

Toll roads built under this program would have to comply with standards approved by the Secretary and would be subject to the same regulations now applicable to other Federal-aid systems. Except for costs of operation and maintenance, all tolls collected from users of these roads would be devoted to retiring obligations incurred by the State for its 30% share.

The Federal 70% share of the cost of toll roads would be payable in not more than 15 equal annual installments from funds apportioned to the State for its Federal-aid primary system. After the Federal share has been fully paid, the highway would be maintained and operated as a free highway as a part of the primary system (or the Interstate System in the case of certain improved toll highways).

Section 133 of the Senate bill would authorize \$100 million for each of the fiscal years 1974 and 1975 for the construction of special highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Federal share for any project under this section could not exceed 90% of the cost of construction.

The Secretary would develop guidelines for designation of routes and allocation of funds to include several criteria. Routes selected could be no more than 10 miles long, would have to serve areas of concentrated population and heavy traffic congestion and meet the urgent needs of commercial, industrial or national defense installations, and would have to connect with existing routes on the Interstate System. Any route selected would have to be approved through the section 134 planning process and could be designated only if the Secretary determines that no other feasible or practicable alternative mode of transportation would be available. Designation of routes would have to comply with section 138 of title 23 regarding parkland preservation and no route could be approved which substantially damaged or infringed upon any residential area. The Secretary could designate no more than one route in each State and would base his designation upon the recommendation of State and responsible local officials.

Section 134 of the Senate bill would authorize \$15,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for the construction of access highways to public recreation areas on Federal lakes.

Section 135 of the Senate bill would make available to the States an alternative to Chapter 1, Title 23, procedures whereby the planning, design and construction of certain types of Federal-aid highways by State highway departments might be facilitated. This alternative

procedure would be designed to eliminate project-by-project review by the Federal Highway Administration of Federal-aid primary, secondary, urban and small urban system projects, on the condition that the State meet certain specified conditions outlined in Chapter 1-A.

The State would not be required to submit for Federal review and approval the plans, specifications and estimates for each such project. However, the Secretary would still be responsible for complying with government-wide requirements stipulated by such laws as the National Environmental Protection Act, the Civil Rights Acts, and the Uniform Relocation Assistance and Land Acquisition Policies Act.

Section 136 of the Senate bill would provide that funds authorized for forest highways and park roads and trails would be made available by this section for the purchase of buses as well as for the construction of passenger loading facilities and parking areas, in order to provide interpretive and shuttle transportation services in national parks and forests as an alternative to private automobile transportation.

Section 137 of the Senate bill would amend section 207 of title 23 to permit the acquisition of rights-of-way and related scenic easements from funds available for parkways. Parkway constructed after December 31, 1972, would be deemed to be on the Federal-aid secondary system. The provisions of section 106(a) of title 23 relating to the obligation of funds would apply to funds available for parkways.

Section 138 of the Senate bill would provide for the construction of the Highland Scenic Highway from West Virginia State Route 39 to U.S. 250 near Barton Knob, West Virginia, as a parkway.

Section 139 of the Senate bill would provide for the relocation of Route 25E through a tunnel to be constructed in the Cumberland Gap National Historical Park so as to restore and preserve the Gap as a National Historical Site.

Section 140 of the Senate bill would authorize \$58,670,000 for reconstructing the Alaska Highway from the Alaskan border to Haines Junction in Canada, and reconstructing the Haines Cutoff Highway from Haines Junction to the south Alaskan border.

Section 141 of the Senate bill would permit the financing of local public bus transportation planning in addition to the other planning and research purposes indicated in section 307(c) (1) of this title.

Section 142 of the Senate bill would provide increased authorization of \$8.5 million to finance the construction of two bridges on Federal dams located in the vicinities of Fort Smith, Arkansas and Chattanooga, Tennessee.

Section 143 of the Senate bill would make several technical amendments to update language and correct typographical errors.

Section 144 of the Senate bill would amend the special Alaskan Highway authorization in the Federal-aid Highway Act of 1966 by providing \$20 million from the Highway Trust Fund for each of the fiscal years 1974 and 1975. These funds are limited to Federal-aid highway projects.

Section 145 of the Senate bill would increase Federal share payable on account of any non-Interstate project from 50% to 70% with respect to all obligations incurred after June 30, 1973, except for projects for which Federal funds were obligated on or before that date.

Section 146 of the Senate bill would extend until December 31, 1973, the time period for submission of final recommendations by the Highway Beautification Commission to the President and Congress and would authorize an additional \$250,000 as necessary to carry out the provisions of section 123 of the Federal-aid Highway Act of 1970.

Section 147 of the Senate bill would require feasibility studies for including four proposed highways in the Interstate System: (1) A route from Brunswick, Georgia, to Kansas City, Missouri; (2) extension of Interstate 70 from Cove Fort, Utah, in a westerly direction; (3) a route from Amarillo, Texas, to Las Cruces, New Mexico; (4) a route from Kansas City, Missouri, to Baton Rouge, Louisiana; a route from Waterloo, Iowa to Rockford, Illinois; and a route from Kansas City, Missouri to Chicago, Illinois.

Section 148 of the Senate bill would require the Secretary to undertake a study of existing laws and regulations governing toll bridges over navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide.

Section 149 of the Senate bill would terminate the San Antonio North Expressway as a Federal-aid project and provides for the return of any Federal funds transferred to the State of Texas for that project.

Section 150 of the Senate bill would authorize \$3 million to carry out a demonstration project in Lincoln, Nebraska, and \$4.2 million to carry out a demonstration project in Elko, Nevada, for the relocation of railroad lines from the central city to eliminate a substantial number of railway-road grade crossings within the city.

Section 201 of the Senate bill provides that this title may be cited as the "Highway Safety Act of 1972."

Section 202 of the Senate bill would broaden and strengthen the authority of the Secretary to review the planning, administration and evaluation of State highway safety programs.

Section 203 of the Senate bill would provide that States would be required by future highway safety standards to prohibit persons from operating motor vehicles while under the influence of intoxicating liquors, narcotics or drugs, to provide effective enforcement of such restrictions, and to provide penalties that would constitute a meaningful deterrent.

