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SURFACE TRANSPORTATION AND UNIFORM RELOCATION  
ASSISTANCE ACT OF 1987

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MARCH 17, 1987.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 2]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, 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 House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

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

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

(a) *SHORT TITLE.*—This Act may be cited as the “Surface Transportation and Uniform Relocation Assistance Act of 1987”.

(b) *TABLE OF CONTENTS.*—

Sec. 1. *Short title; table of contents.*

Sec. 2. *Secretary defined.*

**TITLE I—FEDERAL-AID HIGHWAY ACT OF 1987**

Sec. 101. *Short title.*

Sec. 102. *Approval of interstate cost estimate and extension of interstate program.*

Sec. 103. *Approval of cost estimate and authorization of appropriations for interstate substitute projects.*

Sec. 104. *Authorization of appropriations for interstate system construction.*

Sec. 105. *Obligation ceiling.*

Sec. 106. *Authorization of appropriations.*

Sec. 107. *Federal-aid primary formula.*

Sec. 108. *Elimination of roadside obstacles.*

Sec. 109. *Emergency call boxes.*

- Sec. 110. Vending machines and State police barracks.*  
*Sec. 111. Contracts.*  
*Sec. 112. Convict produced materials.*  
*Sec. 113. Advance construction.*  
*Sec. 114. Interstate discretionary funds.*  
*Sec. 115. Flexibility of use of highway funds.*  
*Sec. 116. Interstate 4R program.*  
*Sec. 117. Federal share.*  
*Sec. 118. Emergency relief.*  
*Sec. 119. Vehicle weight.*  
*Sec. 120. Toll facilities.*  
*Sec. 121. Railway-highway crossings.*  
*Sec. 122. Indian employment and contracting.*  
*Sec. 123. Bridge program.*  
*Sec. 124. Minimum allocation.*  
*Sec. 125. National bridge inspection program.*  
*Sec. 126. Income from airspace rights-of-way.*  
*Sec. 127. Funding for bicycle projects.*  
*Sec. 128. Strategic highway research program.*  
*Sec. 129. Highway planning and research.*  
*Sec. 130. Wildflowers.*  
*Sec. 131. National Highway Institute.*  
*Sec. 132. Prohibition against disclosure and admission as evidence of State reports and surveys.*  
*Sec. 133. Highway technical amendments.*  
*Sec. 134. Forest highways.*  
*Sec. 135. Regulation of tolls.*  
*Sec. 136. Implementation of certain orders.*  
*Sec. 137. Combined road plan demonstration program.*  
*Sec. 138. Project eligibility.*  
*Sec. 139. Eligibility of park and ride facilities.*  
*Sec. 140. Planning, design, and construction.*  
*Sec. 141. Transfer of interstate lanes.*  
*Sec. 142. Substitute transit project in Oregon.*  
*Sec. 143. Payback of right-of-way expenses.*  
*Sec. 144. Georgia State route 400.*  
*Sec. 145. Exemption from right-of-way restriction.*  
*Sec. 146. Right-of-way donation.*  
*Sec. 147. Shirley Highway traffic restrictions.*  
*Sec. 148. Railroad relocation and demonstration program.*  
*Sec. 149. Demonstration and priority projects.*  
*Sec. 150. Cumberland Gap National Historical Park, Virginia.*  
*Sec. 151. Delaware river bridges.*  
*Sec. 152. Prohibition on widening certain routes through historic district.*  
*Sec. 153. Urban high density program.*  
*Sec. 154. Signs identifying funding sources.*  
*Sec. 155. Salvage operation.*  
*Sec. 156. Release of condition relating to conveyance of a certain highway.*  
*Sec. 157. Maryland interstate transfer.*  
*Sec. 158. Motor vehicle study.*  
*Sec. 159. Rail-highway crossings study.*  
*Sec. 160. Study of highway bridges which cross rail lines.*  
*Sec. 161. Parking for handicapped persons.*  
*Sec. 162. Bridge management study.*  
*Sec. 163. State maintenance program study.*  
*Sec. 164. Feasibility study of using highway electrification systems.*  
*Sec. 165. Cost effectiveness study of highway upgrading.*  
*Sec. 166. Highway feasibility study.*  
*Sec. 167. California feasibility study.*  
*Sec. 168. New York feasibility study.*  
*Sec. 169. Florida feasibility study.*  
*Sec. 170. Virgin Islands feasibility study.*  
*Sec. 171. Study of ferry boat service.*  
*Sec. 172. Review of reports on United States route 13 relief route.*  
*Sec. 173. Use of rock salt on highways.*

## TITLE II—HIGHWAY SAFETY ACT OF 1987

- Sec. 201. *Short title.*
- Sec. 202. *Highway safety.*
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- Sec. 204. *Schoolbus safety measures.*
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## TITLE III—FEDERAL MASS TRANSPORTATION ACT OF 1987

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- Sec. 335. *Comprehensive transit plan for the Virgin Islands.*
- Sec. 336. *Transfer of section 9 funds.*
- Sec. 337. *Buy America.*
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## TITLE IV—UNIFORM RELOCATION ACT AMENDMENTS OF 1987

- Sec. 401. *Short title.*
- Sec. 402. *Definitions.*
- Sec. 403. *Certification.*
- Sec. 404. *Declaration of findings and policy.*
- Sec. 405. *Moving and related expenses.*
- Sec. 406. *Replacement housing for homeowner.*
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- Sec. 408. *Relocation planning, assistance coordination, and advisory services.*
- Sec. 409. *Housing replacement by Federal agency as last resort.*
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 Sec. 412. *Duties of lead agency.*  
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#### TITLE V—HIGHWAY REVENUE ACT OF 1987

- Sec. 501. *Short title.*  
 Sec. 502. *5-year extension of Highway Trust Fund taxes and related exemptions.*  
 Sec. 503. *5-year extension of Highway Trust Fund.*  
 Sec. 504. *Certain transfers from Highway Trust Fund to be made proportionately from Mass Transit Account.*  
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#### SEC. 2. SECRETARY DEFINED.

As used in this Act, the term "Secretary" means the Secretary of Transportation.

## TITLE I—FEDERAL-AID HIGHWAY ACT OF 1987

#### SEC. 101. SHORT TITLE.

This title may be cited as the "Federal-Aid Highway Act of 1987".

#### SEC. 102. APPROVAL OF INTERSTATE COST ESTIMATE AND EXTENSION OF INTERSTATE PROGRAM.

(a) *FISCAL YEAR 1988.*—The Secretary shall apportion for fiscal year 1988 the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956 for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 100-5 of the Committee on Public Works and Transportation of the House of Representatives.

(b) *EXTENSION OF INTERSTATE PROGRAM THROUGH FISCAL YEAR 1993.*—

(1) *EXTENSION OF ICE APPROVAL PROCESS.*—Section 104(b)(5)(A) of title 23, United States Code, is amended by inserting after "September 30, 1990." the following: "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, 1989. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years 1991 and 1992. 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, 1991. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year 1993.”

(2) **ADMINISTRATIVE ADJUSTMENT OF ICE; EXCESS APPORTIONMENTS.**—Such section 104(b)(5)(A) is further amended by adding at the end the following: “On October 1 of each fiscal years 1988, 1989, 1990, and 1991, whenever Congress has not approved a cost estimate under this subparagraph, the Secretary shall make the apportionment required by this subparagraph using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds. If, before apportionment of funds under this subparagraph for any fiscal year, the Secretary and a State highway department agree that a portion of the apportionment to such State is not needed for such fiscal year, the amount of such portion shall be made available under section 118(b)(2) of this title.”

(3) **CONFORMING AMENDMENT.**—The second paragraph of section 101(b) of such title is amended—

(A) by striking out “thirty-four years” and inserting in lieu thereof “thirty-seven years”; and

(B) by striking out “1990” and inserting in lieu thereof “1993”.

(c) **MINIMUM APPORTIONMENT.**—For any fiscal year beginning after September 30, 1987, no State, including the State of Alaska, shall receive less than 1/2 of 1 percent of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State’s portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended and shall also be available for expenditure to carry out section 152 of title 23, United States Code.

**SEC. 103. APPROVAL OF COST ESTIMATE AND AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SUBSTITUTE PROJECTS.**

(a) **FISCAL YEAR 1987.**—The Secretary shall apportion for fiscal year 1987 the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered 100-6 of the Committee on Public Works and Transportation of the House of Representatives.

(b) **AUTHORIZATION OF APPROPRIATIONS; PERIOD OF AVAILABILITY OF APPORTIONED FUNDS; EXTENSION OF SUBSTITUTE ICE APPROVAL**

PROCESS.—Section 103(e)(4) of title 23, United States Code, is amended to read as follows:

“(4) INTERSTATE SUBSTITUTE PROGRAM.—

“(A) WITHDRAWAL OF APPROVAL.—Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw approval of any route or portion thereof on the Interstate System which was selected and approved in accordance with this title, if the Secretary determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if the Secretary receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof.

“(B) SUBSTITUTE PROJECTS.—When the Secretary withdraws approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, or up to and including the 1983 interstate cost estimate, whichever is earlier, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of approval of each substitute project under this paragraph, or the date of approval of the 1983 interstate cost estimate, whichever is earlier, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or highway construction projects on any public road, or both, which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located. Each project constructed under this paragraph on a Federal-aid system shall be subject to the provisions of this title applicable to such system. Each project constructed under this paragraph not on a Federal-aid system shall be subject to the provisions of this title applicable to projects on the Federal-aid secondary system.

“(C) DEADLINE FOR WITHDRAWAL.—The Secretary shall not approve any withdrawal of a route under this paragraph after September 30, 1983—

“(i) except that with respect to any route which on November 6, 1978, is under judicial injunction prohibiting its construction the Secretary may approve withdrawals until September 30, 1986, and

“(ii) except that with respect to any route which on May 12, 1982, is under judicial injunction prohibiting its construction, the Secretary may approve withdrawals on such route until September 30, 1985.

“(D) PROJECT APPROVAL; FEDERAL SHARE.—Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of each substitute project shall not exceed 85 percent of the cost thereof.

“(E) AVAILABILITY OF FUNDS FOR SUBSTITUTE PROJECTS.—

“(i) TIME PERIOD.—The sums apportioned and the sums allocated under this paragraph for public mass transit projects and for highway construction projects in a State shall remain available for obligation in such State for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year.

“(ii) REAPPORTIONMENT OR REALLOCATION.—Any sums which are apportioned or allocated to a State and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of the period of availability established by clause (i) shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them. Such reapportionments shall be in accordance with the latest approved or adjusted estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.

“(F) ADMINISTRATION OF TRANSIT FUNDS.—The sums obligated for mass transit projects under this paragraph shall become part of, and be administered through, the Urban Mass Transportation Fund.

“(G) AUTHORIZATION OF APPROPRIATIONS FOR HIGHWAY PROJECTS.—For the fiscal year ending September 30, 1983, \$257,000,000 shall be available out of the Highway Trust Fund for expenditure at the discretion of the Secretary for projects under highway assistance programs. There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for expenditure under this paragraph for projects under highway assistance programs \$700,000,000 per fiscal year for each of fiscal years 1984 and 1985, \$693,825,000 for fiscal year 1986, and \$740,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

“(H) DISTRIBUTION OF SUBSTITUTE HIGHWAY FUNDS.—

“(i) BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.—Subject to section 149(d) of the Federal-Aid Highway Act of 1987, 25 percent of the funds made available by subparagraph (G) for each of fiscal years 1984, 1985, 1986, 1987, 1988, 1989, 1990, and 1991 for

substitute highway projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 75 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress or adjusted by the Secretary.

“(i) FY 1985, 1986, AND 1987 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal years 1985, 1986, and 1987.

“(iii) FY 1988, 1989, 1990, AND 1991 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal year 1988. If such estimate is not approved by Congress by September 30, 1987, the Secretary shall adjust such estimate in accordance with this clause and use the Federal share of the adjusted estimate in making apportionments for fiscal year 1988. The Secretary shall adjust such estimate annually thereafter in accordance with this clause and shall use the Federal share of such adjusted estimate in making apportionments for substitute highway projects for fiscal years 1989, 1990, and 1991. The adjustments required by this clause shall reflect previous withdrawals of interstate segments, changes in State estimates in the division of funds between substitute highway and transit projects, amounts made available in prior fiscal years, and the availability and reapportionment of funds under subparagraph (E).

“(I) AUTHORIZATION OF APPROPRIATIONS FOR TRANSIT PROJECTS.—There are authorized to be appropriated for liquidation of obligations incurred for substitute transit projects under this paragraph the sums provided in section 4(g) of the Urban Mass Transportation Act of 1964.

“(J) DISTRIBUTION OF SUBSTITUTE TRANSIT FUNDS.—

“(i) BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.—Fifty percent of the funds appropriated for each fiscal year beginning after September 30, 1983, for carrying out substitute transit projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 50 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress or adjusted by the Secretary.

*“(ii) FY 1985, 1986, AND 1987 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal years 1985, 1986, and 1987.*

*“(iii) FY 1988, 1989, 1990, AND 1991 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal year 1988. If such estimate is not approved by Congress by September 30, 1987, the Secretary shall adjust such estimate in accordance with this clause and use the Federal share of the adjusted estimate in making apportionments for fiscal year 1988. The Secretary shall adjust such estimate annually thereafter in accordance with this clause and shall use the Federal share of such adjusted estimate in making apportionments for substitute transit projects for fiscal years 1989, 1990, and 1991. The adjustments required by this clause shall reflect previous withdrawals of Interstate segments, changes in State estimates in the division of funds between substitute highway and transit projects, amounts made available in prior fiscal years, and the availability and reappportionment of funds under subparagraph (E).*

*“(K) REDUCTION OF INTERSTATE APPORTIONMENT.—*

*“(i) IN GENERAL.—Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all interstate routes in that State as reflected in the latest cost estimate approved by the Congress.*

*“(ii) EXCEPTION.—In any State where the withdrawal of an interstate route or portion thereof has been approved under this section prior to the date of the enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on such date of enactment shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown in the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all interstate routes in that State, as shown*

in such cost estimate; except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph before such date of enactment.

**(L) APPLICABILITY OF UMTA.—**

**(i) SUPPLEMENTARY FUNDS.—**Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964.

**(ii) LABOR PROTECTION.—**The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964 shall apply in carrying out this paragraph.

**(M) LIMITATION ON INTERSTATE DESIGNATIONS.—**After the date of the enactment of the Federal-Aid Highway Act of 1978, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law. The preceding sentence shall not apply to a designation made under section 139 of this title.

**(N) OPEN TO TRAFFIC REQUIREMENT.—**After September 30, 1979, the Secretary shall not withdraw his approval under this paragraph of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal. Any withdrawal of approval of any such route or portion thereof before September 30, 1979, is hereby determined to be authorized by this paragraph.

**(O) LIMITATION ON SUBSTITUTION FOR STATUTORILY DESIGNATED ROUTES.—**Any route or segment which was statutorily designated after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.

**(P) RIGHT-OF-WAY PAYBACK.—**

**(i) ENFORCEMENT.—**Of sums apportioned or allocated under this paragraph to a State, the Secretary shall not obligate for projects in such State an amount equal to the amount of Federal funds expended to purchase the right-of-way for any withdrawn route or portion thereof if the right-of-way is not first disposed of (or applied to a project in accordance with paragraph (5)(B), (6)(B), or (7)) by the State.

**(ii) LIMITATION ON APPLICABILITY.—**Clause (i) shall not apply to sums apportioned or allocated under this paragraph to a State for a fiscal year if the projected total amount of funds to be apportioned and allocated under this paragraph to such State in succeeding fiscal years exceeds the amount of Federal funds expended to purchase the right-of-way.

**(iii) RELEASE OF FUNDS.—**The Secretary may obligate for projects in a State under this paragraph any funds withheld from obligation in such State if the State repays an equivalent amount in accordance with

paragraph (5)(B), (6)(B), or (7), as the case may be, or if the Secretary determines that such repayment is not required under such paragraph.”

(c) **SUBSTITUTE TRANSIT PROJECTS.**—

(1) **INCREASE IN COST TO COMPLETE.**—The cost of completing substitute transit projects under section 103(e)(4)(B) of title 23, United States Code, is increased by \$100,000,000.

(2) **APPORTIONMENT FACTORS.**—Notwithstanding section 103(e)(4) of such title, funds appropriated to carry out projects as a result of enactment of paragraph (1) shall be made available in accordance with the apportionment factors contained in the committee print numbered 100-2 of the Committee on Public Works and Transportation of the House of Representatives.

(d) **CONTRACT DEADLINE FOR SUBSTITUTE PROJECTS.**—

(1) **ELIMINATION.**—Subsection (e) of section 107 of the Federal-Aid Highway Act of 1978 (23 U.S.C. 103 note) is amended—

(A) in the first sentence by striking out “and all Interstate substitute projects pursuant to subsection (e)(4) of section 103 of title 23, United States Code (for which the Secretary finds that sufficient Federal funds are available)”;

and

(B) in the second sentence by striking out “and in the case” and all that follows through the period at the end of such subsection and inserting in lieu thereof a period.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect September 29, 1986.

(e) **INCLUSION OF CERTAIN COSTS AS NON-FEDERAL SHARE.**—If the State of Oregon completes construction of a segment of an east-west highway which segment connects 158th Avenue and Cornelius Pass Road in Washington County, Oregon, with funds made available under section 103(e)(4) of title 23, United States Code, the Secretary shall include as part of the non-Federal share of the cost of construction of such segment all funds expended by private land developers after January 1, 1980, on construction of such segment.

(f) **CONFORMING AMENDMENTS.**—(1) Section 103(e) of title 23, United States Code, is amended—

(A) by inserting “**INTERSTATE SYSTEM.**—” before “(1) The Interstate”;

(B) in paragraph (1) by inserting “**DESIGNATION; MILEAGE LIMITATION.**—” before “The Interstate”;

(C) in paragraph (2) by inserting “**MODIFICATIONS.**—” before “In addition”;

(D) in paragraph (3) by inserting “**ADDITIONAL MILEAGE FOR IMPROVED EFFICIENCY.**—” before “In addition”;

(E) in paragraph (5) by inserting “**LIMITATION ON REFUNDS FOR WITHDRAWALS BEFORE NOVEMBER 6, 1978.**—” before “Notwithstanding” and by striking out “; and” at the end of such paragraph and inserting in lieu thereof a period;

(F) in paragraph (6) by inserting “**LIMITATION ON REFUNDS FOR WITHDRAWALS ON AND AFTER NOVEMBER 6, 1978.**—” before “Notwithstanding” and by striking out the semicolon at the end of such paragraph and inserting in lieu thereof a period;

(G) in paragraph (7) by inserting "ADDITIONAL LIMITATION ON REFUNDS.—" before "In any" and by striking out "; and" at the end of such paragraph and inserting in lieu thereof a period;

(H) in paragraph (8) by inserting "PROTECTION OF PROPERTY RIGHTS.—" before "Nothing";

(I) in paragraph (9) by inserting "LIMITATION ON FUNDING OF MODIFIED MILEAGE PROJECTS.—" before "Interstate mileage";

(J) by indenting paragraph (1) and aligning such paragraph and paragraphs (2), (3), (5), (6), (7), (8), and (9) with paragraph (4) of such section, as amended by subsection (b) of this section; and

(K) by aligning subparagraphs (A) and (B) of paragraphs (5) and (6) with subparagraph (A) of such paragraph (4).