Section 204 of the Senate bill would authorize funds appropriated to States for their highway safety programs to be used for the development and implementation of manpower training and demonstration programs which the Secretary determines might help reduce accidents.

Section 205 of the Senate bill would provide that, for purposes of apportioning funds for highway safety among the States, the public road mileage in each State would be determined at the end of each calendar year.

Section 206 of the Senate bill would provide that the discretionary authority of the Secretary to suspend application of the 10 percent reduction in the apportionment of Federal-aid Highway funds for those States not implementing a highway safety program would be eliminated with respect to the highway safety standard on alcohol. In effect, the 10 percent penalty would be made mandatory for States not in compliance with this standard.

Whenever the Secretary exercises his authority to suspend application of the 10 percent penalty in Federal aid for those States not in compliance with safety standards, he would be required to report his reasons for such suspension within ten days to appropriate committees of Congress, to publish the report in the Federal Register, and to notify the States involved.

Section 207 of the Senate bill would provide that the minimum amount available to any State for highway safety programs would be increased from one-third of one percent to one-half of one percent.

Section 208 of the Senate bill would authorize the Secretary to award each year, \$10,000,000 in incentive grants to States which have achieved "above average results" and \$10,000,000 to States which have made the "most significant improvement" in carrying out their highway safety programs.

Section 209 of the Senate bill would provide that Indian reservations be made eligible for highway safety grants under Section 402. Funds normally apportioned to the States for this purpose would instead be apportioned to the Secretary of the Interior. The Secretary would also be authorized to increase the Federal share if necessary to assist an Indian tribe in meeting the non-Federal share of the cost of reservation safety programs.

Section 210 of the Senate bill would provide that the Secretary would be authorized to carry out research on the relationship between the consumption of drugs and highway safety and to promulgate, as soon as practicable, a highway safety program standard on drug use and highway safety.

The Secretary would be authorized to conduct research for making grants or contracts on the effectiveness of administrative adjudication systems in promoting highway safety and in reducing recidivism rates of traffic law offenders by appropriate punishment, training, and rehabilitation.

Section 211 of the Senate bill would modify section 403 of title 23, United States Code in order to make it clear that research funds could be used for grants to or contracts with public agencies, institutions and individuals for all five types of programs listed. The Secretary would assure that no fees are charged for training and education of highway safety personnel.

Section 212 of the Senate bill would authorize the Secretary to transfer to State and local agencies the title to equipment purchased with research funds for demonstration projects.

Section 213 of the Senate bill would add the National Highway Traffic Safety Administrator as an ex officio member of the National Highway Safety Advisory Committee.

Section 214 of the Senate bill would provide that the date on which the Secretary is to make an annual report to Congress on the administration of the Highway Safety Act would be changed from March 1 to July 1.

Section 215 of the Senate bill would authorize grants to States not exceeding \$100,000 to provide 70 percent of the share of development of comprehensive plans for emergency medical care for highway accident victims. For fiscal year 1975, \$25 million would be authorized to make grants to States for 70 percent of the cost of implementing approved emergency medical care plans.

To be approved, any State plan would have to comply with the highway safety program standard on emergency medical care and also with regulations established by the Secretary on equipment and personnel.

Section 216 of the Senate bill would make available funds apportioned for the Federal-aid systems, except the Interstate System, for the elimination or reduction of hazards at specific locations or sections of highways and at railroad-highway grade crossings, which have high accident experiences or high accident potentials.

Section 217 of the Senate bill would authorize \$10 million for each of the fiscal years 1974 and 1975 for the conduct of research and demonstration programs with respect to the effectiveness of various types of pavement markings under inclement weather and nighttime conditions.

Section 218 of the Senate bill would authorize the following amounts from the Highway Trust Fund:

1. For assistance to the States in carrying out highway safety programs under section 402—\$300 million for each of the 1974 and 1975 fiscal years, provided that \$25 million of such funds would be available to the States exclusively for the purchase of pavement equipment marking.

2. For highway safety research and development—\$125 million for each of the 1974 and 1975 fiscal years.

3. For emergency medical care programs—\$5 million for 1974 and \$25 million for 1975 fiscal years.

4. For special bridge replacement—\$250 million for each of the 1974 and 1975 fiscal years.

Section 301 of the Senate bill would amend the Urban Mass Transportation Act of 1964 to increase the level of participation in projects by the Federal government. The Secretary is authorized to incur obligations on behalf of the United States in order to make grants or loans to mass transportation systems to pay the operating costs of such systems where such assistance is needed to carry out a program under section 4 of the 1964 Act.

PROVISIONS OF THE HOUSE AMENDMENT

Section 101 of the House amendment would provide that title I may be cited as the "Federal-Aid Highway Act of 1972".

Section 102 would authorize the appropriation of an additional \$8 billion for completion of the Interstate System.

Section 103 of the House amendment would approve the use of the apportionment factors contained in revised table 5 of the 1972 Interstate System Cost Estimate (House Public Works Committee Print No. 92-29) for the apportionment of Interstate funds authorized to be appropriated for fiscal years 1974 and 1975.

Section 104 of the House amendment would authorize the appropriation, out of the Highway Trust Fund, of the following sums for each of the fiscal years 1974 and 1975:

For the Federal-aid primary system in rural areas, \$700,000,000; for the Federal-aid urban system, \$700,000,000; for the Federal-aid secondary system in rural areas, \$400,000,000; for the extensions of the Federal-aid primary and secondary systems in urban

areas, \$400,000,000; for economic growth center development highways, \$150,000,000; for forest highways, \$33,000,000; and for public lands highways, \$16,000,000.

It would also provide authorizations of \$49,000,000 for each of the fiscal years 1974 and 1975, in addition to all other authorizations for the Interstate System, be apportioned to each of the States which otherwise would receive less than one-half of one percent of the Interstate apportionment for fiscal year 1974 or 1975 so long as such State has not completed Federal funding of the Interstate System within its boundaries.

Use of any funds authorized by this section for highway beautification (sections 131, 136 and 319(b)) or Chapter 4 of title 23, United States Code, would be prohibited.