(2) Section 107(c)(2) of the Highway Improvement Act of 1982 (23 U.S.C. 103 note) is amended—

(A) by striking out "the second sentence" and inserting in lieu thereof "subparagraph (B)"; and

(B) by striking out "such sentence" and inserting in lieu thereof "such subparagraph".

#### SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM CONSTRUCTION.

The first sentence of subsection (b) of section 108 of the Federal-Aid Highway Act of 1956 is amended by striking out "and" after "September 30, 1987," and all that follows through the period at the end of such sentence and inserting in lieu thereof the following: "the additional sum of \$3,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1989, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1990, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1991, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1992, and the additional sum of \$1,400,000,000 for the fiscal year ending September 30, 1993."

#### SEC. 105. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law (other than subsection (f) of this section), the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

- (1) \$12,350,000,000 for fiscal year 1987;
- (2) \$12,350,000,000 for fiscal year 1988;
- (3) \$12,350,000,000 for fiscal year 1989;
- (4) \$12,350,000,000 for fiscal year 1990; and
- (5) \$12,350,000,000 for fiscal year 1991.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

- (1) under section 125 of title 23, United States Code;
- (2) under section 157 of such title;
- (3) under section 320 of such title;
- (4) under section 147 of the Surface Transportation Assistance Act of 1978;
- (5) under section 9 of the Federal-Aid Highway Act of 1981;
- (6) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(7) under section 118 of the National Visitor Center Facilities Act of 1968; and

(8) under section 404 of the Surface Transportation Assistance Act of 1982.

Such limitations shall also not apply to obligations of funds made available by subsections (b) and (c) of section 149 of this Act.

(c) **DISTRIBUTION OF OBLIGATION AUTHORITY.**—For each of fiscal years 1987, 1988, 1989, 1990, and 1991 the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(d) **LIMITATION ON OBLIGATION AUTHORITY.**—During the period October 1 through December 31 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, no State shall obligate more than 35 percent of the amount distributed to such State under subsection (c) for such fiscal year, and the total of all State obligations during such period shall not exceed 25 percent of the total amount distributed to all States under such subsection for such fiscal year.

(e) **REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.**—Notwithstanding subsections (c) and (d), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, revise a distribution of the funds made available under subsection (c) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses, studies under sections 159, 164, 165, and 167 of this Act, Federal lands highways programs, and the strategic highway research program and amounts made available under section 149(d) of this Act.

(f) **ADDITIONAL OBLIGATION AUTHORITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), a State which after August 1 and on or before September 30 of fiscal year 1987, 1988, 1989, 1990, or 1991 obligates the amount distributed to such State in such fiscal year under subsections (c) and (e)

may obligate for Federal-aid highways and highway safety construction on or before September 30 of such fiscal year an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(A) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(2) **LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.**—During the period August 2 through September 30 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, the aggregate amount which may be obligated by all States pursuant to paragraph (1) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(A) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in such fiscal year if the total amount of obligational authority provided by subsection (a) for such fiscal year were utilized.

(3) **LIMITATION ON APPLICABILITY.**—Paragraph (1) shall not apply to any State which on or after August 1 of fiscal year 1987, 1988, 1989, 1990, or 1991, as the case may be, has the amount distributed to such State under subsection (c) for such fiscal year reduced under subsection (e)(2).

(g) **OBLIGATION CEILING FOR HIGHWAY SAFETY PROGRAMS.**—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed \$10,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(h) **CONFORMING AMENDMENT.**—Section 157(b) of title 23, United States Code, is amended by striking out the period at the end of the last sentence and inserting in lieu thereof “and section 105(c) of the Federal-Aid Highway Act of 1987.”

#### **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

(a) **FROM THE HIGHWAY TRUST FUND.**—For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) **INTERSTATE LR PROGRAM.**—For resurfacing, restoring, rehabilitating, and reconstructing the National System of Interstate and Defense Highways \$2,815,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, 1991, and 1992.

(2) **FEDERAL-AID PRIMARY SYSTEM.**—For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes \$2,325,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(3) **FEDERAL-AID SECONDARY SYSTEM.**—For the Federal-aid secondary system in rural areas \$600,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(4) **FEDERAL-AID URBAN SYSTEM.**—For the Federal-aid urban system \$750,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(5) **BRIDGE REPLACEMENT AND REHABILITATION.**—For bridge replacement and rehabilitation under section 144, \$1,630,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(6) **ELIMINATION OF HAZARDS.**—For projects for elimination of hazards under section 152, \$170,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(7) **INDIAN RESERVATION ROADS.**—For Indian reservation roads \$80,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(8) **FOREST HIGHWAYS.**—For forest highways \$55,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(9) **PUBLIC LANDS HIGHWAYS.**—For public lands highways \$40,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(10) **PARKWAYS AND PARK HIGHWAYS.**—For parkways and park highways \$60,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(11) **FHWA HIGHWAY SAFETY PROGRAMS.**—For carrying out section 402 by the Federal Highway Administration \$10,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(12) **FHWA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—For carrying out sections 307(a) and 403 by the Federal Highway Administration \$10,000,000 per fiscal year for fiscal years 1987, 1988, 1989, 1990, and 1991.

(13) **RAILROAD-HIGHWAY CROSSINGS.**—For carrying out projects for the elimination of railway-highway crossings on any public road, \$160,000,000 for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(b) **TRANSPORTATION OF CERTAIN NUCLEAR WASTE.**—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, \$58,000,000, to remain available until expended, for the upgrading of certain highways in the State of New Mexico for the transportation of nuclear waste generated during defense-related activities.

(c) **DISADVANTAGED BUSINESS ENTERPRISES.**—

(1) **GENERAL RULE.**—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under titles I and III of this Act or obligated under titles I, II, and III (other than section 203) of the Surface Transportation Assistance Act of 1982 after the date of the enactment of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) **DEFINITIONS.**—For purposes of this subsection—

(A) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning such term has under section 3 of

the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$14,000,000, as adjusted by the Secretary for inflation.

(B) **SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.**—The term “socially and economically disadvantaged individuals” has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) **ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.**—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State.

(4) **UNIFORM CERTIFICATION.**—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(5) **APPLICABILITY.**—Section 105(f) of the Surface Transportation Assistance Act of 1982 shall not apply to amounts authorized under such Act and obligated after the date of the enactment of this Act.

#### **SEC. 107. FEDERAL-AID PRIMARY FORMULA.**

Section 108 of the Highway Improvement Act of 1982 (23 U.S.C. 104 note) is amended by striking out “and 1986” each place it appears and inserting in lieu thereof “1986, 1987, 1988, 1989, 1990, and 1991”.

#### **SEC. 108. ELIMINATION OF ROADSIDE OBSTACLES.**

The second undesignated paragraph of section 101(a) of title 23, United States Code, relating to the definition of construction, is amended by inserting after “grade crossings,” the following: “elimination of roadside obstacles,”.

#### **SEC. 109. EMERGENCY CALL BOXES.**

The tenth undesignated paragraph of section 101(a) of title 23, United States Code, relating to the definition of highway safety improvement project, is amended by inserting after “pavement marking,” the following: “installs or replaces emergency motorist-aid call boxes,”.

#### **SEC. 110. VENDING MACHINES AND STATE POLICE BARRACKS.**

(a) **VENDING MACHINES.**—Section 111 of title 23, United States Code, is amended by inserting “(a) **IN GENERAL.**—” before “All agreements” and by adding at the end thereof the following new subsection:

“(b) *VENDING MACHINES.*—Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the ‘Randolph-Sheppard Act’ (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.”

(b) *STATE POLICE BARRACKS.*—Notwithstanding any provision of section 111 of title 23, United States Code, the Commonwealth of Massachusetts is authorized to construct a State Police Barracks, including customary access and egress, on State owned property at the intersection of I-93 and Route 3, in Quincy, Massachusetts.

#### SEC. 111. CONTRACTS.

(a) *LETTING OF CONTRACTS.*—Section 112(b) of title 23, United States Code, is amended by inserting “or that an emergency exists” before the period at the end of the first sentence.

(b) *CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.*—Section 112(b) of such title is further amended by striking out “Construction” and inserting in lieu thereof “(1) IN GENERAL.—Subject to paragraph (2), construction” and by adding at the end thereof the following new paragraph:

“(2) *CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.*—

“(A) *GENERAL RULE.*—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services with respect to a project subject to the provisions of subsection (a) of this section shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirements.

“(B) *APPLICABILITY.*—

“(i) *IN A COMPLYING STATE.*—If, on the date of the enactment of this paragraph, the services described in subparagraph (A) may be awarded in a State in the manner described in subparagraph (A), subparagraph (A) shall apply in such State beginning on such date of enactment, except to the extent that such State adopts by statute a formal procedure for the procurement of such services.

“(ii) *IN A NONCOMPLYING STATE.*—In the case of any other State, subparagraph (A) shall apply in such State beginning on the earlier of (I) August 1, 1989, or (II) the 10th day following the close of the 1st regular session of the legislature of a State which begins after the

*date of the enactment of this paragraph, except to the extent that such State adopts or has adopted by statute a formal procedure for the procurement of the services described in subparagraph (A).”*

(c) **STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS.**—Section 112 of such title is amended by redesignating subsection (e), and any references thereto, as subsection (f), and by inserting after subsection (d) the following new subsection:

“(e) **STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS.**—

“(1) **GENERAL RULE.**—The Secretary shall issue regulations establishing and requiring, for inclusion in each contract entered into with respect to any project approved under section 106 of this title a contract clause, developed in accordance with guidelines established by the Secretary, which equitably addresses each of the following:

“(A) Site conditions.

“(B) Suspensions of work ordered by the State (other than a suspension of work caused by the fault of the contractor or by weather).

“(C) Material changes in the scope of work specified in the contract.

The guidelines established by the Secretary shall not require arbitration.

“(2) **LIMITATION ON APPLICABILITY.**—Paragraph (1) shall apply in a State except to the extent that such State adopts or has adopted by statute a formal procedure for the development of a contract clause described in paragraph (1) or adopts or has adopted a statute which does not permit inclusion of such a contract clause.”

(d) **CONFORMING AMENDMENTS.**—Section 112(b) of such title is further amended—

(1) by inserting “**BIDDING REQUIREMENTS.**—” after “(b)”; and

(2) by indenting paragraph (1), as designated by subsection (a) of this section, and aligning such paragraph with paragraph (2), as added by such subsection.

#### **SEC. 112. CONVICT PRODUCED MATERIALS.**

(a) **IN GENERAL.**—Subsection (b) of section 114 of title 23, United States Code, is amended to read as follows:

“(b) **CONVICT LABOR AND CONVICT PRODUCED MATERIALS.**—

“(1) **LIMITATION ON CONVICT LABOR.**—Convict labor shall not be used in construction of highways or portions of highways located on a Federal-aid system unless it is labor performed by convicts who are on parole, supervised release, or probation.

“(2) **LIMITATION ON CONVICT PRODUCED MATERIALS.**—Materials produced by convict labor may only be used in such construction—

“(A) if such materials are produced by convicts who are on parole, supervised release, or probation from a prison; or

“(B) if such materials are produced by convicts in a qualified prison facility and the amount of such materials produced in such facility for use in such construction during any 12-month period does not exceed the amount of

*such materials produced in such facility for use in such construction during the 12-month period ending July 1, 1987.*

*“(3) QUALIFIED PRISON FACILITY DEFINED.—As used in this subsection, ‘qualified prison facility’ means any prison facility in which convicts, during the 12-month period ending July 1, 1987, produced materials for use in construction of highways or portions of highways located on a Federal-aid system.”*

*(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended by inserting “CONSTRUCTION WORK IN GENERAL.—” before “The construction of”.*

*(2) Section 202 of the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriation Act, 1985 is repealed.*

*(3) Section 1761(d) of title 18, United States Code, is repealed.*

#### **SEC. 113. ADVANCE CONSTRUCTION.**

*(a) SUBSTITUTE, URBAN, SECONDARY, BRIDGE, PLANNING, RESEARCH, AND SAFETY CONSTRUCTION PROJECTS.—Subsection (a) of section 115 of title 23, United States Code, is amended to read as follows:*

*“(a) SUBSTITUTE, URBAN, SECONDARY, BRIDGE, PLANNING, RESEARCH, AND SAFETY CONSTRUCTION PROJECTS.—*

*“(1) GENERAL RULE.—Subject to paragraph (2), when a State—*

*“(A)(i) has obligated all funds apportioned or allocated to it under section 103(e)(4)(H), section 104(b)(2), section 104(b)(6), section 104(f), section 130, section 144, section 152, or section 307 of this title, or*

*“(ii) has used or demonstrates that it will use all obligation authority allocated to it for Federal-aid highways and highway safety construction, and*

*“(B) proceeds with a project funded under such an apportionment or allocation without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit the State to implementation of projects with the aid of Federal funds previously apportioned or allocated to it or limit a State to implementation of a project with obligation authority previously allocated to it for Federal-aid highways and highway safety construction,*

*the Secretary, upon approval of an application of the State, is authorized to pay to the State the Federal share of the cost of the project when additional funds are apportioned or allocated to the State under such section or when additional obligation authority is allocated to it.*

*“(2) PLANS, SPECIFICATIONS, AND APPLICABLE STANDARDS.—The Secretary may only make payments to a State with respect to a project if—*

*“(A) prior to commencement of the project the Secretary approves the plans and specifications therefor in the same manner as other projects, and*

“(B) the project conforms to the applicable standards under this title.

“(3) **LIMITATION WITH RESPECT TO CURRENTLY AUTHORIZED FUNDS.**—The Secretary may not approve an application under this section unless an authorization for section 103(e)(4), 104, 130, 144, 152, or 307 of this title, as the case may be, is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State. No application may be approved which will exceed the State’s expected apportionment of such authorizations. This paragraph shall have no effect during the period beginning January 1, 1987, and ending September 30, 1990.”

(b) **PRIMARY PROJECTS.**—Subsection (b)(1) of such section is amended to read as follows:

“(b) **INTERSTATE AND PRIMARY PROJECTS.**—

“(1) **IN GENERAL.**—When a State proceeds to construct any project on the Federal-aid primary system or the Interstate System without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon approval of application of the State, is authorized to pay to the State the Federal share of the cost of construction of the project when additional funds are apportioned to the State under section 104(b)(1) or 104(b)(5), as the case may be, if—

“(A) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects, and

“(B) the project conforms to the applicable standards under section 109 of this title.”

(c) **LIMITATION FOR FISCAL YEARS 1987-1990.**—Such section 115 is further amended by adding at the end the following new subsection:

“(d) **LIMITATION ON ADVANCED FUNDING FOR FISCAL YEARS 1987-1990.**—The Secretary may not approve an application of a State under this section with respect to a project with funds apportioned, or currently authorized to be apportioned, under section 103(e)(4)(H), 104, 130, 144, 152, or 307 if the amount of approved applications with respect to such projects exceeds the total of unobligated funds apportioned or allocated to the State under such section, plus such State’s expected apportionment under such section from existing authorizations plus an amount equal to such State’s expected apportionment under such section (other than section 104(b)(5)(A)) for one additional fiscal year. This subsection shall only be effective during the period beginning January 1, 1987, and ending September 30, 1990.”

(d) **CONFORMING AMENDMENTS.**—(1) Such section 115 is amended—

(A) by striking out the heading for such section and inserting in lieu thereof the following:

**“§115. Advance construction”;**

(B) in subsection (b)(2) by inserting “BOND INTEREST FOR PROJECTS UNDER CONSTRUCTION ON JANUARY 1, 1983.—” after “(2)”;

(C) in subsection (b)(3) by inserting “BOND INTEREST.—” after “(3)”; and

(D) in subsection (b) by aligning paragraphs (2) and (3) with paragraph (1), as amended by subsection (b) of this section;

(E) in subsection (c) by inserting “COMPLETION OF PROJECTS.—” after “(c)”; and

(F) in subsection (c) by striking out “or 144” and inserting in lieu thereof “134, 144, 152, or 307”.

(2) The analysis for chapter 1 of such title 23 is amended by striking out the item relating to section 115 and inserting in lieu thereof the following:

“115. Advance construction.”

**SEC. 114. INTERSTATE DISCRETIONARY FUNDS.**

(a) CONSTRUCTION FUNDS; ADDITIONAL PRIORITY PROJECT.—Paragraph (2) of section 118(b) of title 23, United States Code, is amended to read as follows:

“(2) INTERSTATE CONSTRUCTION FUNDS.—

“(A) PERIOD OF AVAILABILITY.—

“(i) APPORTIONMENTS BEFORE OCTOBER 1, 1989.—Except as otherwise provided in this subsection, sums apportioned before October 1, 1989, for the Interstate System in any State shall remain available for expenditure in the State until the end of the fiscal year for which authorized. Upon request of the State, the Secretary shall reduce the period of availability of such sums by one fiscal year.

“(ii) APPORTIONMENTS THEREAFTER.—Sums apportioned on or after October 1, 1989, for the Interstate System in any State shall remain available for expenditure in the State until expended.

“(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A)(i) shall lapse and, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be made available by the Secretary for projects on the Interstate System (other than projects for which sums are apportioned under section 104(b)(5)(B)) in accordance with the following priorities:

“(i) First, for—

“(I) high cost projects which directly contribute to the completion of a segment of the Interstate System which is not open to traffic; and

“(II) high cost projects for construction of high occupancy vehicle lanes and other lanes on any highway in Los Angeles County, California, designated as a part of the Interstate System by section 140 of the Federal-Aid Highway Act of 1978 and the costs of construction of which are included in the interstate cost estimate for 1985.

“(ii) Second, for projects of high cost in relation to a State’s apportionment.

“(iii) Third, for projects with respect to which the Secretary may make payments under section 115 of this title.

“(C) LIMITATION ON STATES ELIGIBLE FOR DISCRETIONARY FUNDS.—Sums may only be made available under this paragraph in any State in a fiscal year if—

“(i)(I) the Secretary determines that the State has obligated all of its apportionments under section 104(b)(5)(A) of this title other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by the State to the Secretary for approval; or

“(II) the State certifies to the Secretary that the State will obligate before August 1 of the fiscal year all of its apportionments under section 104(b)(5)(A) other than such an insufficient amount; and

“(ii) the applicant for a project with respect to which the Secretary may not make payments under section 115 of this title is willing and able to—

“(I) apply the funds to a ready-to-commence project, and

“(II) in the case of construction work, begin work within 90 days of obligation.

“(D) EXCEPTION TO LIMITATION.—The Secretary may make funds available to the State of California for construction of high occupancy vehicle and other lanes described in subparagraph (B)(i)(II) whether or not such State has met the requirements of clause (i) of subparagraph (C). Nothing in this subparagraph shall be construed to give construction of such lanes priority over projects described in subparagraph (B)(i)(I).

“(E) LIMITATION ON SECRETARY’S DISCRETION.—If, within 365 days after any sums become available for obligation under this paragraph, the Secretary does not make such sums available for first priority projects under subparagraph (B)(i) of this paragraph, the Secretary shall make such sums available for carrying out second and third priority projects under subparagraph (B).

“(F) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.”.

(b) SET ASIDE OF 4R FUNDS FOR 4R DISCRETIONARY PROJECTS.—Section 118(c) of such title is amended by inserting “SET ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—” after “(c)”, by inserting “(1) SET ASIDE FOR CONSTRUCTION PROJECTS.—” before “Before”, and by adding at the end thereof the following new paragraph:

“(2) SET ASIDE FOR 4R PROJECTS.—Before any apportionment is made under section 104(b)(5)(B) of this title, the Secretary shall set aside \$200,000,000 for obligation by the Secretary in accordance with subsection (b)(3) of this section and subject to section 149(d) of the Federal-Aid Highway Act of 1987.”.

(c) *LIMITATIONS ON STATES AND PROJECTS ELIGIBLE FOR 4R DISCRETIONARY FUNDS.*—Paragraph (3) of section 118(b) of such title is amended to read as follows:

“(3) *INTERSTATE 4R FUNDS.*—

“(A) *PERIOD OF AVAILABILITY.*—Any amount apportioned to a State for the Interstate System under section 104(b)(5)(B) of this title shall continue to be available for expenditure in the State for a period of 1 year after the close of the fiscal year for which such sums are authorized.

“(B) *DISCRETIONARY PROJECTS.*—Sums not obligated within the time period prescribed by subparagraph (A) shall lapse and, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be made available by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 119(e) of this title). Such funds shall be made available by the Secretary to any other State applying for such funds, if the Secretary determines that—

“(i) the State has obligated all of its apportionments under section 104(b)(5)(B) other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by such State to the Secretary for approval; and

“(ii) the applicant is willing and able to (I) obligate the funds within one year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation.

“(C) *PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.*—In selecting projects to fund under subparagraph (B), the Secretary shall give priority consideration to any project the cost of which exceeds \$10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

“(D) *PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.*—Sums made available pursuant to this paragraph shall remain available until expended.”

(d) *CREDIT FOR CERTAIN UNUSED RIGHT-OF-WAY.*—Notwithstanding any other provision of law, the value of unused right-of-way acquired under section 104(b)(5)(A) of title 23, United States Code, or section 118(b)(2) of such title in the State of Arizona may be credited to the unobligated balance of funds apportioned to the State under section 104(b)(5)(B) of such title if requested by the State and approved by the Secretary.

(e) *CONFORMING AMENDMENTS.*—(1) The matter preceding the first colon in section 104(b) of title 23, United States Code, is amended by inserting after “subsection (a) of this section” the following: “and the set asides authorized by subsection (f) of this section and sections 118(c) and 307(d) of this title”.

(2) Section 118 of such title is amended by striking out the heading for such section and inserting in lieu thereof the following:

**“§ 118. Availability of funds”.**

(3) Section 118(b) of such title is amended—

(A) in paragraph (1) by inserting “PERIODS OF AVAILABILITY OF FUNDS; DISCRETIONARY PROJECTS.—” before “(1)”;

(B) in paragraph (1) by inserting “PERIOD OF AVAILABILITY OF NON-INTERSTATE FUNDS.—” before “Sums”;

(C) in paragraph (4) by inserting “OBLIGATION AS EQUIVALENT TO EXPENDITURES; EFFECT OF RELEASE OF FUNDS.—” before “Sums”; and

(D) by indenting paragraph (1) and aligning such paragraph and paragraph (4) with paragraph (2), as amended by subsection (a) of this section.

(4) Section 118(c) of such title is further amended—

(A) by indenting paragraph (1), as designated by subsection (b) of this section, and aligning such paragraph with paragraph (2), as added by such subsection (b); and

(B) by striking out “Such amount” and inserting in lieu thereof “Subject to section 149(d) of the Federal-Aid Highway Act of 1987, such amount”.

(5) The analysis for chapter 1 of such title is amended by striking out the item relating to section 118 and inserting in lieu thereof the following:

“118. Availability of funds.”.

**SEC. 115. FLEXIBILITY OF USE OF HIGHWAY FUNDS.**

Section 118(f) of title 23, United States Code, relating to availability of sums apportioned to the State of Alaska, is amended by inserting “and the Commonwealth of Puerto Rico” after “the State of Alaska”.

**SEC. 116. INTERSTATE 4R PROGRAM.**

(a) TRANSFER OF INTERSTATE CONSTRUCTION APPORTIONMENTS.—Section 119(d) of title 23, United States Code, is amended to read as follows:

“(d) TRANSFER OF INTERSTATE CONSTRUCTION APPORTIONMENTS.—Upon application by a State (other than the State of Massachusetts) and approval by the Secretary, the Secretary may transfer to the apportionments to such State under section 104(b)(1) or 104(b)(5)(B) any amount of the funds apportioned to such State for any fiscal year under section 104(b)(5)(A) if such amount does not exceed the Federal share of the costs of construction of segments of the Interstate System open to traffic in such State (other than high occupancy vehicle lanes) included in the most recent interstate cost estimate. Upon transfer of such amount, the construction on which such amount is based on open-to-traffic segments of the Interstate System in such State as included in the latest interstate cost estimate shall be ineligible and shall not be included in future interstate cost estimates approved or adjusted under section 104(b)(5)(A).”.

(b) TOLL ROAD AGREEMENTS.—Section 119 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

*“(e) TOLL ROAD AGREEMENTS.—*

*“(1) REQUIREMENT.—The Secretary may approve a project pursuant to subsection (a) on a toll road only if an agreement satisfactory to the Secretary has been reached with the State highway department and each public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections.*

*“(2) TERMS.—An agreement under this subsection shall contain—*

*“(A) a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls as specified in paragraph (1) of this subsection, Federal funds used for projects on such toll road pursuant to this subsection shall be repaid to the Federal Treasury, and*

*“(B) a provision requiring that if such repayment does not equal or exceed Federal funds apportioned to a State by reason of including mileage on such toll road in an apportionment formula, the apportionment to the State shall be reduced by the amount needed to make the repayment equal the amount of such Federal apportionment.*

*“(3) TREATMENT OF SECTION 105 AGREEMENTS.—Any agreement entered into under section 105 of the Federal-Aid Highway Act of 1978 before the date of the enactment of this subsection shall be treated as an agreement entered into under this subsection.*

*“(f) TRANSFER OF FUNDS FOR PRIMARY SYSTEM PROJECTS.—*

*“(1) UPON CERTIFICATION ACCEPTANCE.—If a State certifies to the Secretary that any part of the sums apportioned to the State under section 104(b)(5)(B) of this title are in excess of the needs of the State for resurfacing, restoring, rehabilitating, or reconstructing Interstate System routes and the Secretary accepts such certification, the State may transfer such excess part to its apportionment under section 104(b)(1).*

*“(2) UNCONDITIONAL.—Notwithstanding paragraph (1), a State may transfer to its apportionment under section 104(b)(1) of this title—*

*“(A) in fiscal year 1987, an amount not to exceed 20 percent of the funds apportioned to the State under section 104(b)(5)(B) which are not obligated at the time of the transfer; and*

*“(B) in any fiscal year thereafter, an amount equal to 20 percent of the funds apportioned to the State under section 104(b)(5)(B) for such fiscal year.”*

*(c) CONFORMING AMENDMENTS.—(1) Section 119(a) of such title is amended by striking out “section 105 of the Federal-Aid Highway Act of 1978” and inserting in lieu thereof “subsection (e)”.*

*(2) Section 105 of the Federal-Aid Highway Act of 1978 is amended by striking out all that follows the first sentence.*

**SEC. 117. FEDERAL SHARE.**

(a) **CERTAIN HIGHWAY SAFETY CONSTRUCTION PROJECTS.**—Section 120(d) of title 23, United States Code, is amended by inserting after “vanpooling” the following: “or for installation of traffic signs, highway lights, guardrails, or impact attenuators”.

(b) **PRIORITY PRIMARY PROJECTS.**—Section 120 of such title is amended by redesignating the second subsection (i) and subsections (j) and (k) (and any reference thereto) as subsections (j), (k), and (l), respectively, and in subsection (k) as so redesignated by striking out “97-61” and inserting in lieu thereof “100-3”.

(c) **EMERGENCY RELIEF.**—

(1) **IN GENERAL.**—The first sentence of subsection (f) of such section is amended to read as follows: “**EMERGENCY RELIEF.**—The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title on account of any project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable on a project on such system as provided in subsections (a) and (c) of this section; except that (1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within 90 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the costs thereof; and (2) the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 percent of the cost thereof.”.

(2) **APPLICABILITY.**—The amendment made by paragraph (1) shall apply to all natural disasters and catastrophic failures which occur after the date of the enactment of this Act.

(d) **GREAT RIVER ROAD.**—Such section 120 is amended—

(1) in subsection (k), as redesignated by subsection (b), by striking out “, 148, and 155,” and inserting in lieu thereof “and 155”; and

(2) by adding at the end thereof the following new subsection:

“(m) **GREAT RIVER ROAD PROJECTS.**—Notwithstanding any other provision of this section, this title, or any other law, in any case where a State elects to use funds apportioned to it for any Federal-aid system for any project under section 148 of this title, the Federal share payable on account of such project shall be 95 percent of the cost thereof; except that if a State requests that the Federal share payable on account of such project be a percentage of the cost of such project which is less than 95 percent but not less than 75 percent, such percentage shall be the Federal share payable on account of such project.”.

(e) **INCREASED NON-FEDERAL SHARE.**—Such section 120 is further amended by adding at the end the following new subsection:

“(n) **INCREASED NON-FEDERAL SHARE.**—Notwithstanding any other provision of this title and subject to such criteria as the Secretary may establish, a State may contribute an amount in excess of the non-Federal share of a project under this title so as to decrease the Federal share payable on such project.”.

(f) **INCENTIVE PROGRAM FOR THE USE OF COAL ASH.**—Notwithstanding sections 119, 120, and 144 of title 23, United States Code, in each of fiscal years 1987, 1988, 1989, 1990, and 1991, the percentage specified in such sections as the Federal share of the cost payable on account of any highway or bridge construction project in which materials produced from coal ash are used in significant amounts shall be increased by adding 5 percent to such percentage; except that in no case shall the Federal share payable on account of any project exceed 95 percent of the cost of such project as a result of increasing such Federal share under this subsection.

**SEC. 118. EMERGENCY RELIEF.**

(a) **OBLIGATION CEILING.**—

(1) **GENERAL RULE.**—Section 125(b) of title 23, United States Code, is amended by striking out “shall not exceed \$30,000,000” and all that follows through “1985) in any State.” and inserting in lieu thereof “in a State shall not exceed \$100,000,000.”

(2) **RETROACTIVE APPLICABILITY.**—The amendment made by paragraph (1) shall apply with respect to natural disasters and catastrophic failures occurring after December 31, 1985.

(b) **TERRITORIES.**—

(1) **TREATED AS STATES.**—Section 125 of such title is amended by adding at the end thereof the following new subsection:

“(d) **TREATMENT OF TERRITORIES.**—For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.”

(2) **LIMITATION ON OBLIGATIONS.**—The first sentence of subsection (b) of such section 125 is amended by inserting “(1)” before “obligations” and by inserting before the period at the end the following: “; and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed \$5,000,000”.

(3) **EFFECTIVE DATE.**—The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act.

**SEC. 119. VEHICLE WEIGHT.**

(a) **EXCEPTION TO GENERAL VEHICLE WEIGHT RULE.**—The second sentence of subsection (a) of section 127 of title 23, United States Code (relating to vehicle weight limitations for the Interstate system), is amended—

(1) by inserting “(1)” before “is thirty-six feet or more”;

(2) by inserting after “thirty-six feet or more” the following: “; or (2) in the case of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container before September 1, 1988, is 30 feet or more”; and

(3) by inserting after “except in the case of the overall gross weight of any group of two or more consecutive axles” the following: “on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container on or after September 1, 1988)”.

(b) **WITHHOLDING OF FUNDS.**—Subsection (a) of such section 127 is amended by striking out “lapse.” and inserting in lieu thereof the following: “lapse if not released and obligated within the availability period specified in section 118(b)(1) of this title.”

(c) **OCEAN TRANSPORT CONTAINER DEFINED.**—Such section 127 is amended by adding at the end thereof the following new subsection:

“(c) **OCEAN TRANSPORT CONTAINER DEFINED.**—For purposes of this section, the term ‘ocean transport container’ has the meaning given the term ‘freight container’ by the International Standards Organization in Series 1, *Freight Containers*, 3rd Edition (reference number IS0668-1979(E)) as in effect on the date of the enactment of this subsection.”

(d) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsection (a) by inserting “**IN GENERAL.**—” before “No funds”; and

(2) in subsection (b) by inserting “**REASONABLE ACCESS.**—” before “No State”.

#### SEC. 120. TOLL FACILITIES.

(a) **PILOT PROGRAM.**—Section 129 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

“(j) **PILOT PROGRAM.**—

“(1) **AUTHORIZATION FOR FEDERAL PARTICIPATION.**—Subject to the provisions of this subsection, the Secretary shall establish a pilot program which permits Federal participation in 7 toll facilities on the same basis and in the same manner as in the construction of free highways under this chapter.

“(2) **LIMITATION ON TYPES OF FACILITIES.**—The Secretary may only permit Federal participation under this subsection in the following type of facilities:

“(A) The construction of a new toll highway, bridge, or tunnel (other than a highway on the Interstate System).

“(B) The reconstruction of an existing highway, bridge, or tunnel to expand its capacity (other than a highway, bridge, or tunnel on the Interstate System).

“(3) **LIMITATION ON NUMBER OF FACILITIES.**—The Secretary may only permit Federal participation under this subsection in 7 facilities. One of such facilities shall be carried out in each of the following: Orange County, California, the State of Texas, the State of Pennsylvania, the State of Florida, and the State of South Carolina. The locations of the other 2 facilities shall be at the discretion of the Secretary; except that not more than 2 facilities carried out under this subsection may be located in a State. The Governor of the State of Pennsylvania shall select the facility to be carried out in such State.

“(4) **LIMITATION ON FEDERAL SHARE.**—Notwithstanding any other provision of law, the Federal share payable for the construction or reconstruction of a toll highway, bridge, or tunnel under this subsection shall not exceed 35 percent.

“(5) **PUBLIC OWNERSHIP REQUIREMENT.**—Each highway, bridge, tunnel, or approach thereto under this subsection must be publicly owned and operated; except that, under this subsec-

tion, Federal funds may participate in the approaches to a toll highway, toll bridge, or toll tunnel whether the highway, bridge, or tunnel is to be or has been constructed by a State or other public authority.

“(6) **LIMITATIONS ON USE OF REVENUES.**—Before the Secretary may permit Federal participation under this subsection in a State, the State highway department must enter into an agreement with the Secretary which provides that all toll revenues received from operation of the tolled facility constructed or reconstructed under this subsection will be used only on the tolled facility, and only for construction or reconstruction costs, or for the costs necessary for the proper operation, maintenance, and debt service of the tolled facility, including resurfacing, reconstruction, rehabilitation, and restoration.

“(7) **LIMITATION ON FEDERAL PARTICIPATION TO ORIGINAL CONSTRUCTION.**—Except for reconstruction to expand capacity, toll facilities may receive Federal participation under this chapter only once for the original construction or reconstruction of the facility.

“(8) **EFFECT ON APPORTIONMENT.**—Toll mileage constructed or reconstructed under this subsection shall not be used to increase a State’s apportionment under any apportionment formula.

“(9) **NEW TOLL HIGHWAY DEFINED.**—For purposes of this subsection, the term ‘new toll highway, bridge, or tunnel’ shall mean initial construction of a highway, bridge, or tunnel on a new location at any time before it is open to traffic and shall not include any improvements to a toll highway, bridge, or tunnel after it is open to traffic.”

(b) **BIENNIAL CERTIFICATION.**—Such section 129 is amended by adding at the end the following new subsection:

“(k) **BIENNIAL CERTIFICATION.**—

“(1) **TO GOVERNOR.**—Each operator of toll roads, toll tunnels, toll ferries, and toll bridges (other than an international toll facility or toll facility subject to an agreement under this section or section 119(e) of this title) on a Federal-aid system in a State shall biennially certify to the Governor of the State that such facilities are adequately maintained and that the operator of such toll facility has the ability to fund the replacement or repair of any such facilities that are not adequately maintained without using Federal-aid highway funds. Failure to certify shall preclude Federal funding out of the Highway Trust Fund of any facilities owned or operated by the operator of such toll facility.

“(2) **REPORT TO SECRETARY.**—The Governor of each State shall report biennially to the Secretary on the toll facilities subject to paragraph (1) of this subsection with respect to which a certification has been made in accordance with paragraph (1) and those with respect to which such a certification has not been made. If funds from the Highway Trust Fund are used to repair or replace toll facilities with respect to which such a certification has or has not been made, the apportionments to such State for the following fiscal year under section 104 of this title shall be reduced by the amount of Highway Trust Fund moneys expended on such facilities; except that such reduction shall not

be made if the State has executed under this section or section 119(e) of this title an agreement with the Secretary covering such toll facilities.”

(c) VOIDING OF CERTAIN AGREEMENTS.—

(1) WEST VIRGINIA AND KANSAS TURNPIKES AND FORT MCHENRY TUNNEL.—Upon the request of the appropriate State highway department of the West Virginia Turnpike (I-77 in the State of West Virginia), the Fort McHenry Tunnel, Maryland, and the Kansas Turnpike, Kansas, and upon such such department entering into an agreement with the Secretary that toll revenues from operation of the tolled facility will be used only on such facility for construction and reconstruction costs and for the costs necessary for the proper operation and debt service of such facility (including resurfacing, reconstruction, rehabilitation, and restoration), the Secretary may void any agreement entered into with such department with respect to such facility before the date of the enactment of this subsection under section 129(a), 129(d), or 129(e) of title 23, United States Code.

(2) NEWBURGH-BEACON BRIDGE.—Upon the request of the New York State Bridge Authority with respect to the Newburgh-Beacon Bridge and upon such Authority entering into an agreement with the Secretary that toll revenues from operation of such bridge will be used only on facilities subject to the jurisdiction of such Authority for construction and reconstruction costs and the costs necessary for the proper operation and debt service of such bridge (including resurfacing, reconstruction, rehabilitation, and restoration), the Secretary may void any agreement entered into with such operator with respect to such bridge before the date of the enactment of this subsection under section 129(a), 129(d), or 129(e) of title 23, United States Code.

(d) EXTENSION OF TOLLS TO FINANCE CERTAIN INELIGIBLE CONSTRUCTION EXPENSES.—Notwithstanding section 129(e) of title 23, United States Code, upon request of the State of Florida, the Secretary shall modify the agreement entered into with the highway department of such State under such section to permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of a project on the toll road which is subject to such agreement if such feature is a feature which the Secretary does not permit Federal participation with funds apportioned under section 104(b)(5)(A) of such title and which is recommended to be included as a part of the project by the final environmental impact statement with respect to such project.

SEC. 121. RAILWAY-HIGHWAY CROSSINGS.