Authorizations would be provided for the Territorial Highway Program for each of the fiscal years 1974 and 1975 as follows: Virgin Islands, \$4,000,000; Guam, \$2,000,000; and American Samoa, \$500,000.

Sums authorized for the fiscal years 1974 and 1975 for certain categories of roads administered by the Department of Transportation jointly with either the Department of the Interior or the Department of Agriculture would be as follows:

	1972	1973
Forest development roads and trails	\$170, 000, 000	\$170, 000, 000
Public lands development roads and trails	10, 000, 000	10, 000, 000
Park roads and trails	30, 000, 000	30, 000, 000
Indian reservation roads and bridges	100, 000, 000	100, 000, 000
Parkways	20, 000, 000	20, 000, 000

Section 105 of the House amendment would require the Secretary of Transportation to forward to the Congress within 30 days of the enactment of this act those reports required under sections 105(b)(3), 121 and 144 of the Federal-aid Highway Act of 1970. Such reports would contain the Secretary's recommendations to the Director of the Office of Management and Budget unless these recommendations have already been submitted to the Congress.

Section 106 of the House amendment would provide a conforming amendment to the definition of the term "construction" to change the reference to the "Coast and Geodetic Survey" to its current name "National Oceanic and Atmospheric Administration" and by adding traffic engineering and operational improvements to the definition. The term "urban area" would be amended to require the participation of appropriate local officials in the establishment of the boundaries of an urban area. The definition of the term "Indian reservation roads and bridges" would be amended to make Alaskan native villages, groups, or communities eligible for funding under chapter 2 of title 23.

Section 107 of the House amendment would extend the time for completion of the Interstate System until June 30, 1979, and would further direct the Secretary to submit to Congress a revised Interstate System Cost Estimate in January of 1974 for making apportionments for fiscal years 1976 and 1977 and another cost estimate in January of 1976 for apportionment of interstate funds for fiscal years 1978 and 1979.

Section 108 of the House amendment would add a new paragraph to the present declaration of policy to the effect that, after the completion

of the Interstate System, it shall be a national policy to increase emphasis on the acceleration of other Federal-aid systems in order to bring all such systems up to standards and to increase their safety to the maximum possible no later than the year 1990.

Section 109 of the House amendment would state the national policy, that, to the maximum extent possible, the procedures followed by the Secretary and other affected heads of Federal departments, agencies and instrumentalities shall encourage the "drastic" minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government.

Section 110 would expand the Federal-aid urban system to include the collection and distribution of traffic. It would also provide that a State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary. The section also would change the date for removing from designation as part of the Interstate System of those segments for which a State has not submitted plans, specifications and estimates for approval by the Secretary from July 1, 1975 to July 1, 1977. The District of Columbia would be exempted from this provision.

Section 111 of the House amendment would amend the description of the Federal-aid urban system to make the provisions of chapters 1, 3, and 5 of title 23 that are applicable to Federal-aid primary highways application to the Federal-aid urban system unless the Secretary determines them to be inconsistent with this subsection. The provisions of title 23 relating to control of outdoor advertising, junkyard control and scenic enhancement would be, however, made specifically applicable to the Federal-aid urban system and the Secretary may not determine such sections to be inconsistent with subsection 103(d) of title 23, U.S.C.

Section 112 of the House amendment would amend the Federal-aid primary formula to substitute rural population for general population. Provision would also be made to establish a minimum of one-half of one percent for each State's apportionment of funds for the Federal-aid urban system. The section would increase the authority of the Secretary to approve the transfer of apportionments from one system to another from 20 to 30 percent. Such transfers may be made, on the one hand, between the Federal-aid primary and secondary systems under section 104(b)(1) and (2) and, on the other hand, between extensions of the Federal-aid primary and secondary systems within urban areas and the Federal-aid urban system. Conforming amendments deleting the last sentence of section 104(c) and repealing section 104(f) would also be made.

Section 113 of the House amendment would terminate the San Antonio North Expressway as a Federal-aid project and provide for the return of any Federal funds transferred to the State of Texas for that project.

Section 114 of the House amendment would extend from 7 to 10 years the allowable time period within which highway construction must begin following the advance purchase of right-of-way.

Section 115 of the House amendment would broaden the authority of the Secretary to fund noise control projects along existing Federal-aid highways.

Section 116 of the House amendment would, after July 1, 1973, prohibit any informational signs, other than official traffic control devices, from being erected on any highway projects where actual construction is in progress and which would be visible to highway users.

Section 117 of the House amendment would amend section 117 of title 23, United States Code, by broadening its scope to include all Federal-aid systems except the Interstate System. Upon the request of a State, the Secretary may discharge his responsibilities under title 23 by accepting a certification of the State highway department if he finds that the State: (1) will carry out projects on such systems in accordance with State laws, regulations, directives and standards establishing requirements at least equivalent to those required under title 23; (2) the State meets the requirements of section 302 of title 23; and (3) the final decision by responsible State officials will be in the best overall public interest. The Secretary would be required to make a final inspection of such projects upon completion and require an adequate report of the estimated and actual cost of construction and such other information as he determines necessary. The acceptance of the State's certification by the Secretary may be rescinded by him at any time he determines it is necessary to do so. The procedure provided by this section is an alternative to that otherwise prescribed in title 23 and the Secretary is required to promulgate such guidelines and regulations as may be necessary to carry out the section.

This section would not affect or discharge the responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969, section 4(f) of the Department of Transportation Act and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, other than title 23.

Section 118 of the House amendment would amend 23 U.S.C. 121(a), relating to progress payments to a State for cost of construction, to permit payments to be made for materials which are not in the vicinity of the construction if the Secretary determines that because of the required fabrication at an off-site location the materials cannot be stockpiled in the vicinity of the construction.

Section 119 of the House amendment would amend section 129(b) of title 23 to provide that when a toll road which the Secretary has approved as a part of the Interstate System becomes toll free, apportioned Federal-aid Interstate highway funds may be expended for construction, reconstruction or improvement of such road to standards adopted for the improvement of projects on the Interstate System.