(a) IN GENERAL.—Section 130 of title 23, United States Code, is amended by adding at the end the following new subsections:

“(d) SURVEY AND SCHEDULE OF PROJECTS.—Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railway-highway crossings.

“(e) FUNDS FOR PROTECTIVE DEVICES.—At least  $\frac{1}{2}$  of the funds authorized for and expended under this section shall be available for

the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated to carry out this section shall be available for obligation in the same manner as funds apportioned under section 104(b)(1) of this title.

“(f) **APPORTIONMENT.**—25 percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in the same manner as sums are apportioned under section 104(b)(2) of this title, 25 percent of such funds shall be apportioned to the States in the same manner as sums are apportioned under section 104(b)(6) of this title, and 50 percent of such funds shall be apportioned to the States in the ratio that total railway-highway crossings in each State bears to the total of such crossings in all States. The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.

“(g) **ANNUAL REPORT.**—Each State shall report to the Secretary not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than April 1 of each year, on the progress being made by the State in implementing projects to improve railway-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and include recommendations for future implementation of the railroad highway crossings program.

“(h) **USE OF FUNDS FOR MATCHING.**—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.”

(b) **CONFORMING AMENDMENT.**—Section 203 of the Highway Safety Act of 1973 is repealed.

#### **SEC. 122. INDIAN EMPLOYMENT AND CONTRACTING.**

Section 140 of title 23, United States Code, is amended by adding at the end the following:

“(d) **INDIAN EMPLOYMENT AND CONTRACTING.**—Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. The Secretary shall cooperate with Indian tribal governments and the States to implement this subsection.”

**SEC. 123. BRIDGE PROGRAM.**

(a) **DISCRETIONARY PROGRAM.**—Section 144(g) of title 23, United States Code, is amended to read as follows:

“(g) **SET ASIDES.**—

“(1) **DISCRETIONARY BRIDGE PROGRAM.**—Of the amount authorized per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 by section 106(a)(5) of the Federal-Aid Highway Act of 1987, all but \$225,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. \$225,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such \$225,000,000 shall, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be at the discretion of the Secretary.

“(2) **ELIGIBLE DISCRETIONARY PROJECTS.**—Subject to section 149(d) of the Federal-Aid Highway Act of 1987, amounts made available by paragraph (1) for obligation at the discretion of the Secretary may be obligated only—

“(A) for a project for a highway bridge the replacement or rehabilitation cost of which is more than \$10,000,000, and

“(B) for a project for a highway bridge the replacement or rehabilitation cost of which is less than \$10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) for the fiscal year in which application is made for a grant for such bridge.

“(3) **OFF-SYSTEM BRIDGES.**—Not less than 15 percent nor more than 35 percent of the amount apportioned to each State in each of fiscal years 1987, 1988, 1989, 1990, and 1991, shall be expended for projects to replace or rehabilitate highway bridges located on public roads, other than those on a Federal-aid system. The Secretary after consultation with the State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal-aid system when the Secretary determines that such State has inadequate needs to justify such expenditure.”

(b) **APPLICABILITY OF THE GENERAL BRIDGE ACT OF 1948.**—Section 144(h) of such title is amended—

(1) by striking out “which are not subject to the ebb and flow of the tide, and” and inserting in lieu thereof “(1)”; and

(2) by striking out the period at the end thereof and inserting in lieu thereof “, and (2) which are (a) not tidal, or (b) if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet in length.”

(c) **INVENTORIES AND REPORTS.**—Section 144(i) of such title is amended to read as follows:

“(i) **INVENTORIES AND REPORTS.**—The Secretary shall—

“(1) report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on projects approved under this section;

“(2) annually revise the current inventories authorized by subsections (b) and (c) of this section;

“(3) report to such committees on such inventories; and

“(4) report to such committees such recommendations as the Secretary may have for improvements of the program authorized by this section.

Such reports shall be submitted to such committees biennially at the same time as the report required by section 307(e) of this title is submitted to Congress.”

(d) **BRIDGES TO REPLACE DESTROYED BRIDGES AND FERRYBOAT SERVICE.**—

(1) **IN GENERAL.**—Section 144 of such title is amended by redesignating subsection (m), and any references thereto, as subsection (p) and by inserting after subsection (l) the following new subsection:

“(m) **REPLACEMENT OF DESTROYED BRIDGES AND FERRYBOAT SERVICE.**—

“(1) **GENERAL RULE.**—Notwithstanding any other provision of this section or of any other provision of law, a State may utilize any of the funds provided under this section to construct any bridge which—

“(A) replaces any low water crossing (regardless of the length of such low water crossing),

“(B) replaces any bridge which was destroyed prior to 1965,

“(C) replaces any ferry which was in existence on January 1, 1984, or

“(D) replaces any road bridges rendered obsolete as a result of United States Corps of Engineers flood control or channelization projects and not rebuilt with funds from the United States Corps of Engineers.

“(2) **FEDERAL SHARE.**—The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of such construction.”

(2) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to funds apportioned to the States under section 144 of title 23, United States Code, after September 30, 1986.

(3) **CONFORMING MODIFICATION OF APPORTIONMENT FORMULA.**—Subsection (e) of such section is amended by inserting after the third sentence the following new sentence: “For purposes of the preceding sentence, the total cost of deficient bridges in a State and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services.”

(e) **OFF-SYSTEM BRIDGE PROGRAM.**—Such section 144 is further amended by inserting after subsection (l) the following new subsection:

“(n) **OFF-SYSTEM BRIDGE PROGRAM.**—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid system for the replacement of a bridge or rehabilitation of a bridge which is wholly funded from State and local sources, is eligible for Federal funds under this section, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by

the Secretary upon completion to be no longer a deficient bridge, any amount expended after the date of the enactment of this subsection from State and local sources for such project in excess of 20 percent of the cost of construction thereof may be credited to the non-Federal share of the cost of the projects in such State which are eligible for Federal funds under this section. Such crediting shall be in accordance with such procedures as the Secretary may establish.”

(f) *HISTORIC BRIDGES.*—

(1) *FINDINGS.*—Congress hereby finds and declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture. Historic bridges are important links to our past, serve as safe and vital transportation routes in the present, and can represent significant resources for the future.

(2) *PROGRAM.*—Such section 144 is further amended by inserting after subsection (l) the following new subsection:

“(o) *HISTORIC BRIDGE PROGRAM.*—

“(1) *COORDINATION.*—The Secretary shall, in cooperation with the States, implement the programs described in this section in a manner that encourages the inventory, retention, rehabilitation, adaptive reuse, and future study of historic bridges.

“(2) *STATE INVENTORY.*—The Secretary shall require each State to complete an inventory of all bridges on and off the Federal-aid system to determine their historic significance.

“(3) *ELIGIBILITY.*—Reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of historic bridges shall be eligible as reimbursable project costs under this title (including this section) if the load capacity and safety features of the bridge are adequate to serve the intended use for the life of the bridge; except that in the case of a bridge which is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this subsection shall not exceed the estimated cost of demolition of such bridge.

“(4) *PRESERVATION.*—Any State which proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the bridge available for donation to a State, locality, or responsible private entity if such State, locality, or responsible entity enters into an agreement to—

“(A) maintain the bridge and the features that give it its historic significance; and

“(B) assume all future legal and financial responsibility for the bridge, which may include an agreement to hold the State highway agency harmless in any liability action.

Costs incurred by the State to preserve the historic bridge, including funds made available to the State, locality, or private entity to enable it to accept the bridge, shall be eligible as reimbursable project costs under this chapter up to an amount not to exceed the cost of demolition. Any bridge preserved pursuant to this paragraph shall thereafter not be eligible for any other funds authorized pursuant to title.

“(5) **HISTORIC BRIDGE DEFINED.**—As used in this subsection, ‘historic bridge’ means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.”.

(3) **STUDY.**—

(A) **TRANSPORTATION RESEARCH BOARD.**—The Secretary shall make appropriate arrangements with the Transportation Research Board of the National Academy of Sciences to carry out a study on the effects of the bridge program conducted under section 144 of title 23, United States Code, on the preservation and rehabilitation of historic bridges. The Transportation Research Board shall also develop recommendations of specific standards which shall apply only to the rehabilitation of historic bridges, and shall provide an analysis of any other factors which would serve to enhance the rehabilitation of historic bridges.

(B) **REPORT.**—Not later than 1 year after entering into appropriate arrangements under subparagraph (A), the Transportation Research Board shall submit to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subparagraph (A) and on the recommendations developed pursuant to subparagraph (A).

(g) **STATE MATCHING SHARE.**—The State or local governmental matching share for the Calder bridge project being constructed under title 23, United States Code, across the St. Joe River, 19 miles east of St. Maries, Idaho, including approaches—

(1) may be credited by the fair market value of land incorporated into the project if the land is in addition to existing public right-of-way and is donated to the State or local government;

(2) may be credited by the fair market value of construction on the project performed by or donated to the State or local government; and

(3) may be credited by the fair market value of preliminary engineering and the preparation of an environmental impact statement performed by or donated to the State or local government;

before, on, or after the date of the enactment of this Act.

(h) **DISCRETIONARY BRIDGE CRITERIA.**—Section 161 of the Highway Improvement Act of 1982 (23 U.S.C. 144 note) is amended by inserting before the period at the end of the second sentence “, including a bridge replacement of which was partially funded under the Supplemental Appropriations Act, 1983 (97 Stat. 341)”.

(i) **JAMESTOWN BRIDGE.**—Federal-aid highway funds may be expended on the Jamestown Bridge project connecting the mainland of Rhode Island with the Island of Jamestown only—

(1) if the bridge meets all requirements and standards of title 23, United States Code, and any other applicable Federal law; and

(2) if the railing of the bridge—

(A) is designed to provide motorists with a view of the surrounding natural areas comparable to the view provided by the Newport Bridge in Rhode Island;

(B) has been proven to be crash worthy through full scale testing in accordance with currently accepted test criteria.

**SEC. 124. MINIMUM ALLOCATION.**

(a) **PLANNING AS A FUNDABLE ITEM; TREATMENT OF WITHHELD APPORTIONMENTS.**—Section 157 of title 23, United States Code, is amended by redesignating subsection (c), and any references thereto, as subsection (e) and by inserting after subsection (b) the following new subsections:

“(c) **LIMITATION ON PLANNING EXPENDITURES.**—One-half of 1 percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of this title (relating to transportation planning). 1 and ½ percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of this title (relating to transportation planning and research).

“(d) **TREATMENT OF WITHHELD APPORTIONMENTS.**—For purposes of subsection (a), any funds which, but for section 154(f) or 158(a) of this title or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State in a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in such year.”

(b) **PROGRAM FOR FISCAL YEARS 1987 AND THEREAFTER.**—Section 157(a) of title 23, United States Code, is amended by inserting “(1) **FISCAL YEARS 1984–1987.**—” before “In the fiscal year” and by adding at the end thereof the following new paragraphs:

“(2) **FISCAL YEARS 1987 AND 1988.**—In fiscal years 1987 and 1988, on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State’s percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs (except allocations for emergency relief in accordance with section 125 of this title, the Interstate construction discretionary program in accordance with section 118(b)(2) of this title, forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 406, and 408 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982) shall not be less than 85 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

“(3) **THEREAFTER.**—

“(A) **GENERAL RULE.**—In fiscal year 1989 and each fiscal year thereafter, on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts

sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs (except allocations for forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 406, and 408 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982) shall not be less than 85 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

“(B) EXCEPTION FOR FISCAL YEAR 1989.—Notwithstanding subparagraph (A), the amount allocated to the State of California under this paragraph in fiscal year 1989 shall be the amount which would be allocated to such State under this subsection if paragraph (2) were in effect for such fiscal year.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Subsection (e) of such section 157, as redesignated by subsection (a) of this section, is amended by striking out “September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986” and inserting in lieu thereof “on or after September 30, 1983”.

(e) CONFORMING AMENDMENTS.—Subsection (a) of such section 157 is amended—

(1) by indenting and aligning paragraph (1), as designated by subsection (b) of this section, with paragraphs (2) and (3), as added by such subsection (b); and

(2) by inserting “GENERAL RULES.—” after “(a)”.

#### SEC. 125. NATIONAL BRIDGE INSPECTION PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking out section 151 (relating to pavement marking demonstration program) and inserting in lieu thereof the following:

##### “§ 151. National bridge inspection program

“(a) NATIONAL BRIDGE INSPECTION STANDARDS.—The Secretary, in consultation with the State highway departments and interested and knowledgeable private organizations and individuals, shall establish national bridge inspection standards for the proper safety inspection and evaluation of all highway bridges.

“(b) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS.—The standards established under subsection (a) shall, at a minimum—

“(1) specify, in detail, the method by which such inspections shall be carried out by the States;

“(2) establish the maximum time period between inspections;

“(3) establish the qualification for those charged with carrying out the inspections;

“(4) require each State to maintain and make available to the Secretary upon request—

“(A) written reports on the results of highway bridge inspections together with notations of any action taken pursuant to the findings of such inspections; and

“(B) current inventory data for all highway bridges reflecting the findings of the most recent highway bridge inspections conducted; and

“(5) establish a procedure for national certification of highway bridge inspectors.

“(c) **TRAINING PROGRAM FOR BRIDGE INSPECTORS.**—The Secretary, in cooperation with the State highway departments, shall establish a program designed to train appropriate governmental employees to carry out highway bridge inspections. Such training program shall be revised from time to time to take into account new and improved techniques.

“(d) **AVAILABILITY OF FUNDS.**—To carry out this section, the Secretary may use funds made available pursuant to the provisions of section 104(a), section 307(a), and section 144 of this title.”.

(b) **CONFORMING AMENDMENTS.**—(1) The analysis for chapter 1 of such title is amended by striking out the item relating to section 151 and inserting in lieu thereof the following:

“151. National bridge inspection program.”.

(2) Section 116 of such title (relating to highway maintenance) is amended by striking out subsections (d) and (e).

#### **SEC. 126. INCOME FROM AIRSPACE RIGHTS-OF-WAY.**

(a) **REQUIREMENT.**—Chapter 1 of title 23, United States Code, is amended by striking out section 156 (relating to highways crossing Federal projects) and inserting in lieu thereof the following:

##### **“§ 156. Income from airspace rights-of-way**

“States shall charge, as a minimum, fair market value, with exceptions granted at the discretion of the Secretary for social, environmental, and economic mitigation purposes, for the sale, use, lease, or lease renewals (other than for utility use and occupancy or for transportation projects eligible for assistance under this title) of right-of-way airspace acquired as a result of a project funded in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account). This section applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State after the date of the enactment of the Federal-Aid Highway Act of 1987. The Federal share of net income from the revenues obtained by the State for sales, uses, or leases (including lease renewals) under this section shall be used by the State for projects eligible under this title.”.

(b) **CONFORMING AMENDMENT.**—The analysis for such chapter is amended by striking out the item relating to section 156 and inserting in lieu thereof the following:

“156. Income from airspace rights-of-way.”.

#### **SEC. 127. FUNDING FOR BICYCLE PROJECTS.**

The second sentence of section 217(b)(1) of title 23, United States Code, is amended by inserting “and sums apportioned or allocated

for highway substitute projects in accordance with section 103(e)(4) of this title" after "title".

**SEC. 128. STRATEGIC HIGHWAY RESEARCH PROGRAM.**

Section 307 of title 23, United States Code (relating to research and planning), is amended by redesignating subsections (d) and (e) (and any references thereto) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) **STRATEGIC HIGHWAY RESEARCH PROGRAM.**—

"(1) **ESTABLISHMENT.**—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall carry out such research, development, and technology transfer activities as the Secretary determines to be strategically important to the national highway transportation system.

"(2) **COOPERATIVE AGREEMENTS.**—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary determines are appropriate. Advance payments may be made as necessary to carry out the program under this subsection.

"(3) **PERIOD OF AVAILABILITY.**—Funds set aside to carry out this subsection shall remain available for the fiscal year in which such funds are made available and the three succeeding fiscal years.

"(4) **SET ASIDE.**—As soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987 in fiscal year 1987 and on October 1 of each of fiscal years 1988, 1989, 1990, and 1991, the Secretary shall set aside to carry out this subsection not to exceed one-quarter of 1 percent of the funds authorized to be appropriated for such fiscal year for the Federal-aid systems, for highway assistance programs under section 103(e)(4) of this title, for bridge replacement and rehabilitation under section 144 of this title, for elimination of hazards under section 152 of this title, and for elimination of hazards of railway-highway crossings under section 130 of this title. In the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of one-quarter of 1 percent) in the year next preceding the fiscal year for which such funds are authorized for such System.

"(5) **ANNUAL REPORT.**—The Secretary shall transmit a report annually beginning on January 1, 1988, to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives which provides information on the progress and research findings the program conducted under this subsection.

"(6) **LIMITATION OF REMEDIES.**—

"(A) **SAME REMEDY AS IF UNITED STATES.**—The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death

caused by any negligent or wrongful act or omission arising from activities conducted under or in connection with this subsection. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of such title.

“(B) *EXCLUSIVENESS OF REMEDY.*—The remedy referred to in subparagraph (A) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

“(C) *TREATMENT.*—Employees of the National Academy of Sciences and other individuals appointed by the President of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this subsection shall be treated as if they are employees of the Federal Government under section 2671 of title 28, United States Code, for purposes of a civil action or proceeding with respect to a claim described in subparagraph (A); and the civil action or proceeding shall proceed in the same manner as any proceeding under chapter 171 of such title, or any proceeding under chapter 171 of such title or action against the United States filed pursuant to section 1346(b) of such title, and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

“(D) *REMOVAL.*—Upon certification by the Attorney General that a civil action or proceeding with respect to a claim described in subparagraph (A) is being brought in a State court, such civil action or proceeding shall be removed from the State court without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceeding shall be deemed a tort action brought against the United States under the provisions of title 28, United States Code. For purposes of removal, the certification of the Attorney General under this subparagraph shall be conclusive.

“(E) *SOURCES OF PAYMENTS.*—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in subparagraph (A) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this subsection, and then from sums made available under section 1304 of title 31, United States Code. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28, United States Code. The Secretary may establish a reserve of funds made available to carry out this subsection for making payments under this paragraph.”

**SEC. 129. HIGHWAY PLANNING AND RESEARCH.**

Section 307(c)(1) of title 23, United States Code, is amended by inserting after "section 104 of this title" the following: "and for highway projects under section 103(e)(4)".

**SEC. 130. WILDFLOWERS.**

Section 319 of title 23, United States Code, is amended by inserting "(a) LANDSCAPE AND ROADSIDE DEVELOPMENT.—" before "The Secretary" and by adding at the end thereof the following new subsection:

"(b) PLANTING OF WILDFLOWERS.—

"(1) GENERAL RULE.—The Secretary shall require the planting of native wildflower seeds or seedlings, or both, as part of any landscaping project under this section. At least  $\frac{1}{4}$  of 1 percent of the funds expended for such landscaping project shall be used for such plantings.

"(2) WAIVER.—The requirements of this subsection may be waived by the Secretary if a State certifies that native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited or otherwise used for agricultural purposes.

"(3) GIFTS.—Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects."

**SEC. 131. NATIONAL HIGHWAY INSTITUTE.**

Subsections (b) and (c) of section 321 of title 23, United States Code, are amended to read as follows:

"(b) SET ASIDE.—Not to exceed  $\frac{1}{4}$  of 1 percent of all apportioned to a State under sections 104(b)(1) and 104(b)(5) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 75 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) FEDERAL RESPONSIBILITY.—Education and training of Federal, State, and local highway employees authorized by this section shall be provided—

"(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

"(2) in any case where such education and training are to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, individuals, and the Institute."

**SEC. 132. PROHIBITION AGAINST DISCLOSURE AND ADMISSION AS EVIDENCE OF STATE REPORTS AND SURVEYS.**

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

**"§ 409. Admission as evidence of certain reports and surveys**

"Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled for the purpose of identifying,

evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 152 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be admitted into evidence in Federal or State court or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.”

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 4 of such title is amended by adding at the end the following:

“409. Admission as evidence of certain reports and surveys.”

### **SEC. 133. HIGHWAY TECHNICAL AMENDMENTS.**

(a) **SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.**—(1) The third sentence of section 108(d) of the Surface Transportation Assistance Act of 1982 is amended by striking out “this title,” and inserting in lieu thereof “title 23, United States Code,”

(2) The second section 126 of such Act (relating to bicycle transportation) is amended by striking out “SEC. 126.” and inserting in lieu thereof “SEC. 126A.”

(3) Section 133 of such Act is amended by striking out “(a)” the first place it appears.

(4) The first sentence of section 163 of such Act is amended to read as follows: “Notwithstanding any other provision of this Act or any other law, no funds apportioned or allocated to a State for Federal-aid highways shall be obligated for a project for constructing, resurfacing, restoring, rehabilitating, or reconstructing a Federal-aid highway which has a lane designated as a carpool lane unless the use of such lane includes use by motorcycles.”

(5) The second sentence of section 163 of such Act is amended by striking out the comma and inserting in lieu thereof “and acceptance of such certification by the Secretary,”

(6) Section 165(b) of such Act is amended by inserting “or” after the semicolon at the end of clause (3).

(7) Section 411(d) of such Act (relating to length limitations) is amended by inserting “and boat” after “automobile”.

(b) **TITLE 23.**—(1) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) in the item relating to section 127 by striking out “and width”, and

(B) by striking out the item relating to section 146 and inserting in lieu thereof:

“146. Carpool and vanpool projects.”

(2) The fifth undesignated paragraph of section 101(a) of such title is amended by striking out “forest or trail” and inserting in lieu thereof “forest road or trail”.

(3) Section 101(a) of such title is amended by striking out the thirteenth undesignated paragraph (relating to the definition of “park road”) and inserting in lieu thereof the following:

“The term ‘park road’ means a public road that is located within, or provides access to, an area in the national park system with title and maintenance responsibilities vested in the United States.”

(4) Section 106(c) of such title is amended by striking out "10 per centum" and inserting in lieu thereof "15 percent" and by striking out the second sentence.

(5) Section 113 of such title is amended by striking out "August 30, 1935" and inserting in lieu thereof "March 3, 1931" and by striking out "267a" and inserting in lieu thereof "276a".

(6) Section 121(d) of such title is amended by striking out "10 per centum" and inserting in lieu thereof "15 percent" and by striking out the third sentence.

(7) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(8) Section 123(a) of such title is amended by striking out "the Federal-aid primary or secondary" and all that follows through "urban areas," and inserting in lieu thereof "any Federal-aid system,".

(9)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors" each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(10) The third sentence of section 138 of such title is amended by inserting before "which requires" the following: "(other than any project for a park road or parkway under section 204 of this title)".

(11) Section 144(e) of such title is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(12) Section 152(g) of such title is amended by striking out "the Congress" and inserting in lieu thereof "the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives".

(13) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(14) Section 204(e) of such title is amended by striking out "of 1975".

(15) Section 210(g) of such title is amended by striking out "Commerce" and inserting in lieu thereof "Transportation".

(16) The first sentence of section 215(a) of such title is amended by striking out "and American Samoa" and inserting in lieu thereof "American Samoa, and the Commonwealth of the Northern Mariana Islands".

(17) Section 307(f) of such title, as redesignated by section 128 of this Act, is amended by striking out "the Congress" and inserting in lieu thereof "the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives".

(18) Section 315 of such title is amended by striking out "204(d), 205(a), 207(b), and 208(c)" and inserting in lieu thereof "204(f) and 205(a)".

(19) Section 401 of such title is amended by striking out "and American Samoa." and inserting in lieu thereof "American Samoa, and the Commonwealth of the Northern Mariana Islands."

(20) Section 402(c) of such title is amended—

(A) by striking out "For the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, such funds shall be apportioned 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion may deem appropriate and thereafter such" and inserting in lieu thereof "Such",

(B) by striking out "and American Samoa" and inserting in lieu thereof "American Samoa, and the Commonwealth of the Northern Mariana Islands"; and

(C) by striking out "After December 31, 1969, the" and inserting in lieu thereof "The".

(c) MISCELLANEOUS.—(1) Section 104(i)(4)(D) of the Marine Protection, Research, and Sanctuaries Act of 1972, as added by section 424 of the Surface Transportation Assistance Act of 1982, is amended by inserting "to \_\_\_\_\_" after "grant a permit".

(2) Section 12019(5) of the Commercial Motor Vehicle Safety Act of 1986 is amended—

(A) by striking out "and"; and

(B) by inserting "or" before "semitrailer operated".

(3) Section 163(o) of the Federal-Aid Highway Act of 1973 is amended to read as follows:

"(o) REPORTS.—The Secretary of Transportation shall make biennial reports and a final report to the President, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives with respect to activities pursuant to this section."

(4) Section 123(c) of the Federal-Aid Highway Act of 1978 is amended by striking "Congress" and inserting in lieu thereof "the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives".

(d) PARK ROADS.—Section 303(c) of title 49, United States Code, is amended by inserting before "requiring the use" the following: "(other than any project for a park road or parkway under section 204 of title 23)".

(e) REPEAL OF OUTDATED PROVISIONS.—

(1) TITLE 23.—The following sections of title 23, United States Code, and the items in the analysis for chapters 2 and 3 of such title relating to such sections are repealed: 211 (relating to timber access road hearings), 213 (relating to Rama Road), 219 (relating to safer off-system roads), and 322 (relating to demonstration project—rail crossings).

(2) OTHER HIGHWAY LAWS.—Section 119 of the Federal-Aid Highway Amendments of 1974 (relating to bikeway demonstration program) and section 141 of the Federal-Aid Highway Act of 1978 (relating to bicycle program) are repealed.

(f) *ALTERNATIVE ROUTE.*—The authorization of that portion of the Interstate System in Mobile County, Alabama, designated as I-210, connecting I-65 and I-10 in the vicinity of Prichard-Mobile, Alabama, authorized by the Department of Transportation and Related Agencies Appropriation Act, 1981, shall include, as an alternative, authorization to construct an interstate spur commencing at I-65 in the area of Prichard, Alabama, and terminating in the vicinity of downtown Mobile, Alabama. The total mileage of such spur shall not exceed 6.25 miles. In no case shall the eligible cost of construction of the spur exceed the eligible cost of the originally authorized route if it had been constructed.

#### SEC. 134. FOREST HIGHWAYS.

Notwithstanding section 202(a) of title 23, United States Code, the Secretary shall, after making the transfer provided by section 204(g) of such title, as soon as practicable after the date of the enactment of this Act in fiscal year 1987 and on October 1 of each of fiscal years 1988, 1989, and 1990, allocate 66 percent of the remainder of the authorization for forest highways provided for such fiscal year by this Act in the same percentage as the amounts allocated for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted (1) to eliminate the 0.003,243,547 percent for the State of Iowa to the State by deed executed May 26, 1964, and (2) to redistribute the percentage formerly apportioned to the State of Iowa to other participating States on a proportional basis. The remaining funds authorized to be appropriated for forest highways for such fiscal year shall be allocated pursuant to section 202(a) of such title.

#### SEC. 135. REGULATION OF TOLLS.

(a) Section 4 of the Act of March 23, 1906 (34 Stat. 85; 33 U.S.C. 494), commonly known as the "Bridge Act of 1906", is amended by striking out the last sentence.

(b) Section 17 of the Act of June 10, 1930 (46 Stat. 552; 33 U.S.C. 498a), is repealed.

(c) The Act entitled "An Act to provide for the regulations of tolls over certain bridges", approved June 27, 1930 (46 Stat. 821; 33 U.S.C. 498b), is repealed.

(d) Sections 1 through 5 of the Act of August 21, 1935 (49 Stat. 670; 33 U.S.C. 503-507) are repealed.

(e) Sections 503 and 506 of the General Bridge Act of 1946 (60 Stat. 847, 848; 33 U.S.C. 526, 529) are repealed.

(f) Section 133 of Public Law 93-87 (87 Stat. 267; 33 U.S.C. 526a) is repealed.

(g) Section 6 of the International Bridge Act of 1972 (86 Stat. 732; 33 U.S.C. 535d) is repealed.

(h) Section 6(g)(4) of the Department of Transportation Act (80 Stat. 937; 49 U.S.C. App. 1655(g)(4)) is repealed.

(i) Tolls for passage or transit over any bridge constructed under the authority of the Act of March 23, 1906 (34 Stat. 84; 33 U.S.C. 491-498), commonly known as the "Bridge Act of 1906", the General Bridge Act of 1946, and the International Bridge Act of 1972 shall be just and reasonable.

**SEC. 136. IMPLEMENTATION OF CERTAIN ORDERS.**

*In implementing any order issued by the President which provides for or requires a percentage reduction in new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, spending authority, or obligation limitations for the Federal-aid highway, mass transit and highway safety programs and with respect to which the budget account activity as identified in the program and financing schedule contained in the Appendix to the Budget of the United States Government for such programs includes more than one specific highway, mass transit, or highway safety program or project for which budget authority is provided by this Act or an amendment made by this Act, the Secretary shall apply the percentage reduction equally to each such specific program or project.*

**SEC. 137. COMBINED ROAD PLAN DEMONSTRATION PROGRAM.**

*(a) PROGRAM.—The Secretary, in cooperation with up to 5 States, shall conduct a combined road plan demonstration to test the feasibility of approaches for combining, streamlining, and increasing the flexibility in the administration of the Federal-aid secondary program, Federal-aid urban program, and the off-system bridge, urban bridge, and secondary bridge programs. The demonstration shall place as much responsibility as feasible with State and local governments. Notwithstanding any provision of title 23, United States Code, the Secretary may—*

*(1) grant design exceptions and permit construction without final inspection; and*

*(2) permit the use of Federal-aid secondary, Federal-aid urban, and bridge funds for Federal-aid secondary projects, Federal-aid urban projects, and bridge projects on the secondary and urban systems and off-system bridge projects.*

*(b) REPORT.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives—*

*(1) an interim report on the program being carried out under this section within 3 years after the date of the enactment of this Act; and*

*(2) a final report evaluating the effectiveness of the demonstration program and making needed recommendations as soon as practicable after completion of the demonstration under this section.*

**SEC. 138. PROJECT ELIGIBILITY.**

*Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by adding at the end thereof the following: "Notwithstanding the fifth sentence of this subsection, the costs of a project which will upgrade an interstate route and will complete a gap on the Interstate System providing access to an international airport and which was described as the preferred alternative in a final environmental impact statement submitted to the Secretary of Transportation on September 30, 1983, shall be eligible for funds authorized by this subsection as if such costs were included in the 1981 interstate cost estimate and shall be included as eligible costs in any future interstate cost estimate, except that (1) such costs may be further developed in the design and environmental process under normal Feder-*

*al-aid interstate procedures, and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street."*

**SEC. 139. ELIGIBILITY OF PARK AND RIDE FACILITIES.**

(a) *ELIGIBILITY FOR INTERSTATE CONSTRUCTION FUNDS.*—Notwithstanding any other provision of law, policy, and regulation and any interpretation thereof, construction in the vicinity of Fort Lauderdale, Florida, of 4 park and ride facilities and direct access connectors between such facilities and high occupancy vehicle lanes being constructed on a north-south interstate route which connects Miami and Jacksonville, Florida, shall be eligible for funds (not to exceed \$84,000,000) authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and is included as an eligible project in the 1985 interstate cost estimate, and the cost of such construction not to exceed \$84,000,000 shall be included in any future interstate cost estimate. The Secretary shall enter into project agreements consistent with the provisions of title 23 of the United States Code for construction of such facilities and connectors.

(b) *SIZE OF FACILITIES.*—The size of each park and ride facility constructed pursuant to subsection (a) shall be sufficient to accommodate commuter demand anticipated 20 years after the date on which construction of such facility is approved.

(c) *ELIGIBILITY FOR 4R FUNDING.*—Notwithstanding any other provision of law, if construction of the facilities and direct access connectors described in subsection (a) costs more than \$84,000,000, the State of Florida may use funds apportioned to it under section 104(b)(5)(B) of title 23, United States Code, to complete construction of such facilities and connectors.

**SEC. 140. PLANNING, DESIGN, AND CONSTRUCTION.**

Notwithstanding any other provision of law, the State of Arkansas may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning, design, and construction from Interstate Route I-40 to the boundary between Arkansas and Missouri of a two-lane north-south highway which is on the Federal-aid primary system in Arkansas and passes through an urbanized area.

**SEC. 141. TRANSFER OF INTERSTATE LANES.**

(a) *ELIGIBILITY OF INTERSTATE LANE PROJECT.*—Any project to construct eligible interstate lanes, as defined in subsection (f), shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and shall be included as an eligible project in any future interstate cost estimate unless the costs of such project are made not eligible for such funds by subsection (c).

(b) *APPROVAL OF SUBSTITUTE TRANSIT PROJECT.*—Notwithstanding any other provision of law, upon the joint request of the Governor of the State of California and the local governments concerned, the Secretary may approve a substitute transit project for construction of a fixed guideway system in lieu of construction of any eligible interstate lanes if such substitute project is in or adjacent to the proposed right-of-way for such lanes.

(c) *ELIGIBILITY FOR FEDERAL ASSISTANCE.*—Upon approval of any substitute transit project under subsection (b), the costs of construc-

tion of the eligible interstate lanes for which such project is substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project.

(d) *LIMITATION ON ELIGIBILITY.*—By September 30, 1989, any substitute transit project approved under subsection (b) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for any such project.

(e) *ADMINISTRATIVE PROVISIONS.*—

(1) *STATUS OF SUBSTITUTE PROJECT.*—A substitute transit project approved under subsection (b) shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)).

(2) *REDUCTION OF UNOBLIGATED INTERSTATE APPORTIONMENTS.*—Unobligated apportionments for the Interstate System in the State of California shall, on the date of approval of a substitute transit project under subsection (b), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total cost of all interstate routes in such State as reflected in the latest cost estimate approved by Congress.

(3) *ADMINISTRATION THROUGH FHWA.*—The Secretary shall administer this section through the Federal Highway Administration.

(f) *ELIGIBLE INTERSTATE LANES DEFINED.*—For purposes of this section, the term “eligible interstate lanes” means any high occupancy vehicle lanes and other lanes—

(1) which are to be constructed on any highway in Los Angeles County, California, designated as a part of the National System of Interstate and Defense Highways by section 140 of the Federal-Aid Highway Act of 1978, and

(2) the costs of construction of which are included in the interstate cost estimate for 1985.

#### **SEC. 142. SUBSTITUTE TRANSIT PROJECT IN OREGON.**

(a) *APPROVAL OF PROJECT.*—Notwithstanding any other provision of law, upon the joint request of the Governor of the State of Oregon and the local governments concerned, the Secretary may approve a substitute transit project for construction of a light rail transit system in lieu of construction of any eligible interstate lanes if such substitute project is in or adjacent to the proposed right-of-way for such lanes.

(b) *ELIGIBILITY FOR FEDERAL ASSISTANCE.*—Upon approval of any substitute transit project under subsection (a), the costs of construc-

tion of the eligible interstate lanes for which such project is substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project.

(c) **LIMITATION ON ELIGIBILITY.**—By September 30, 1989, any substitute transit project approved under subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for such project.

(d) **ADMINISTRATIVE PROVISIONS.**—

(1) **STATUS OF SUBSTITUTE PROJECT.**—A substitute transit project approved under subsection (a) shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)).

(2) **REDUCTION OF UNOBLIGATED INTERSTATE APPORTIONMENT.**—Unobligated apportionments for the Interstate System in the State of Oregon shall, on the date of approval of a substitute transit project under subsection (a), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total cost of all interstate routes in such State as reflected in the latest cost estimate approved by Congress.

(3) **ADMINISTRATION THROUGH FHWA.**—The Secretary shall administer this section through the Federal Highway Administration.

(e) **ELIGIBLE INTERSTATE LANES DEFINED.**—For purposes of this section, the term “eligible interstate lanes” means any bus lanes which are to be constructed on Interstate Route I-205 in Oregon.

#### **SEC. 143. PAYBACK OF RIGHT-OF-WAY EXPENSES.**

(a) **EFFECT OF REPAYMENT.**—Upon repayment by the State of New York to the Treasurer of the United States of an amount as determined by the Secretary to be equal to the amount of Federal funds expended to acquire property for the portion of I-478 which was withdrawn from the Interstate System in accordance with the provisions of section 103(e)(4) of title 23, United States Code, less any amount not required to be repaid with respect to such property under section 103(e)(7) of such title, the State of New York shall be absolved of any further responsibility for repayment and will be deemed to have met all of the repayment requirements of section 103(e)(7) of such title.

(b) **USE OF REPAID FUNDS.**—The amount repaid to the United States under this section shall be deposited to the credit of the appropriation for “Federal-Aid Highway (Trust Fund)”. Such repayment shall be credited to the unprogrammed balance of funds ap-

portioned to the State of New York in accordance with section 104(b)(1) of title 23, United States Code. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of such title.

**SEC. 144. GEORGIA STATE ROUTE 400.**

(a) **CREDIT AND USE OF FEDERAL FUNDS.**—The amount of all Federal-aid highway funds paid to the State of Georgia on account of the section of State Route 400, a 6-lane, limited access major arterial highway connecting Interstate Route I-285 and Interstate Route I-85 in Fulton County, Georgia, may 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)". Such repayment shall be credited to the unobligated balance of Federal-aid highway funds of the same class last appropriated to the State of Georgia. The amount so credited shall be in addition to all other funds then apportioned or allocated to such State during the fiscal year for which the credit was received and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

(b) **APPLICABILITY OF TOLL RESTRICTIONS.**—As provided in subsection (a) of this section, upon the repayment of Federal-aid highway funds, and removal from the Federal-aid highway programs, such sections of State Route 400 shall be free of any and all restrictions contained in title 23, United States Code, or in any regulations issued thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

**SEC. 145. EXEMPTION FROM RIGHT-OF-WAY RESTRICTION.**

A facility located in part on the right-of-way of Interstate Route I-94 in Michigan and in the vicinity of the interchange of I-94 and Michigan State Route 25 is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on rights-of-way of the Interstate System. Such exemption shall be for the purpose of permitting the Michigan Department of Transportation to enter into a lease agreement allowing the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

**SEC. 146. RIGHT-OF-WAY DONATION.**

(a) **CREDIT FOR DONATED LANDS AND DONATION PROCEDURES.**—Section 323 of title 23, United States Code, is amended—

(1) by inserting "(a) DONATIONS OF PROPERTY BEING ACQUIRED.—" before "Nothing"; and

(2) by adding at the end the following new subsections:

"(b) **CREDIT FOR DONATED LANDS.**—

"(1) **GENERAL RULE.**—Notwithstanding any provision of this title, the State matching share for a project with respect to which Federal assistance is provided out of the Highway Trust Fund (other than the Mass Transit Account) may be credited by the fair market value of land incorporated into the project and lawfully donated to the State after the date of the enactment of this subsection.