Section 120(a) of the House amendment would amend 23 U.S.C. 131(a) relating to the control of outdoor advertising by eliminating the present 660 foot limitation on the control of signs along the Interstate and primary system. After January 1, 1974, the 10% penalty could be imposed on States which do not remove signs beyond 660 feet away which are "visible from the main traveled way of the system" and are "erected with the purpose of their message being read from such main traveled way."

Section 120(b) of the House amendment would amend the outdoor advertising effective control provisions and clarifies the present law

with respect to signs for the information of the traveling public. It would provide that on or after July 1, 1974, or after the expiration of the next regular session of State legislatures, whichever is later, effective control shall mean that signs located beyond 660 feet of the right-of-way and visible from the main traveled way of the system and erected with the purpose of their message being read from the main traveled way shall be limited to directional and official signs and notices including but not limited to signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices pertaining to rest stops, camping grounds, food service, gas and automotive service, lodging, natural wonders, scenic and historic attractions. Not more than three such signs facing in the same direction of travel would be permitted per mile of Interstate primary highway.

Section 120(c) of the House amendment would amend 23 U.S.C. 131(d) relating to signs in areas zoned industrial or commercial or unzoned commercial or industrial areas. Since the present 660 foot limitation would be removed, the authority for erecting approved signs in areas zoned industrial and commercial (now valid within the 660 foot zone) would be extended for the sake of consistency to areas beyond 660 feet.

Section 120(d) of the House amendment would amend 23 U.S.C. 131(e) to provide that signs that are not in conformity with State law shall be removed not later than 5 years after they become non-conforming unless the Secretary determines otherwise.

Section 120(e) of the House amendment would amend 23 U.S.C. 131(f) to expand the present authority of the Secretary to provide standards for the erection along the Interstate System of signs providing specific information for the traveling public to include the same authority with respect to the Federal-aid primary system. A proviso is added that such signs on the Interstate and primary shall not be erected in suburban or urban areas or in lieu of signs permitted under 23 U.S.C. 131(d). Also, such signs shall not be erected where adequate information is provided by signs permitted under 23 U.S.C. 131(c).

Section 120(f) of the House amendment would amend 23 U.S.C. 131(g) to provide that just compensation be paid for the removal of all outdoor advertising signs which have been lawfully erected under State law. This provision would help remove an ambiguity in the original act.

Section 120(g) of the House amendment would amend 23 U.S.C. 131(m) to provide authorizations of \$50 million for each of the fiscal years 1974 and 1975 for outdoor advertising control.

Section 120(h) of the House amendment would add two new subsections to 23 U.S.C. 131. The first provides that no directional sign, display or device lawfully in existence on June 1, 1972, which gives specific information to travelers shall be required to be removed until December 31, 1974, or until the State in which the sign, display or device is located certifies that such information advertised thereon may reasonably be available to motorists by some other method or methods, whichever shall occur first. The second provides that the United States shall pay 100 percent of the just compensation for the removal (including all relocation costs) of any sign, display or device which is removed prior to the enactment of this Act which after its

removal is lawfully relocated and which is required to be removed as a result of this amendment.

Section 121 of the House amendment would repeal section 135(c) of title 23 which provides that sums authorized to carry out that section shall be apportioned in accordance with section 104(b)(3) of title 23.

Section 122 of the House amendment would provide that just compensation would be paid pursuant to this amendment of 23 U.S.C. 136(j), for removing, relocating or disposing of junkyards which were lawfully established under State law.

Subsection (b) authorizes \$15 million out of the Highway Trust Fund for each of the fiscal years 1974 and 1975 for junkyard control.

Section 123 of the House amendment would authorize the use of funds apportioned to each State for the Federal-aid systems to finance the Federal share of the costs of projects for highway public transportation purposes. Included within its scope would be construction of exclusive bus lanes, traffic control devices, passenger loading areas and facilities. Where sufficient land exists within any Federal-aid rights-of-way to accommodate needed rail or nonhighway public mass transit programs without impairing automotive safety or future highway improvements, the Administrator may, if he deems it in the public interest, authorize a State to make such lands available without charge to a publicly owned mass transit authority for such purposes.

Subsection (d) of section 142 of title 23 would be repealed, thereby eliminating the requirement that exclusive bus lane projects must be less expensive and more feasible or prudent than additional automobile lanes. The Federal share of the cost for highway public transportation projects would be the same as that provided for regular Federal-aid projects.

Section 124(a) of the House amendment would expand 23 U.S.C. 143 to allow the designation of any Federal-aid system other than the Interstate System as an economic growth center development highway. Present law now restricts such development highways to Federal-aid primary roads. The economic growth center development highways program is also made a permanent program rather than a demonstration project. The provisions applicable to highways of the Federal-aid system on which such development highway is located shall be applicable to development highways and to funds authorized for such highways except those which the Secretary determines are inconsistent with section 143.

Section 124(b) of the House amendment would amend 23 U.S.C. 143(e) to provide that the Federal share of the cost of construction of any development highway shall be the same as that provided for any other project on the Federal-aid system on which such development highway is located.

Section 124(c) of the House amendment would make a technical amendment to 23 U.S.C. 143(a) by eliminating language which states that the economic growth center development highway program is a demonstration project.

Section 125 of the House amendment would add a new section to chapter I of title 23 which declares that the authorization of Federal funds or their applicability for expenditure under such chapter shall not infringe on the sovereign rights of the States to determine the proj-

ects to be federally financed, and that provisions of chapter I provide for a federally-assisted State program.

Section 126 of the House amendment would authorize projects for the construction of bike lanes and paths, where motor vehicle traffic would be prohibited, in connection with forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and Federal, State, and local parks.

Section 127 of the House amendment would add a new section to chapter 1 of title 23 which would authorize \$100 million for each of the fiscal years 1974 and 1975 for the special highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Federal share for any project under this section would not exceed 90 percent of the cost of construction.

The Secretary would develop guidelines for designation of routes and allocation of funds to include several criteria. Routes selected would be no more than 10 miles long, would have to serve areas of concentrated population and heavy traffic congestion and meet the urgent needs of commercial, industrial or national defense installations, and would have to connect with existing routes on the Interstate System. Any route selected would have to be approved through the section 134 planning process and could be designated only if the Secretary determines that no other feasible or practicable alternative mode of transportation would be available. Designation of routes would have to comply with section 138 of title 23 regarding parkland preservation and no route would be approved which substantially damaged or infringed upon any residential area. The Secretary would designate no more than one route in each State and would base his designation upon the recommendation of State and responsible local officials.