"(2) *ESTABLISHMENT OF FAIR MARKET VALUE.*—The fair market value of the donated land shall be established as determined by the Secretary. Fair market value shall not include increases and decreases in the value of donated property caused by the project. For purposes of this subsection, the fair market value of donated land shall be established as of the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier.

"(3) *LIMITATION ON APPLICABILITY.*—This subsection shall not apply to donations made by an agency of a Federal, State, or local government.

"(4) *LIMITATION ON AMOUNT OF CREDIT.*—The credit received by a State pursuant to this subsection may not exceed the State's matching share for the project to which the donation is applied.

"(c) *PROCEDURES.*—A gift or donation in accordance with subsection (a) may be made at any time during the development of a project. Any document executed as part of such donation prior to the approval of an environmental document prepared pursuant to the National Environmental Policy Act of 1969 shall clearly indicate that—

"(1) all alternatives to a proposed alignment will be studied and considered pursuant to such Act;

"(2) acquisition of property under this section shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location; and

"(3) any property acquired by gift or donation shall be revested in the grantor or successors in interest if such property is not required for the alignment chosen after public hearings, if required, and completion of the environmental document."

(b) *DONATED LANDS IN CALIFORNIA.*—

(1) *TREATMENT AS PROJECT COST.*—Notwithstanding any other provision of law, the fair market value of any lands which have been or in the future are donated or dedicated to the State of California necessary for the right-of-way for relocation and construction of California State Route 73 in Orange County, California, from its interchange with Interstate Route I-405 to its interchange with Interstate Route I-5 shall be included as a part of the cost of such relocation and construction project and shall be credited first toward payment of the non-Federal share of the cost of such relocation and construction project.

(2) *CREDIT.*—The fair market value of lands referred to in paragraph (1) shall be established by the Secretary. If such fair market value exceeds the non-Federal share of the relocation and construction project referred to in paragraph (1), then the excess amount, upon the request of the State of California, shall be credited toward the non-Federal share of the cost of any other project on the Federal-aid system in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, California.

(3) *TREATMENT OF IRREVOCABLE OFFER.*—To further the purposes of this section and section 323 of title 23, United States Code, any recorded irrevocable offer of dedication or donation of property within the right-of-way for the project referred to in

paragraph (1) shall be considered as part of the State right-of-way acquisition for purposes of this subsection if such offer is irrevocable and effective no later than such time as the State of California requests final reimbursement for the Federal share.

(4) **LIMITATION.**—In no case shall the amount of Federal-aid reimbursement to the State of California on account of the relocation and construction project referred to in paragraph (1) exceed the actual cost to the State for such project.

**SEC. 147. SHIRLEY HIGHWAY TRAFFIC RESTRICTIONS.**

(a) **EXPRESS LANES.**—

(1) **RUSH HOUR RESTRICTIONS.**—Except in the case of an emergency as determined by the State of Virginia or the District of Columbia, the State of Virginia and the District of Columbia shall prohibit the use of the Shirley Highway express lanes by a vehicle other than a bus, an emergency vehicle, a vehicle carrying 4 or more persons, and a motorcycle—

(A) on northbound lanes, during the hours of 6 o'clock ante meridiem to 9 o'clock ante meridiem on Monday through Friday, exclusive of holidays, and

(B) on southbound lanes, during the hours of 3:30 o'clock post meridiem to 6 o'clock post meridiem on Monday through Friday, exclusive of holidays.

The State of Virginia and the District of Columbia may not prohibit the use of such lanes during such hours by a bus, an emergency vehicle, or a vehicle carrying 4 or more persons.

(2) **USE OF EXPRESS LANES AT OTHER TIMES.**—The State of Virginia and the District of Columbia may not prohibit the use of the Shirley Highway express lanes during hours other than the hours described in paragraph (1) by a vehicle which is not also prohibited from using the other lanes of the Shirley Highway.

(b) **DEFINITIONS.**—For purposes of this section—

(1) **EMERGENCY VEHICLE.**—The term “emergency vehicle” includes a public utility vehicle on legitimate emergency business.

(2) **MOTORCYCLE.**—The term “motorcycle” means a motor vehicle designed to travel on not more than 3 wheels in contact with the ground.

(3) **SHIRLEY HIGHWAY EXPRESS LANES.**—The term “Shirley Highway express lanes” means the high occupancy vehicle lanes on Interstate Route I-395 in the District of Columbia and Virginia and on Interstate Route I-95 from its intersection with Interstate Route I-395 to Woodbridge, Virginia.

(c) **ENFORCEMENT.**—The Secretary shall withhold 1 percent of the amount required to be apportioned to the State of Virginia or to the District of Columbia under sections 104 and 144 of title 23, United States Code, on the first day of the fiscal year succeeding any fiscal year in which the State of Virginia or the District of Columbia, as the case may be, is in violation of any provision of this section.

**SEC. 148. RAILROAD RELOCATION AND DEMONSTRATION PROGRAM.**

(a) **FEDERAL SHARE.**—Section 163(n) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is amended by striking out “95 percent of the cost.” and inserting in lieu thereof “the Federal share provided in section 120(a) of title 23, United States Code.”

(b) *AUTHORIZATION.*—Section 163(p) of such Act is amended by inserting after “September 30, 1986,” the following: “and \$15,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.”

**SEC. 149. DEMONSTRATION AND PRIORITY PROJECTS.**

(a) **PROJECT DESCRIPTIONS.**—

(1) *PASSAIC COUNTY, NEW JERSEY.*—The Secretary shall utilize the procedures adopted to carry out the demonstration project under section 141 of the Federal-Aid Highway Act of 1976 and the methods for processing highway projects required to be established by section 129 of the Surface Transportation Assistance Act of 1982 to accelerate design and construction of a highway project which completes a gap on the Federal-aid primary system in an urban area along the Passaic River in Passaic County, New Jersey, and for which most of the right-of-way has been acquired.

(2) *BRICK TOWNSHIP, NEW JERSEY.*—The Secretary shall carry out a highway project to demonstrate methods of improving traffic operations and reducing accidents (A) at a high-volume rotary intersection in Brick Township, New Jersey, and (B) on a route connecting such intersection with another high-volume rotary intersection in Wall Township, New Jersey.

(3) *JOHNSTOWN, PENNSYLVANIA.*—The Secretary shall carry out a demonstration project in the vicinity of Johnstown, Pennsylvania, for the purpose of demonstrating methods by which a highway construction project on a segment of the Federal-aid primary system will enhance highway safety and economic development in an area of high unemployment.

(4) *FORT SMITH, ARKANSAS.*—The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of widening a segment of the Federal-aid urban system connecting a community college and a large commercial center in the vicinity of Fort Smith, Arkansas, and of improving traffic signalization on such segment.

(5) *MINNESOTA.*—The Secretary shall carry out a demonstration project on the Federal-aid urban system for the purpose of demonstrating the economic and safety benefits—

(A) of constructing (i) a grade separation between a railroad line and a highway, and (ii) a half diamond interchange, in the vicinity of Moorhead, Minnesota; and

(B) of reconstructing 2 deteriorated segments of a major east-west highway on the Federal-aid primary system in the vicinities of Fosston and Bagley, Minnesota.

(6) *LOYSBURG, PENNSYLVANIA.*—The Secretary shall carry out a highway project to construct a 2-lane bypass around Loysburg in Bedford County, Pennsylvania, for the purpose of demonstrating methods of accelerating project construction and resolving environmental concerns among Federal and State agencies.

(7) *SAN BERNARDINO COUNTY, CALIFORNIA.*—The Secretary shall carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernardino County, California, for the purpose of demonstrating methods of improving

highway access to an airport which is projected to incur a substantial increase in air service.

(8) **ALTOONA, PENNSYLVANIA.**—The Secretary shall carry out a highway project to close a gap of approximately 12 miles in a multilane limited access road connecting the city of Altoona to the borough of Tyrone in Blair County, Pennsylvania, for the purpose of demonstrating state of the art delineation technology. For comparison purposes, the highway section to be constructed shall connect a highway section constructed with current delineation technology and an older highway section constructed with traditional delineation technology. The project shall demonstrate the latest horizontal and vertical delineation techniques and utilize innovative techniques in highway delineation treatments to improve traffic control and highway safety. All delineation elements shall be designed to provide the optimum life-cycle costs, thereby maximizing the highway safety benefits and minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of the project. Upon completion of the project, the highway shall be added to the Federal-aid primary system.

(9) **LOUISIANA.**—

(A) **LAFAYETTE.**—The Secretary is authorized to carry out a highway project to demonstrate the benefits to traffic flow and transportation of labor and materials by construction of a highway to provide limited continuous access between an interstate route and a highway on the Federal-aid primary system in Lafayette, Louisiana.

(B) **SHREVEPORT.**—The Secretary is authorized to carry out a highway project which will demonstrate methods of reducing traffic congestion in the central business district of Shreveport, Louisiana, improving access to such district, providing highway continuity, and satisfying national defense requirements by connecting an interstate route with another interstate route which serves as a bypass around such city.

(10) **MIAMI, FLORIDA.**—The Secretary is authorized to carry out a highway project which will demonstrate the most cost effective method of improving interstate motor vehicle access for passengers and cargo moving to and from the port of Miami, Florida.

(11) **ARKANSAS-MISSOURI.**—

(A) **BELLA VISTA, ARKANSAS.**—The Secretary is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate Routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(B) **CARTHAGE, MISSOURI.**—The Secretary is authorized to carry out a highway project on a segment of a north-south highway on the Federal-aid primary system from the vicini-

ty of Carthage, Missouri, to the boundary between the States of Arkansas and Missouri in the vicinity of Noel, Missouri, for the purpose of demonstrating methods of improving highway safety and accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(C) *DESIGN FEATURES; TECHNICAL ASSISTANCE.*—The projects authorized by subparagraphs (A) and (B) of this paragraph shall also demonstrate the latest high-type geometric design features and new advances in highway traffic control and safety hardware. All design elements, including the highway pavement, shall be designed to provide the best life-cycle costs, thereby minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of such projects.

(12) *SANFORD, FLORIDA.*—The Secretary shall carry out a highway project to demonstrate methods of reducing costs and expediting construction of an interchange in the vicinity of Sanford, Florida, and the intersection of Route 46A and an interstate route by contracting with a private business to design and construct such project.

(13) *SAN JOSE, CALIFORNIA.*—The Secretary is authorized to carry out a demonstration project in the vicinity of San Jose and Santa Clara, California, for the purpose of demonstrating a unified method of reducing traffic congestion on a Federal-aid urban highway which is the result of the intersection of such highway with two other Federal-aid urban highways and a railroad crossing in a one-quarter mile segment of such highway.

(14) *DISTRICT OF COLUMBIA.*—

(A) *PROJECT DESCRIPTION.*—The Secretary shall carry out a demonstration project in the vicinity of the C&O Canal in the District of Columbia for the purpose of substantially improving motor vehicle access at a major traffic generator without decreasing the efficiency of a Federal-aid primary highway. The Secretary shall enter into such arrangements as may be necessary to carry out such project with the Secretary of the Interior.

(B) *LIMITATION.*—No Federal assistance shall be provided to carry out the demonstration project under this paragraph until private sources dedicate at least 2.5 acres of land as a scenic easement for project purposes.

(15) *COMPTON, CALIFORNIA.*—The Secretary shall carry out a highway project for construction of a grade separation on a route on the Federal-aid urban system in Compton, California, for the purpose of demonstrating methods of relieving traffic congestion and enhancing economic development.

(16) *MODESTO, CALIFORNIA.*—The Secretary shall carry out a highway project to demonstrate methods by which construction of a grade separation for a railroad crossing of a highway on the Federal-aid primary system enhances urban redevelopment and the effectiveness of a planned transportation center in Modesto, California.

(17) **COLUMBIA, MISSOURI.**—*The Secretary shall carry out a highway project for construction of two additional lanes on a two-lane 106-mile highway on the Federal-aid primary system which begins in the vicinity of Columbia, Missouri, and ends in the vicinity of Lancaster, Missouri, for the purpose of demonstrating methods of improving highway safety, reducing traffic congestion, and encouraging economic development.*

(18) **EAST MILTON, MASSACHUSETTS.**—*The Secretary is authorized to carry out a highway project to demonstrate the advantages of joint development and use of air rights in the construction of a deck over a depressed portion of an interstate route in East Milton, Massachusetts.*

(19) **FAIRHOPE, ALABAMA.**—*The Secretary, in cooperation with the State of Alabama, shall carry out a highway project in the vicinity of Fairhope and Foley, Alabama, to demonstrate methods of accelerating the widening of a highway traffic segment of highway on the Federal-aid primary system necessary for the rapid evacuation of individuals during emergency weather conditions.*

(20) **WILDER, KENTUCKY.**—*The Secretary shall carry out a highway project in the vicinity of Wilder in Campbell County, Kentucky, to demonstrate the economic benefits to a port facility, industrial complex, and foreign trade zone and methods of enhancing highway safety by reconstruction of a segment of a highway on the Federal-aid urban system which connects an interstate route with a port facility. Such project shall increase the number of lanes on such highway from two to four and may include realignment of such highway.*

(21) **JO DAVIESS, ILLINOIS.**—*The Secretary shall carry out a highway project to demonstrate the safety benefits of providing additional and improved vehicular passing opportunities on, adding truck climbing lanes to, and straightening, a 50-mile segment of an east-west highway on the Federal-aid primary system which carries a high volume of traffic in Jo Daviess and Stephenson Counties, Illinois.*

(22) **ALLENTOWN, PENNSYLVANIA.**—*The Secretary is authorized to carry out a highway project in the city of Allentown, Pennsylvania, for the purpose of demonstrating methods of accelerating construction to eliminate a major rail-highway crossing at grade, reducing traffic delays for both rail and motor vehicle traffic, and minimizing the impact on the surrounding urban environment.*

(23) **RIVERSIDE, CALIFORNIA.**—*The Secretary shall carry out a highway project to demonstrate methods of improving safety on a highway on the Federal-aid primary system in Riverside, California, which is designated as a priority primary route under section 147 of title 23, United States Code, by committee print numbered 100-3 of the Committee on Public Works and Transportation of the House of Representatives.*

(24) **BUFFALO, NEW YORK.**—*The Secretary shall carry out a highway project in Buffalo, New York, for the purpose of demonstrating methods of facilitating redevelopment of a waterfront area by construction of a connector off a highway on the*

*Federal-aid primary system. Upon completion of the project, the connector shall be added to the Federal-aid urban system.*

(25) CLEVELAND, OHIO.—*The Secretary shall carry out a highway project to replace a ramp which provides access to an industrial area of Cleveland, Ohio, for the purpose of demonstrating the relationship between infrastructure improvement and economic vitality.*

(26) PATTON ISLAND, ALABAMA.—*The Secretary shall carry out a highway project to construct a bridge to cross the Tennessee River in Lauderdale and Colbert Counties, Alabama, in the vicinity of Patton Island, Alabama, for the purpose of demonstrating methods of improving highway transportation and enhancing economic development.*

(27) WOOD COUNTY, OHIO.—*The Secretary shall carry out a highway project to construct an interchange connecting Interstate Route I-75 and a 4-lane, east-west highway in Perrysburg Township in Wood County, Ohio, for the purpose of demonstrating methods of reducing traffic congestion, improving traffic flow, and enhancing economic development.*

(28) CHICAGO, ILLINOIS.—*The Secretary shall carry out the following highway projects in Chicago, Illinois:*

(A) *A highway project to rehabilitate a drawbridge over the north branch of the Chicago River and realign an adjacent intersection which will demonstrate the use of the latest innovative bridge repair techniques on a bascule bridge.*

(B) *A highway project to remove and replace an existing bridge on Lake Shore Drive in the Jackson Park Historic Landscape District and the Midway Plaisance with a new bridge in the same location and to widen the approach road to such bridge which will demonstrate the historic recreation of a national register bridge and replacement of a deteriorated bridge.*

(C) *A highway project between Chicago Avenue and Claybourn Avenue to disinvest a bridge over Goose Island which will demonstrate methods of reducing municipal and Federal burdens for rehabilitation and maintenance of a surplus highway facility.*

(29) WAYNE COUNTY, MICHIGAN.—*The Secretary shall carry out two road improvement projects in Wayne County, Michigan, to demonstrate the benefits of enhancing safety and improving economic vitality of a depressed area.*

(30) COOK COUNTY, ILLINOIS.—

(A) CHICAGO.—*The Secretary shall carry out a highway project which demonstrates methods of utilizing a low cost alternative to reconstruction of a 1 mile segment of an east-west road between Nagle and Oak Park Avenues, Chicago, Illinois, which is deficient due to soil conditions.*

(B) SOUTHWEST CHICAGO.—*The Secretary shall carry out a highway project to construct three parking facilities adjacent to the Rock Island commuter rail lines in Southwest Chicago, Illinois, which will demonstrate the effectiveness of construction of parking facilities in relieving on-street parking congestion and unsafe parking practices.*

(C) *OAK LAWN.*—The Secretary shall carry out a highway project in Oak Lawn, Illinois, which demonstrates methods of improving highway safety by widening and resurfacing a four-lane major arterial with lane widths which are less than minimum State and Federal standards.

(D) *CALUMET PARK.*—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and access to a segment of the Interstate System by reconstruction of a congested major arterial in Calumet Park and Blue Island, Illinois.

(E) *CUMBERLAND STATION.*—The Secretary shall carry out a highway project to construct the first level of a two level addition to an existing park and ride facility in the vicinity of Cumberland Station on the O'Hare Rapid Transit Line, Chicago, Illinois, which will demonstrate methods of reducing commuter traffic and traffic congestion and increasing utilization of available capacity on a rapid transit line.

(F) *ELEVATED ROAD.*—The Secretary shall carry out a highway project to demonstrate the benefits of utilizing pre-cast, prefabricated concrete structural segments in the reconstruction of an elevated road on a major artery in the southwestern portion of Chicago, Illinois, in order to minimize traffic disruption during the reconstruction.

(G) *PARKING FACILITIES.*—The Secretary shall carry out a demonstration project for the construction of two parking lots at sites (i) where future stations are to be located on the Southwest Rapid Transit Line in Chicago, Illinois, and (ii) to which buses now provide mass transit service. Such project shall be carried out before the beginning of service on such rapid transit line in order to demonstrate methods of facilitating the transfer of passengers between different modes of transportation and of establishing ridership before the opening of a rapid transit line.

(31) *KANSAS CITY, MISSOURI.*—The Secretary shall carry out a highway project on a north-south route on the Federal-aid primary system in Kansas City, Missouri, to demonstrate methods by which construction of the first and southern-most phase of a 5-phase highway project will facilitate construction of the full 5-phase project. Construction of the 5-phase project—

(A) will connect the northern terminus of another route on the Federal-aid primary system and an east-west interstate route,

(B) will demonstrate the interrelationship between construction of a major urban transportation artery and economic development initiatives in facilitating reinvestment in an urban area experiencing economic decay, and

(C) will demonstrate methods of reducing traffic congestion through construction of a roadway that is compatible with adjacent residential neighborhoods and commercial areas.

(32) *MOUNT VERNON, KENTUCKY.*—The Secretary is authorized to carry out a highway project on a segment of the Federal-aid primary system which connects Interstate Route I-75 in the vi-

cinity of Mount Vernon, Kentucky, with Kentucky State Route 80 in the vicinity of Shopville, Kentucky, for the purposes of demonstrating methods of improving highway safety and traffic flow and improving access to a national river and recreation area.

(33) *PINE CITY, MINNESOTA.*—The Secretary is authorized to carry out a highway project in Pine City, Minnesota, to demonstrate methods of enhancing economic development and improving highway safety and traffic flow by construction of an interchange between a highway on the Interstate System and a county State-aid highway.

(34) *PASO ROBLES, CALIFORNIA.*—The Secretary is authorized to carry out a highway project in the city of Paso Robles, California, to construct a two-lane, east-west bridge which will span the Salinas River, a highway, and a railroad line and will be located south of the existing bridges spanning such river in such city, for the purposes of demonstrating methods of improving highway safety and traffic flow and enhancing economic development.

(35) *SUFFOLK COUNTY, NEW YORK.*—The Secretary is authorized to carry out a highway project from Wheeler Road to Veterans Memorial Highway in the town of Islip, Suffolk County, New York, for the purpose of demonstrating construction techniques to accelerate upgrading of an existing highway to freeway standards with minimum disruption of traffic.

(36) *CONNECTICUT.*—

(A) *SOUTHINGTON.*—The Secretary shall carry out a highway project to demonstrate the latest construction techniques in reconstructing a north-south segment of highway on the Federal-aid urban system in the vicinity of Southington, Connecticut.

(B) *KENT CENTER.*—The Secretary shall carry out a highway project to change horizontal and vertical alignment of a north-south highway on the Federal-aid primary system south of Kent Center, Connecticut, to demonstrate methods of solving safety and flooding problems.

(37) *DOVER TOWNSHIP, NEW JERSEY.*—The Secretary is authorized to carry out a highway project to construct a bridge across the Toms River in the township of Dover, New Jersey, for the purpose of demonstrating methods of reducing traffic congestion on an existing bridge and facilitating the redevelopment of the central business district of such township.

(38) *LOS ANGELES COUNTY, CALIFORNIA.*—The Secretary is authorized to carry out a highway project in Los Angeles County, California, for the purpose of demonstrating methods of improving vehicular circulation related to the intermodal transportation of port-related traffic and alleviating congestion caused by increased port activities.

(39) *GREATER PITTSBURGH INTERNATIONAL AIRPORT.*—The Secretary shall carry out in the vicinity of the Greater Pittsburgh International Airport a highway project for construction of a highway which is designated as a priority primary route under section 147 of title 23, United States Code, by committee print numbered 100-3 of the Committee on Public Works and Trans-

portation of the House of Representatives to demonstrate methods of improving economic development and airport terminal placement.

(40) *STEBEN COUNTY, NEW YORK.*—The Secretary shall carry out a highway project in Steuben County, New York, for the purpose of demonstrating the extent to which the economy of an industrialized high unemployment area can be improved by completion of key elements of a modern, grade-separated access controlled highway which serves such area.

(41) *SONOMA AND MARIN COUNTIES, CALIFORNIA.*—

(A) *SANTA ROSA.*—The Secretary shall carry out a highway project for the purpose of demonstrating the extent to which traffic congestion is relieved by reconstruction of a north-south arterial which (i) connects Santa Rosa, California, and Petaluma, California, (ii) is parallel to a major north-south segment of the Federal-aid primary system, and (iii) serves as an alternative for traffic between such cities.

(B) *HEALDSBURG.*—The Secretary shall carry out a highway project for the purpose of demonstrating the extent to which traffic congestion is relieved on the major north-south segment of the Federal-aid primary system described in subparagraph (A) by construction of high occupancy vehicle lanes along a right-of-way which is parallel to such segment and connects San Rafael, California, and Healdsburg, California.

(42) *VOYAGEURS NATIONAL PARK, MINNESOTA.*—The Secretary shall carry out a highway project which demonstrates methods of enhancing use of a national park and reducing traffic congestion by reconstruction of an access road to Voyageurs National Park, Minnesota.

(43) *SAVANNAH, GEORGIA.*—The Secretary, in cooperation with the State of Georgia, shall carry out a highway project for replacing an existing functionally obsolete bridge across the Savannah River in Savannah, Georgia, with a modern, high-level structure for the purpose of demonstrating methods of improving safety and the free flow of both vehicular and waterborne traffic including traffic related to national defense.

(44) *NEW SEWICKLY, PENNSYLVANIA.*—The Secretary shall carry out a highway project to construct a 2-lane highway between the township of New Sewickly, Pennsylvania, and the borough of Conway, Pennsylvania, for the purpose of demonstrating methods of accommodating increasing truck traffic and improving highway safety.

(45) *CROYLE TOWNSHIP, PENNSYLVANIA.*—The Secretary shall carry out a highway project to upgrade a 1.3 mile access road to the Johnstown Flood National Memorial in the vicinity of Croyle Township, Pennsylvania, for the purpose of demonstrating methods of improving public access to a flood memorial.

(46) *LAWRENCE, MASSACHUSETTS.*—The Secretary shall carry out in Lawrence, Massachusetts, a highway project to demonstrate methods of enhancing the benefits of an economic rehabilitation project under construction by construction of a service road which provides access between Massachusetts Avenue and

*Merrimack Street substantially along an alignment located between the Shawsheen River and an interstate route.*

(47) LOUISIANA.—

(A) *The Secretary shall carry out a highway project on the west bank of the Mississippi River in the vicinity of Port Allen, Louisiana, for the purpose of demonstrating methods by which—*

(i) *the inclusion of a diamond interchange on the Interstate System, including ingress and egress ramps with an overpass, located between the existing Mississippi River Bridge access and an existing rural interchange; and*

(ii) *the connection and improvement of access to the Interstate System by means of approaches from a 2-lane highway and a parish road to such diamond interchange;*

*will eliminate safety hazards and reduce heavy truck traffic congestion from the Mississippi River Bridge exit ramp on the Interstate System and the City of Port Allen and the Texas-Pacific Railroad crossing and improve conditions for access to the Port of Greater Baton Rouge and the Intra-coastal Canal.*

(B) *The Secretary shall carry out a highway project in the vicinity of Baton Rouge, Louisiana, for the purpose of demonstrating the benefits of reducing traffic congestion in the immediate vicinity of a split-diamond interchange which connects an east-west highway on the Interstate System, 2 4-lane highways not on such System, and a 2-lane highway not on such System by providing—*

(i) *a direct exit lane from the westbound lanes of the highway on such System to one of such 4-lane highways;*

(ii) *a direct access ramp and acceleration lane from such 4-lane highway to the eastbound lanes of the highway on such System; and*

(iii) *a direct exit lane from the eastbound lanes of the highway on such System to the other of such 4-lane highways.*

(C) *The Secretary shall carry out a highway project in the vicinity of northeast Baton Rouge, Louisiana, for the purpose of demonstrating the efficacy of reducing traffic congestion and improving traffic flow in the immediate vicinity of a highway on the Interstate System to connect such highway to a metropolitan airport terminal access road by construction of a direct access off-ramp link.*

(48) MINDEN, LOUISIANA.—*The Secretary shall carry out a highway project for the purpose of demonstrating methods of enhancing economic development by construction of a frontage road which provides Minden, Louisiana, alternative access to a highway immediately connecting to a highway on the Interstate System.*

(49) ANAHEIM, CALIFORNIA.—*The Secretary shall carry out a project for research, development, and implementation of a com-*

puterized transportation management system to assist the city of Anaheim, California, and adjoining jurisdictions in managing highway traffic congestion caused in part by an interstate route passing through an area of concentrated population and commercial development for the purpose of demonstrating the usefulness of such a system in reducing traffic congestion.

(50) **PINE BLUFF, ARKANSAS.**—The Secretary shall carry out a highway bridge project at Lock and Dam 4 near Pine Bluff, Arkansas.

(51) **CLARKSVILLE, TENNESSEE.**—The Secretary shall carry out a highway project to demonstrate methods of improving highway safety by making improvements to a road providing direct access from the Fort Campbell Military Reservation to the city of Clarksville, Tennessee.

(52) **CLARINDA, IOWA.**—The Secretary shall carry out a highway project to reconstruct and rehabilitate a highway between Shenandoah and Clarinda, Iowa, for the purpose of demonstrating methods by which improved highway transportation in an economically depressed rural area will increase economic activity in such area.

(53) **SAN DIEGO COUNTY, CALIFORNIA.**—The Secretary shall carry out a highway project to expand a highway which connects an interstate route in the vicinity of Oceanside, California, with another interstate route in the vicinity of Escondido, California for the purpose of demonstrating methods of reducing traffic congestion and accidents.

(54) **ST. CHARLES COUNTY, MISSOURI.**—The Secretary shall carry out a highway project to construct a bypass highway to connect an east-west interstate route in St. Charles County, Missouri, with the interstate beltway around St. Louis, Missouri, for the purpose of demonstrating methods of alleviating traffic congestion, especially commuter traffic congestion.

(55) **JONESBORO, ARKANSAS.**—The Secretary shall carry out a highway project for construction of four grade separations on a four-lane bypass route in the vicinity of Jonesboro, Arkansas, for the purpose of demonstrating methods of improving highway safety.

(56) **ILLINOIS.**—

(A) **MT. VERNON.**—The Secretary is authorized to carry out a highway project to reconstruct a segment of approximately 1.4 miles of a State route connecting to an interstate route in the vicinity of Mt. Vernon, Illinois, for the purpose of demonstrating methods of improving highway safety.

(B) **EVANSVILLE.**—The Secretary is authorized to carry out a highway project to upgrade a principal route through the village of Evansville, Illinois, for the purpose of demonstrating methods of improving traffic flow.

(C) **UNION COUNTY.**—The Secretary is authorized to carry out a highway project to improve a road leading to a landmark in the vicinity of the city of Alto Pass, Union County, Illinois, for the purpose of demonstrating methods of improving access to such a landmark and of enhancing tourism.

(57) **CONCORD, CALIFORNIA.**—*The Secretary shall carry out a highway project between Concord, California, and West Pittsburg, California, for the purpose of demonstrating methods of improving highway safety and traffic flow by lowering the grade of, realigning, and widening an existing highway on the Federal-aid primary system.*

(58) **GEORGIA.**—*The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and reducing traffic accidents by reconstruction of a 3.8 mile segment of highway between Interstate Route I-285 and the fork of Georgia State Route 141 as a 6-lane controlled access freeway with one-way frontage roads in each direction.*

(59) **PIKE COUNTY, KENTUCKY.**—*The Secretary shall carry out a highway project to reconstruct a highway on the Federal-aid primary system between Open Fork Road and Road Fork of Big Creek Road in Pike County, Kentucky, for the purpose of demonstrating methods of improving highway safety in a mountainous area.*

(60) **MADISON COUNTY, ILLINOIS.**—*The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of reconstructing a segment of road in Madison County, Illinois, which serves a high-growth industrial area.*

(61) **ERWIN, TENNESSEE.**—*The Secretary shall carry out a highway project to extend, approximately 15 miles, a highway on the Appalachian development highway system between River View in Erwin, Tennessee, and Sam's Gap on the North Carolina-Tennessee border for the purpose of demonstrating methods of improving transportation in a mountainous area.*

(62) **NEW RIVER, WEST VIRGINIA.**—*The Secretary is authorized to carry out a demonstration project to construct a parkway connecting to an interstate route, in accordance with the recommendations of the New River Parkway Authority, in the vicinity of the New River, West Virginia, for the purpose of demonstrating benefits to recreation, tourism, and industrial, economic, and community development.*

(63) **KITTANNING-BROOKVILLE, PENNSYLVANIA.**—*The Secretary is authorized to carry out a project for reconstruction of approximately 30 miles of a two-lane road on the Federal-aid primary system between Kittanning and Brookville, Pennsylvania, for the purpose of demonstrating cost-effective methods of improving rural highways to accommodate wider and longer trucks.*

(64) **AURORA-HOYT LAKES, MINNESOTA.**—*The Secretary is authorized to carry out a project for construction of a highway connecting Aurora-Hoyt Lakes and Silver Bay, Minnesota, for the purpose of demonstrating methods of reducing traffic congestion in and around a recreational area.*

(65) **KANAWHA COUNTY, WEST VIRGINIA.**—*The Secretary shall carry out a highway project which demonstrates methods of improving traffic flow in a rural area by reconstruction of the Chelyan Bridge in Kanawha County, West Virginia.*

(66) **ROANOKE SOUND, NORTH CAROLINA.**—*The Secretary shall carry out a highway project which demonstrates methods of im-*

proving tourism, commercial enterprise, and water and highway transportation by construction of a bridge on an east-west Federal-aid primary route which connects Manteo and Whalebone, North Carolina, and traverses Roanoke Sound.

(67) LINCOLN, ILLINOIS.—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and reducing traffic congestion by construction of a controlled access freeway which connects Interstate Route I-55 in the vicinity of Lincoln, Illinois, and Interstate Route I-74 in the vicinity of Morton, Illinois.

(68) SPARKS, NEVADA.—The Secretary shall carry out a highway project which demonstrates methods of improving economic development and diversification, and eliminating traffic and highway safety hazards by construction in the city of Sparks, Nevada, of an interchange which connects Interstate Route I-80 and Sparks Boulevard.

(69) BURBANK-GLENDALE-PASADENA AIRPORT, CALIFORNIA.—The Secretary shall carry out a highway project which demonstrates methods of coordinating construction of ground access to an airport and construction of terminal and parking facilities at such airport. The Secretary shall carry out such project at the Burbank-Glendale-Pasadena Airport, California, by making a grant for construction of such ground access to the airport authority for such airport.

(70) EL SEGUNDO, CALIFORNIA.—The Secretary shall carry out a highway project to increase the capacity of a tunnel in the vicinity of an airport serving El Segundo, California, which will demonstrate methods of mitigating increased traffic congestion which is projected to result from completion of a segment of the Interstate System.

(71) ALAMEDA ISLAND, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods of improving access to, and alleviating congestion on, a north-south route designated as part of the Interstate System under section 139 of title 23, United States Code, and its access roads, including access roads from Oakland International Airport and Alameda Island, California, to such interstate route.

(72) DOUGLAS COUNTY, KANSAS.—The Secretary shall carry out a highway project in Douglas County, Kansas, to demonstrate methods of reducing traffic congestion and facilitating the usage by motorists on the Interstate System of recreational facilities by construction of a north-south limited access trafficway of approximately 4 miles in length which will connect an east-west interstate route to a reservoir and a university research park.

(73) CHADVILLE, PENNSYLVANIA.—The Secretary shall carry out a highway project to relocate and reconstruct to 4 lanes a 3.5-mile north-south segment of the Federal-aid primary system from the vicinity of Uniontown Bypass at Chadville, Pennsylvania, to Pennsylvania Legislative Route 26082 in the vicinity of Fairchance, Pennsylvania, which will demonstrate methods of enhancing the development of a major industrial site.

(74) CHAMBERSBURG, PENNSYLVANIA.—The Secretary shall carry out a highway project which demonstrates how construc-

tion of an interchange on a north-south interstate route will provide access to Chambersburg, Pennsylvania, and relieve traffic congestion on an existing interchange on such interstate route.

(75) **BEAUMONT, TEXAS.**—The Secretary shall carry out a highway project which demonstrates how construction of an overpass over an interstate route in the vicinity of the city of Beaumont, Texas, will relieve traffic congestion on such interstate route and provide direct access between the central business district of such city and another part of such city.

(76) **ST. LOUIS COUNTY, MINNESOTA.**—The Secretary shall carry out a highway project for the construction of an access road from County Road 413 in St. Louis County, Minnesota, to a recreational complex on the Bois Forte Chippewa Reservation (Vermilion Sector) to demonstrate methods of providing jobs and enhancing economic development in a severely and chronically depressed area.

(77) **GLOUCESTER COUNTY, VIRGINIA.**—The Secretary, in consultation with the Governor of Virginia, the Secretary of Defense, and the Secretary of the Interior, shall carry out site selection and environmental studies and design and engineering for replacement or expansion of a bridge connecting Gloucester County with York County and the cities of Newport News and Hampton, Virginia, for the purpose of demonstrating methods of facilitating the resolution of Federal intra-governmental conflicts.

(78) **BRAZORIA COUNTY, TEXAS.**—The Secretary shall carry out a highway project in Brazoria County, Texas, to demonstrate how the extension of a State highway to connect with another State highway can relieve traffic congestion in Fort Bend County, Texas.

(79) **HAMMOND, INDIANA.**—The Secretary shall enter into such arrangements as may be necessary to carry out a demonstration project in Hammond, Indiana, for the relocation of railroad lines for the purpose of eliminating railroad-highway grade crossings. If the city of Hammond, Indiana, elects to carry out all or any portion of the demonstration project authorized by this paragraph before the funds authorized to be appropriated to carry out this paragraph are made available, the Secretary shall reimburse with such funds the city for the costs of carrying out such project or portion.

(80) **ERIE COUNTY, NEW YORK.**—The Secretary is authorized to carry out a highway project in Erie County, New York, to demonstrate methods of enhancing safety and reducing traffic congestion and delays at the terminus of an interstate route by relocating the terminus of such route.

(81) **TAMPA, FLORIDA.**—The Secretary is authorized to carry out the remaining design work for a highway project for construction of a grade separation on a route on the Federal-aid primary system in the vicinity of Tampa, Florida, for the purpose of demonstrating methods of improving motor vehicle access between rapidly growing urban areas as well as relieving motor vehicle congestion resulting from the transportation of

freight to and from areas for the transshipment of waterborne commerce.

(82) *POST FALLS, IDAHO.*—The Secretary is authorized to carry out a project to reconstruct Seltice Way (former U.S. Route 10) to a multilane facility through the City of Post Falls, Idaho, beginning at Pleasant View Road and ending at Huetter Road.

(83) *BOISE, IDAHO.*—The Secretary is authorized to carry out a project to construct a multi-lane highway of 6.5 miles, in Boise, Idaho, from the Curtis Road interchange to Broadway Avenue, including interchanges, intersections, bridges, elevated structures, and the Orchard Street connection to Chinden Boulevard.