Section 128 of the House amendment would add a new section to chapter 1 of title 23 to provide for the selection of not more than 10,000 miles of high traffic sections of highway which are on the Federal-aid primary system and connect to the Interstate System. Such sections would be selected for priority of improvement as supplementary routes to extend and supplement the Interstate System by furnishing needed traffic collector and distributor facilities as well as extensions. Such primary routes would be selected in consultation with appropriate local officials and subject to the Secretary's approval and would be improved to Interstate geometric and construction standards or such standards as may be developed cooperatively by the Secretary and the State highway departments. The Federal share of such projects would be the same as the Federal share on other primary routes as provided in 23 U.S.C. 120(a) and the provisions of title 23 which are applicable to the Federal-aid primary system would be applicable to the priority primary routes. Funds authorized for such routes would be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. A report to Congress on selection of routes and their estimated costs would be made on or before January 1, 1974. Three hundred million dollars would be authorized out of the Highway Trust Fund for each of the fiscal years 1974 and 1975 for carrying out the priority primary route program.

Section 129 of the House amendment would add a new section to chapter 2 of title 23 to authorize \$58,670,000 for reconstructing the

Alaska Highway from the Alaskan border to Haines Junction in Canada, and reconstructing the Haines Cutoff Highway from Haines Junction to the south Alaskan border.

Section 130 of the House amendment would provide an increased authorization of \$8.5 million to finance the construction of two bridges on Federal dams located in the vicinity of Fort Smith, Arkansas, and Chattanooga, Tennessee.

Section 131 of the House amendment would provide construction funds of \$20 million for each of the fiscal years 1974 and 1975 out of the Highway Trust Fund to be matched on an 80% federal and 20% state ratio. These funds would be applied on those portions of the route on federal-aid highways.

An additional \$10 million for each of the fiscal years 1974 and 1975 would be authorized out of the General Fund for those sections on Federal lands and will be 100% Federal funds.

The funds would be apportioned to the ten states bordering the Mississippi on a needs basis.

Section 132 of the House amendment would amend the special Alaskan highway authorization in the Federal-Aid Highway Act of 1956 by providing \$20 million from the Highway Trust Fund for each of the fiscal years 1974 and 1975. These funds would be limited to Federal-aid highway projects.

Section 133 of the House amendment would extend until December 31, 1973, the time period for submission of final recommendations by the Highway Beautification Commission to the President and the Congress and would authorize an additional \$250,000 as necessary to carry out the provisions of section 123 of the Federal-Aid Highway Act of 1970 (P.L. 91-605).

Section 134 of the House amendment would authorize the city of Clinton, Iowa and the Clinton Bridge Commission to convey its bridge structure and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, by the State Highway Commission of the State of Iowa. The Highway Commission of the State of Iowa would be allowed to assume complete responsibility for operating and maintaining the existing bridge, completing construction of the new structure, removing the old bridge, and operating the two remaining crossings as toll facilities until all outstanding obligations have been paid or a fund sufficient for retiring outstanding obligations has been established. Thereafter the bridges would be operated as toll free facilities and would be maintained under agreements to be reached by the States of Iowa and Illinois. The Clinton Bridge Commission would cease to exist upon conveyance of the bridge structure, property and assets to the Highway Commission of the State of Iowa.

Section 135 of the House amendment would permit the State of New Hampshire to repay all Federal-aid highway funds paid on account of certain sections of Route 101 in the State of New Hampshire prior to the collection of any tolls on such sections. Upon such repayment, the Federal-aid projects for which such funds have been repaid and any other Federal-aid project located on the sections of the toll road involved and programed for expenditure on any such project, would be credited to the unprogramed balance of Federal-aid highway funds of the same class which were last apportioned to the State of New Hamp-

shire. Such amount would be in addition to all other funds apportioned to the State and would be available for expenditure in accordance with title 23. Upon repayment of Federal-aid highway funds and cancellation and withdrawal from the Federal-aid highway program of the projects on Route 101, such section of such route shall become free of any and all restrictions contained in title 23 or in any regulations thereunder with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

Section 136 of the House amendment would permit States which have constructed or acquired any interstate toll bridge on the Federal-aid primary system (other than the Interstate System) including approaches, before January 1, 1974, and which before that date has caused the bridge to be made free, to use funds apportioned to it for the primary system and for extensions of the primary system within urban areas to pay the Federal share of a project of (1) such amount as the Secretary determines to be the reasonable value of the bridge after deducting the portion of such value attributable to any previous grant or Federal contribution in connection with its construction or acquisition, exclusive of rights-of-way, or (2) the amount by which the principal amount of outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of funds accumulated or provided for their amortization on the date the bridge is made free, whichever is the lesser amount.

Section 137 of the House amendment would require the Secretary to undertake a study of existing laws and regulations governing toll bridges over navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. A report to Congress would be required by February 1, 1974.

Section 138 of the House amendment would direct the Secretary to make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible recreational, historical, scientific and other similar areas of scenic interest and importance. In such investigation and study, the Secretary would cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions and other interested private organizations, groups, and individuals. The Secretary would report his findings and recommendations to the Congress by January 1, 1975, including an estimate of the cost of such program. This section would authorize \$250,000 from the Highway Trust Fund to carry out this program.

Section 139 of the House amendment would require the Secretary of Transportation to take such action as he deems necessary to facilitate broad participation by States in TOPICS programs and fringe and corridor parking facility projects.

Section 140 of the House amendment would prohibit any court from issuing any order or taking any action to impede delay or halt construction of the Three Sisters Bridge between Washington, D.C., and Virginia. It would further prohibit any approval authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the Government of the

District of Columbia, or any other agency of Government relating to the Three Sisters Bridge from being reviewed in any court.

Section 141 of the House amendment would exempt any segment of the Interstate System within the District of Columbia from the coverage of an 1893 Act (27 Stat. 532), as amended, relating to highways in the District of Columbia.

Section 142 of the House amendment would require the Secretary of Transportation to withhold any further action on Interstate Route I-287 between Montville and Mahwah, New Jersey, and on the Corporation Freeway in Winston-Salem, North Carolina, until new corridor hearings are held.

Section 143 of the House amendment would amend paragraph (2) of Section 103(e) of title 23, United States Code, as follows:

(1) The 200-mile limitation on additions to the Interstate System contained in the Cramer-Howard amendment would be eliminated. The mileage would be left open-ended as necessary for making modifications to the System.

(2) The Cramer-Howard amendment would be further amended to provide that the costs to the United States of the aggregate of all substitute mileage and mileage for modifications would not exceed the cost of the aggregate of all mileage which is not to be constructed and is withdrawn as nonessential, as such cost is reflected in the 1972 Interstate System cost estimate rather than the 1968 estimate.

(3) The Cramer-Howard amendment would be amended to require the Secretary in considering substitute routes and modifications to give "preference, along with due regard for interstate highway type needs on a nationwide basis," to routes in States in which other routes were or hereafter are withdrawn and extension of routes which terminate within cities served by a single interstate route, so as to provide traffic service entirely through such cities.

Section 144 of the House amendment would authorize \$75 million out of the General Fund to evaluate the public mass transportation portion of the 1972 National Transportation Reports submitted by the Secretary. The evaluation would be submitted to the Congress not later than January 31, 1974 by the Secretary and would be conducted in cooperation with the governors and appropriate local officials. Items to be included in the evaluation are listed in the section.

Section 145 of the House amendment would allow ferries from Alaska to travel in international water to reach the State of Washington.

Section 146 of the House amendment would authorize \$65 million to the Secretary of Transportation to make payments to the Washington Metropolitan Area Transit Authority to finance the cost of providing necessary facilities to make the subway and transit system being constructed in Washington, D.C. and environs accessible to the handicapped through the implementation of Public Laws 90-480 and 91-240.

Section 201 of the House amendment would provide that title II may be cited as the "Highway Safety Act of 1972."

Section 202 of the House amendment would authorize the appropriation out of the Highway Trust Fund of \$200 million for fiscal year 1974 and \$360 million for fiscal year 1975 for carrying out sec-

tion 402 of title 23 and \$115 million for each fiscal years 1974 and 1975 for carrying out section 403 by the National Highway Traffic Safety Administration.

It would further authorize the appropriation out of the Highway Trust Fund of \$35 million for carrying out section 402 of title 23 for fiscal year 1974 and \$45 million for fiscal year 1975 and \$10 million for each of fiscal years 1974 and 1975 for carrying out sections 307(a) and 403 of title 23 by the Federal Highway Administration.

Section 203 of the House amendment would authorize \$150 million for fiscal year 1974 and \$225 million for fiscal year 1975 for elimination of hazards of rail-highway crossings in addition to funds available to carry out section 130 of title 23, United States Code. Two-thirds of these funds in any fiscal year would be appropriated out of the Highway Trust Fund. Funds authorized would be available for expenditure: (1) two-thirds for projects on any Federal-aid system (other than the Interstate System) apportioned in the same manner as sums authorized to be appropriated under section 105 of the Federal-Aid Highway Act of 1970, and (2) one-third for projects on highways not included on any Federal-aid system apportioned in the same manner as provided in 23 U.S.C. 402(c).

The Federal share payable on account of any such project would not exceed 90 percent of the cost.

Section 204 of the House amendment would authorize the appropriation out of the Highway Trust Fund of \$225 million for fiscal year 1974 and \$450 million for fiscal year 1975 to carry out the bridge replacement program established pursuant to 23 U.S.C. 144. Two-thirds of the funds authorized and expended under the program would be from the Highway Trust Fund for projects on the Federal aid system. One-third would be from the General Fund for projects not included on any Federal aid system.

Section 205 of the House amendment would establish a special pavement marking program. The Secretary would be authorized to approve pavement marking projects on any rural highway other than the Interstate System, in order to bring such highway up to marking standards issued or endorsed by the Federal Highway Administrator. Priority would be given to projects located in rural areas. This section would authorize the appropriation out of the Highway Trust Fund, of \$100 million for each of fiscal years 1974 and 1975, to be available until expended. Funds not required in a State for pavement-marking projects could be used for the elimination or reduction of high hazard locations. The Secretary would submit a report to Congress which includes an analysis and evaluation of the number, rate, and severity of accidents at improved locations—beginning January 1975 and each January thereafter for three years following completion of a special pavement marking program within each State.

Section 206 of the House amendment would authorize the appropriation, out of the Highway Trust Fund, of \$15 million for fiscal year 1974 and \$25 million for fiscal year 1975 to conduct research and demonstration programs with respect to the effectiveness of various types of pavement markings under inclement weather and nighttime conditions.

Section 207 of the House amendment would authorize the Secretary to carry out research on (1) the relationship between the consumption

of drugs and highway safety, (2) driver behavior, including the characteristics and physical abilities to perform driving tasks, and (3) the relationship of the frequency of driver accident involvement to highway safety. This research would be conducted through grants and contracts with public and private agencies, institutions, and individuals. To carry out this research by the National Highway Traffic Safety Administration there would be authorized to be appropriated out of the Highway Trust Fund, \$15 million for the fiscal year 1974 and \$25 million for the fiscal year 1975.

Section 208 of the House amendment would provide for the elimination or reduction of hazards at specific locations or sections of highways which have high accident experiences or high accident potentials by the Federal Highway Administration. To carry out this section, there would be authorized to be appropriated for each of the fiscal years 1974 and 1975 \$100 million to be available until expended, except that two-thirds of all funds expended under the authority of this section in any fiscal year would be appropriated out of the Highway Trust Fund. Two-thirds of the funds authorized by this section would be available for expenditure on any Federal-aid system other than the Interstate System and one-third for projects on highways not on any Federal-aid system.

Section 209 of the House amendment would authorize a comprehensive program by the Federal Highway Administration for the elimination of roadside hazards both on and off Federal-aid highway systems. It would require each state to: (1) conduct a survey of all expressways, major streets and highways, and through streets for the identification of roadside obstacles which may constitute a hazard to vehicles; (2) assign priorities and establish and implement a schedule for their correction.

Beginning in 1974, the Secretary would report to Congress on the progress of the program. The report would analyze and assess each state program, identify those not in compliance with improvement schedules and the Secretary's recommendations for future implementation of the program.

To carry out this section, there would be authorized to be appropriated for each of the fiscal years 1974 and 1975, \$75 million, except that two-thirds of all funds expended under the authority of this section in any fiscal year would be appropriated out of the Highway Trust Fund.

Section 210(a) of the House amendment would authorize the Secretary of Transportation to conduct investigations and studies into the use of mass media and other techniques for informing the public of the means and methods for reducing the number and severity of highway accidents. The study would include ways and means for: (1) encouraging participation and cooperation of television and radio station licensees, (2) measuring audience reaction to current educational programs, (3) evaluating the effectiveness of such programs, and (4) developing new programs for the promotion of highway safety. The Secretary would report to the Congress his findings and recommendations by January 1, 1974.

Section 210(b) of the House amendment would authorize the appropriation out of the Highway Trust Fund of \$1 million for the purposes of carrying out section 210(a).

Section 210(c) of the House amendment would authorize the Secretary to develop highway safety pilot television messages of not more than five minutes for use in accordance with the provisions of the Communications Act of 1934.

Section 210(d) of the House amendment would authorize the appropriation out of the Highway Trust Fund of \$4 million for the purposes of carrying out section 210(c).

Section 211 of the House amendment would authorize the Secretary to investigate the means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on the traffic enforcement process, including the creation of citizen adjuncts to assist professional traffic enforcement agencies in the performance of their duties. The Secretary would report to Congress his finding and recommendations by January 1, 1974. To carry out this section there would be authorized to be appropriated out of the Highway Trust Fund \$1 million.

Section 212 of the House amendment would direct the Secretary to make a study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. The study would include an estimate of the cost of establishing and maintaining such a center including the means for acquiring the accident information to be stored therein. The Secretary would report to the Congress his findings and recommendations not later than June 30, 1974. To carry out this section there is authorized to be appropriated out of the Highway Trust Fund \$5 million.

Section 213 of the House amendment would direct the Secretary to carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the 7th Avenue and County Road 7 railroad-highway grade crossing. The Secretary must report to the President and Congress with respect to his activities authorized by this section. To carry out this demonstration project there would be authorized to be appropriated \$3 million.

Section 214 of the House amendment would authorize the Secretary to carry out two demonstration projects. The first would be for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois. The Secretary would be required to report to the President and Congress with respect to his activities authorized by this section. To carry out this demonstration project there would be authorized to be appropriated \$36 million. The second project would provide for the relocation of railroad lines from the central area of the city of Lincoln, Nebraska, in conformance with an approved methodology and plan. The Federal share of such relocation project would be 70%. The Secretary would submit annual reports to the President and the Congress with respect to activities authorized by this section. To carry out this demonstration project, \$2.5 million would be authorized out of the Highway Trust Fund and \$9.5 million out of the General Fund.

Section 301. Prohibition of Discrimination on the Basis of Sex

This section prohibits discrimination on the ground of sex on any program or activity receiving Federal assistance or carried on under title 23.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

Section 101 of the conference substitute is the same as section 101 of the Senate engrossed bill and section 101 of the House amendment.

Section 102 of the conference substitute is the same as section 102 of the House amendment.

Section 103 of the conference substitute is the same as section 103 of the House amendment, except that no apportionment is authorized for the fiscal year ending June 30, 1975.

Section 104(a) of the conference substitute is the same as section 104(a) of the House amendment, except that in paragraph (1) \$725,000 is substituted for \$700,000 for the primary system in rural areas, \$425,000 is substituted for \$400,000 for the secondary system in rural areas, and no authorization is made for fiscal 1975; and in paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14), no authorizations are made for fiscal 1975.

Section 104(b) of the conference substitute is the same as section 104(b) of the House amendment, except that all references to fiscal 1975 are stricken.

Section 105 of the conference substitute is the same as section 105 of the House amendment.

Section 106 of the conference substitute is substantially the same as section 106 of the House amendment. The definition of "Indian roads and bridges" is modified so that Alaska Native Villages would be eligible for funding under chapter 2 of title 23. This section makes Federal-aid funds available for Indian reservation roads and bridges, including pedestrian walkways. For example, in certain sections of the State of Alaska, village streets become quagmires during the Spring thaw, and boardwalks must be built if the pedestrian is to escape the mud. During this period of time, the roads are either impassable or passable only with great difficulty, and walks are the primary means of movement about and through the village. Since they actually function as a surrogate for Federal-aid roads, the Committee believes that boardwalks should be eligible in such cases for funding under this section. Similarly unusual or adverse circumstances in other parts of the country may also warrant availability of funds for this purpose.

Section 107 of the conference substitute is the same as section 107 of the House amendment.

Section 108 of the conference substitute is the same as section 109 of the House amendment.

Section 109 of the conference substitute is the same as section 110 of the House amendment.

Section 110 of the conference substitute is the same as section 112 of the House amendment.

Section 111 of the conference substitute is the same as section 113 of the House amendment.

Section 112 of the conference substitute is the same as section 114 of the House amendment.

Section 113 of the conference substitute is the same as section 115 of the House amendment.

Section 114 of the conference substitute is the same as section 116 of the House amendment.

Section 115 of the conference substitute is the same as section 117 of the House amendment.

Section 116 of the conference substitute is the same as section 118 of the House amendment.

Section 117 of the conference substitute is the same as section 119 of the House amendment.

Section 118(a) of the conference substitute is the same as section 120(a) of the House amendment, except that "1973" is substituted for "1974".

Sections 118(b), (c), (d), (e), and (f) of the conference substitute are the same as sections 122(b), (c), (d), (e), and (f) of the Senate engrossed bill, except that in subsection (b) "other" is eliminated where it appears before "official signs and notices".

Section 118(g) of the conference substitute is the same as section 122(g) of the Senate engrossed bill, except that with respect to the authorization for the fiscal year ending June 30, 1973, the limiting language: "out of the Highway Trust Fund" is removed.

Section 118(g) of the conference substitute is the same as section 120(g) of the House amendment, except for the addition of "by the Secretary" immediately after "shall be required" the first time it appears in section 120(g); a purely technical stylistic change regarding the form of the proviso in the House amendment; and the substitution of "directional" for "nonconforming" the first time it appears in that proviso.

Section 119 of the conference substitute is the same as section 121 of the House amendment.

Section 120 of the conference substitute is the same as section 122 of the House amendment, except that no authorization is made for fiscal 1975.

Section 121 of the conference substitute is the same as section 123 of the House amendment.

Section 122 of the conference substitute is the same as section 124 of the House amendment.

Section 123 of the conference substitute is the same as section 127 of the House amendment, except that the new section added to title 23 of the United States Code is numbered 145 instead of 146, and no authorization is made for fiscal 1975.

Section 124 of the conference substitute (relating to Priority Primary Routes) does not correspond to any provision in either the Senate engrossed bill or the House amendment, but states the intent of the Congress to establish priority primary routes in each State and directs the Secretary of Transportation, in cooperation with the State highway departments, to develop such routes and criteria for their designation and to submit a report to the Congress not later than June 30, 1973.

Section 125 of the conference substitute is the same as section 129 of the House amendment.

Section 126 of the conference substitute is the same as section 130 of the House amendment.

Section 127 of the conference substitute is the same as section 132 of the House amendment, except that "June 30, 1975" is not included in the list of dates which is to be substituted.

Section 128 of the conference substitute is the same as section 133 of the House amendment.

Section 129 of the conference substitute is the same as section 134 of the House amendment.

Section 130 of the conference substitute is the same as section 135 of the House amendment.

Section 131 of the conference substitute is the same as section 136 of the House amendment.

Section 132 of the conference substitute is the same as section 137 of the House amendment.

Section 133 of the conference substitute is the same as section 139 of the House amendment.

Section 134 of the conference substitute is the same as section 141 of the House amendment.

Section 135 of the conference substitute is the same as section 142 of the House amendment.

Section 136 of the conference substitute is the same as section 143 of the House amendment.

Section 137 of the conference substitute is the same as section 145 of the House amendment.

Section 138 of the conference substitute is the same as section 146 of the House amendment.

Section 139(a) of the conference substitute is the same as section 107(a) of the Senate engrossed bill, except that the definition of "small urban area" is changed to be "an urban area having a population of less than fifty thousand, and not within an urbanized area".

Section 139(b) of the conference substitute is substantially the same as section 107(b) of the Senate engrossed bill, except that the third to last and last sentences are deleted.

Section 139(c) of the conference substitute is the same as section 107(c) of the Senate engrossed bill.

Section 139(d) of the conference substitute is the same as section 107(d) of the Senate engrossed bill.

Section 139(e) of the conference substitute does not correspond to any provision in either the Senate engrossed bill or the House amendment, but provides that "the Federal-aid small urban system," will be added to section 103(f) of title 23 of the United States Code, after "the Federal-aid urban system,".

Section 140 of the conference substitute is the same as section 128 of the Senate engrossed bill, except that 1975 is eliminated.

Section 141 of the conference substitute is the same as section 132 of the Senate engrossed bill except for conforming amendments and except that subsection (c) provides for the designation of the highway as a part of the Federal-aid primary system.

Section 142 of the conference substitute is the same as section 138 of the Senate engrossed bill.

Section 143 of the conference substitute is the same as section 145 of the Senate engrossed bill.

Section 144 of the conference substitute is the same as section 131 of the House amendment, except that the new section will be designated as 147; paragraph (4) of subsection (b) of that new section will provide that section 131 shall apply to the Great River Road; and no authorizations are made for fiscal 1975.

Section 145 of the conference substitute is the same as section 138 of the House amendment.

Section 146 of the conference substitute is the same as section 139 of the Senate engrossed bill.

Section 201 of the conference substitute is the same as section 201 of the House amendment.

Section 202 of the conference substitute is the same as section 202 of the House amendment.

Section 203 of the conference substitute is the same as section 203 of the House amendment.

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Section 209 of the conference substitute is the same as section 209 of the House amendment.

Section 210 of the conference substitute is the same as section 210 of the House amendment.

Section 211 of the conference substitute is the same as section 211 of the House amendment.

Section 212 of the conference substitute is the same as section 212 of the House amendment.

Section 213 of the conference substitute is the same as section 213 of the House amendment.

Section 214 of the conference substitute is the same as section 214 of the House amendment, except that a new subsection was added at the end thereof from the Senate engrossed bill regarding the authorization of appropriations from the Highway Trust Fund in the case of Lincoln and Elko, Nebraska.

Section 215 of the conference substitute is the same as section 204 of the Senate engrossed bill.

Section 216 of the conference substitute is the same as section 205 of the Senate engrossed bill.

Section 217 of the conference substitute is the same as section 207 of the Senate engrossed bill.

Section 218 of the conference substitute is the same as section 208 of the Senate engrossed bill.

Section 219 of the conference substitute is the same as section 211 of the Senate engrossed bill.

Section 220 of the conference substitute is the same as section 212 of the Senate engrossed bill.

Section 221 of the conference substitute is the same as section 213 of the Senate engrossed bill.

Section 222 of the conference substitute is the same as section 214 of the Senate engrossed bill.

Section 301 of the conference substitute is the same as section 702 of the Senate engrossed bill except the Secretary is given direction to determine that mass transportation services are being provided by an efficient operation of the system in accordance with his regulations. The conferees further agreed that the Secretary could incur obligations on behalf of the United States to finance grants not exceeding \$400,000,000. Finally, the conferees authorized not to exceed \$100,000,000 for liquidation of such obligations incurred prior to July 1, 1973, and provided such amount may be increased not to exceed an aggregate of \$400,000,000 prior to July 1, 1974.

Section 401 of the conference substitute is the same as section 301 of the House Amendment with a technical amendment.

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HAROLD T. JOHNSON,
JAMES J. HOWARD,
DON H. CLAUSEN,

Managers on the Part of the House.

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Managers on the Part of the Senate.