(84) *LAFAYETTE-WEST LAFAYETTE, INDIANA.*—The Secretary is authorized to carry out—

(A) acquisition of right-of-way, grading, and construction of ramps and a double span bridge to carry State Road 26 over the Wabash River connecting the cities of Lafayette and West Lafayette, Indiana;

(B) acquisition of right-of-way, grading, construction of a 2.6 mile single track rail corridor, construction of a second rail span at the Wabash Avenue Overpass and transfer of Amtrak passenger services to a relocated depot facility at Second and Main Streets; and

(C) acquisition of right-of-way, grading, construction of ramps and two rail corridor overpasses and associated replacement street work to reconstruct the vehicular approach to the east end of Harrison Bridge which carries U.S. Route 231 over the Wabash River connecting the Cities of Lafayette and West Lafayette.

(85) *DUBUQUE-DEWITT, IOWA.*—The Secretary is authorized to carry out a project which replaces the route from the intersection of U.S. Route 61 and Grandview Avenue in Dubuque, Iowa, extending northerly to a point near East 14th Street, and to improve the service level of the remaining connection from Interstate Route I-80 to Dubuque extending from U.S. Route 30 at Dewitt to Grandview Avenue in Dubuque.

(86) *OLATHE, KANSAS.*—The Secretary is authorized to carry out a project to construct an interchange at 119th Street and Interstate Route I-35 in the City of Olathe, Kansas.

(87) *WEST CALCASIEU PARISH, LOUISIANA.*—The Secretary is authorized to carry out a project to provide for an access road which parallels Interstate Route I-10 at Sulphur, Louisiana, in West Calcasieu Parish, in order to provide access to and from the Interstate System and access from Louisiana Highway 108 to Louisiana Highway 3077.

(88) *SOUTHEAST BATON ROUGE, LOUISIANA.*—The Secretary is authorized to carry out a project in southeast Baton Rouge, Louisiana, to widen off- and on-ramps of an interstate route interchange; to widen and improve approaches on both sides of the Interstate System of a two-lane highway, including access ramps and turnouts; to construct a schoolbus loading area adjacent thereto; and to coordinate a partial relocation of a 2-lane highway not on such system.

(89) *EAST LAFAYETTE, LOUISIANA.*—The Secretary is authorized to carry out a project to construct an access road to Inter-

state Route I-10 from Louisiana Highway 354 in East Lafayette, Louisiana.

(90) *EAST LAFAYETTE, LOUISIANA.*—The Secretary is authorized to carry out a project to construct a full-diamond interchange to connect Louisiana Avenue to Interstate Route I-10 in East Lafayette, Louisiana.

(91) *BRUNSWICK, MAINE.*—The Secretary is authorized to carry out a project to construct the Brunswick-Topsham Bypass in Maine. The bypass will be a new limited access highway which will run from the vicinity of the interchange of Interstate Route I-95 and State Route 196 in Topsham, cross the Androscoggin River, and connect with U.S. Route 1 in Brunswick, Maine.

(92) *U.S. ROUTE 48, MARYLAND.*—The Secretary is authorized to carry out a project on U.S. Route 48 in Washington County, Maryland, to construct an eastbound ramp to U.S. Route 40 and a westbound access road from Mountain Road.

(93) *MARYLAND ROUTE 162.*—The Secretary is authorized to carry out a project to realign an intersection to tie Maryland Route 162 directly into Poplar Avenue. Such project includes—

(A) construction of additional lanes at the intersection to allow northbound Maryland Route 162 to westbound Poplar Avenue to become a through movement;

(B) widening 2 miles of Maryland 162 from Poplar Avenue to Maryland 176 to 4 lanes; and

(C) widening 1/2 mile of Poplar Avenue from Maryland 170 to Maryland 162 to 4 lanes.

(94) *ROUTE 4, MARYLAND.*—The Secretary is authorized to carry out a project to replace a bridge carrying Maryland Route 4 over the Patuxent River.

(95) *ROUTE 3, MARYLAND.*—The Secretary is authorized to carry out a project to construct an interchange to connect Maryland Route 3 and Belair Drive.

(96) *ROUTE 197, MARYLAND.*—The Secretary is authorized to carry out a project to construct a four lane divided highway to bypass Bowie, Maryland, from Rustic Hill Drive to south of the Amtrak line in Prince Georges County.

(97) *MARYLAND ROUTE 115.*—The Secretary is authorized to carry out a project to relocate Maryland Route 115 from Montgomery Village Avenue to Shady Grove Road, Montgomery County. This project involves the construction of a 4 lane divided highway.

(98) *MARYLAND ROUTE 213.*—The Secretary is authorized to carry out a project to rehabilitate the Chester River Bridge on Maryland Route 213 at Chestertown, Maryland.

(99) *MARYLAND ROUTE 838.*—The Secretary is authorized to carry out a project to replace a bridge connecting Maryland Route 838 to the Wye Island natural resources management area.

(100) *BELCHERTOWN, MASSACHUSETTS.*—The Secretary is authorized to carry out a project to construct a road of approximately 3,600 feet between Liberty Street and Massachusetts Route 21 in Belchertown, Massachusetts.

(101) *MICHIGAN.*—The Secretary is authorized to carry out—

(A) a project for construction of the U.S. Route 31 freeway in Mason County, Michigan, from the south county line northward 11.1 miles to U.S. Route 10;

(B) improvements, including road widening and resurfacing to existing U.S. Routes 10 and 31 from the U.S. Route 10-U.S. Route 31 interchange east to Scotville, Michigan; and

(C) improvements on U.S. Route 31 from Scotville north 17 miles to Preuss Road in Manistee County, Michigan.

(102) BLOOMINGTON, MINNESOTA.—The Secretary is authorized to carry out a project for the design and site location for the replacement of the Bloomington Ferry Bridge, located in Hennepin and Scott Counties, Minnesota.

(103) NEW AUGUSTA, MISSISSIPPI.—The Secretary is authorized to carry out a project to widen 14.7 miles of U.S. Highway 98 from 1.5 miles east of U.S. Highway 49 in Forrest County, east to State Route 29 in New Augusta, Mississippi.

(104) HIGHWAY 30, NEBRASKA.—The Secretary is authorized to carry out a project to replace the bridge that carries Highway 30 over the Missouri River between Blair, Nebraska and Missouri Valley, Iowa.

(105) LAS VEGAS, NEVADA.—The Secretary is authorized to carry out a project to construct an interchange at Sahara Avenue and Interstate Route I-15, in the city of Las Vegas, Nevada.

(106) HENDERSON, NEVADA.—The Secretary is authorized to carry out a project to improve the Boulder Highway in Henderson, Nevada. The project involves 6.36 miles along U.S. Route 93/95 from the intersection of Sunset Road to the intersection of Horizon Drive.

(107) LOS ALAMOS-SANTA FE, NEW MEXICO.—The Secretary is authorized to carry out a project for a new route from Los Alamos, New Mexico to Santa Fe, New Mexico.

(108) LONG ISLAND EXPRESSWAY, NEW YORK.—The Secretary is authorized to carry out a study to examine the feasibility of adding a fourth lane in each direction on Interstate Route I-495 in New York.

(109) NASSAU EXPRESSWAY, NEW YORK.—The Secretary is authorized to carry out a project to extend the Nassau Expressway from Burnside Avenue to Broadway in New York.

(110) WESTCHESTER PARKWAY, NEW YORK.—The Secretary is authorized to carry out a project on the Westchester Parkway, New York, to widen the segment between the Hawthorne Interchange and Washburn Road, reconstruct the southbound lanes in the vicinity of Pleasantville Road, and reconstruct the Pleasantville Road Interchange.

(111) NORTH DAKOTA.—The Secretary is authorized to carry out the following projects on access highways to public recreation areas on certain lakes and State parks in North Dakota in order to accommodate present and projected traffic density:

(A) MORTON COUNTY.—The Secretary is authorized to carry out a project for bridge replacement and access road to Sweetbriar and Crown Butte Lakes, North Dakota.

(B) *MERCER COUNTY.*—The Secretary is authorized to carry out a project to construct an access road in Mercer County, County FAS Route 2927 from 4 miles north of Hazen, North Dakota north 8 miles to Hazen Bay, Lake Sakakawea.

(C) *RANSOM COUNTY.*—The Secretary is authorized to carry out a project to construct an access road in Ransom County, County FAS Route 3705 from State Highway 46, south 17 miles to State Highway 27 and a 1 mile spur to Fort Ransom State Park.

(D) *BENSON AND RAMSEY COUNTIES.*—The Secretary is authorized to carry out a project to construct an access road in Benson and Ramsey Counties FAS Route 0322 from U.S. Route 281 at Minnewaukan, east to Tri-County Park, north to State Highway 19.

(E) *MOUNTRAIL COUNTY.*—The Secretary is authorized to carry out a project to construct an access road in Mountrail County from Parshall west 10 miles to Parshall Bay on Lake Sakakawea.

(F) *EMMONS COUNTY.*—The Secretary is authorized to carry out a project to construct an access road in Emmons County FAS Route 1503 from Beaver Bay 13 miles west of Linton, south 23 miles to the South Dakota state line.

(G) *MCKENZIE COUNTY.*—The Secretary is authorized to carry out a project to construct an access road in McKenzie County from Charleson south and east 8 miles to Lake Sakakawea.

(H) *GRAND FORKS COUNTY.*—The Secretary is authorized to carry out a project to construct an access road in Grand Forks County from 1 mile east of Larimore, north 5 miles to Larimore Dam recreation area.

(I) *GRAND FORKS COUNTY.*—The Secretary is authorized to carry out a project to construct an access road in Grand Forks County from County Road 19 4 miles south of Fordville, east and south 9 miles to Fordville Dam recreation area.

(J) *STEELE COUNTY.*—The Secretary is authorized to carry out a project to construct an access road in Steele County State Highway 200, 9 miles east of Finley, north 9 miles to the Golden Lake recreation area.

(K) *MCKENZIE COUNTY.*—The Secretary is authorized to carry out a project to construct an access road in McKenzie County from U.S. Route 85 south of Williston, east 4.2 miles to several bays on Lake Sakakawea.

(L) *BOTTINEAU AND RENVILLE COUNTIES.*—The Secretary is authorized to carry out a project to construct an access road in Bottineau and Renville Counties, FAS Routes 3828 and 0526 from Lake Darling 1 mile west of Grano, east 10 miles.

(M) *MOUNTRAIL COUNTY.*—The Secretary is authorized to carry out a project to construct an access road in Mountrail County, FAS Route 3123 from State Highway 23, 6 miles east of Newtown, south 2.5 miles to Van Hook Bay on Lake Sakakawea.

(112) **GLADSTONE, NORTH DAKOTA.**—The Secretary is authorized to carry out a project to improve access to a regional grain elevator, FAS Routes 2117 and 4531 from State Highway 21 at Regent, north ¾ miles to Gladstone and Interstate Route I-94, Gladstone, North Dakota.

(113) **EUGENE, OREGON.**—The Secretary is authorized to carry out a preliminary engineering study to plan and design alternatives to the Ferry Street Bridge in Eugene, Oregon.

(114) **PROVIDENCE, RHODE ISLAND.**—The Secretary is authorized to carry out a project for United States Route 1 in Providence, Rhode Island, to make improvements on Allens Avenue and Eddy Street to add a center turning lane, widen the road, provide for shoulders, and improve safety on approximately 3 miles of road.

(115) **WEST WARWICK, RHODE ISLAND.**—The Secretary is authorized to carry out a project on Wakefield Street in West Warwick, Rhode Island, to improve pavement surfaces, curbs, and sidewalks, to add drainage facilities, and to widen approximately 3.5 miles of such street.

(116) **MYRTLE BEACH, SOUTH CAROLINA.**—The Secretary is authorized to carry out a project to construct a new controlled access road from Interstate Route I-95 at Florence, South Carolina to U.S. Route 17, north of Myrtle Beach, South Carolina, including a connector from northwest of Conway, South Carolina, to U.S. Route 17, south of Myrtle Beach.

(117) **KEYSTONE, SOUTH DAKOTA.**—The Secretary is authorized to carry out a project to construct an additional lane on South Dakota Route 244 from Mount Rushmore National Memorial to the vicinity of Keystone.

(118) **WEST TODD COUNTY, SOUTH DAKOTA.**—The Secretary is authorized to carry out a project for grading and interim surfacing of United States Route 18 in South Dakota from the West Todd County line, east.

(119) **IROQUOIS-DESMET, SOUTH DAKOTA.**—The Secretary is authorized to carry out a project for grading and resurfacing United States Route 14 in South Dakota from Iroquois to DeSmet.

(120) **DALLAS, TEXAS.**—The Secretary is authorized to carry out a project to construct and upgrade 8.1 miles from Beltline Road in Dallas County to SR-121 in Collin County.

(121) **BLUE RIDGE PARKWAY, VIRGINIA.**—The Secretary is authorized to carry out a 10-mile extension of the Blue Ridge Parkway to the Explore Project (a tourist destination located in the Roanoke Valley in western Virginia to be designed and built by the National Park Service and to be transferred to and maintained by the Blue Ridge Parkway portion of the National Park Service).

(c) **AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.**—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out—

(1) subsection (a)(1) \$5,000,000;

(2) subsection (a)(2) \$2,000,000;

- (3) subsection (a)(3) \$1,100,000;
- (4) subsection (a)(4) \$850,000;
- (5) subsection (a)(5) \$500,000;
- (6) subsection (a)(6) \$550,000;
- (7) subsection (a)(7) \$2,900,000;
- (8) subsection (a)(8) \$9,000,000;
- (9) preliminary engineering and design under subsection (a)(9) \$600,000;
- (10) preliminary engineering and design under subsection (a)(10) \$1,030,000;
- (11)(A) preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(11)(A) \$4,500,000; and
- (B) preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(11)(B) \$4,500,000;
- (12) subsection (a)(12) \$1,400,000;
- (13) subsection (a)(13) \$2,900,000;
- (14) subsection (a)(14) \$800,000;
- (15) subsection (a)(15) \$750,000;
- (16) subsection (a)(16) \$1,300,000;
- (17) preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(17) \$1,100,000;
- (18) subsection (a)(18) \$350,000;
- (19) subsection (a)(19) \$2,100,000;
- (20) subsection (a)(20) \$900,000;
- (21) subsection (a)(21) \$300,000;
- (22) subsection (a)(22) \$600,000;
- (23) subsection (a)(23) \$800,000;
- (24) subsection (a)(24) \$1,250,000;
- (25) subsection (a)(25) \$800,000;
- (26) subsection (a)(26) \$1,500,000;
- (27) subsection (a)(27) \$2,000,000;
- (28) subsection (a)(28) \$1,200,000;
- (29) subsection (a)(29) \$220,000;
- (30) subsection (a)(30) \$1,208,000;
- (31) subsection (a)(31) \$1,500,000;
- (32) subsection (a)(32) \$1,400,000;
- (33) subsection (a)(33) \$260,000;
- (34) subsection (a)(34) \$310,000;
- (35) subsection (a)(35) \$975,000;
- (36) subsection (a)(36) \$385,000;
- (37) subsection (a)(37) \$200,000;
- (38) subsection (a)(38) \$7,400,000;
- (39) preliminary engineering and design under subsection (a)(39) \$550,000;
- (40) subsection (a)(40) \$800,000;
- (41)(A) subsection (a)(41) \$1,050,000; and
- (B) land acquisition under subsection (a)(41)(B) \$2,400,000;
- (42) subsection (a)(42) \$453,000;
- (43) subsection (a)(43) \$6,650,000;
- (44) subsection (a)(44) \$1,340,000;
- (45) subsection (a)(45) \$72,000;

- (46) subsection (a)(46) \$400,000;
- (47) subsection (a)(47) \$1,080,000;
- (48) subsection (a)(48) \$75,000;
- (49) subsection (a)(49) \$90,000;
- (50) subsection (a)(50) \$200,000;
- (51) subsection (a)(51) \$500,000;
- (52) subsection (a)(52) \$900,000;
- (53) subsection (a)(53) \$1,880,000;
- (54) preliminary engineering and design under subsection (a)(54) \$1,300,000;
- (55) subsection (a)(55) \$1,230,000;
- (56) subsection (a)(56) \$195,800;
- (57) land acquisition under subsection (a)(57) \$400,000;
- (58) subsection (a)(58) \$2,500,000;
- (59) subsection (a)(59) \$1,500,000;
- (60) subsection (a)(60) \$220,000;
- (61) subsection (a)(61) \$2,000,000;
- (62) subsection (a)(62) \$1,760,000;
- (63) subsection (a)(63) \$1,000,000;
- (64) preliminary engineering and design under subsection (a)(64) \$150,000;
- (65) preliminary engineering and design under subsection (a)(65) \$200,000;
- (66) subsection (a)(66) \$1,800,000;
- (67) subsection (a)(67) \$3,400,000;
- (68) subsection (a)(68) \$1,170,000;
- (69) subsection (a)(69) \$600,000;
- (70) preliminary engineering and design under subsection (a)(70) \$300,000;
- (71) preliminary engineering and design, environmental analysis, and implementation of environmental mitigation measures under subsection (a)(71) \$800,000;
- (72) subsection (a)(72) \$900,000;
- (73) subsection (a)(73) \$900,000;
- (74) subsection (a)(74) \$500,000;
- (75) subsection (a)(75) \$600,000;
- (76) subsection (a)(76) \$100,000;
- (77) subsection (a)(77) \$400,000;
- (78) subsection (a)(78) \$300,000;
- (79) subsection (a)(79) \$563,000;
- (80) subsection (a)(80) \$800,000;
- (81) subsection (a)(81) \$1,370,000;
- (82) subsection (a)(82) \$1,800,000;
- (83) subsection (a)(83) \$500,000;
- (84) subsection (a)(84) \$4,000,900;
- (85) subsection (a)(85) \$4,000,000;
- (86) subsection (a)(86) \$2,600,000;
- (87) subsection (a)(87) \$590,000;
- (88) subsection (a)(88) \$520,000;
- (89) subsection (a)(89) \$250,000;
- (90) subsection (a)(90) \$250,000;
- (91) subsection (a)(91) \$3,000,000;
- (92) subsection (a)(92) \$56,000;
- (93) subsection (a)(93) \$310,000;

- (94) subsection (a)(94) \$258,000;  
 (95) subsection (a)(95) \$862,000;  
 (96) subsection (a)(96) \$540,000;  
 (97) subsection (a)(97) \$856,000;  
 (98) subsection (a)(98) \$398,000;  
 (99) subsection (a)(99) \$260,000;  
 (100) subsection (a)(100) \$100,000;  
 (101) subsection (a)(101) \$4,000,000;  
 (102) subsection (a)(102) \$3,240,000;  
 (103) subsection (a)(103) \$2,058,000;  
 (104) subsection (a)(104) \$540,000;  
 (105) subsection (a)(105) \$900,000;  
 (106) subsection (a)(106) \$600,000;  
 (107) subsection (a)(107) \$4,000,000;  
 (108) subsection (a)(108) \$200,000;  
 (109) subsection (a)(109) \$600,000;  
 (110) subsection (a)(110) \$800,000;  
 (111)(A) subsection (a)(111)(A) \$180,000;  
 (B) subsection (a)(111)(B) \$120,000;  
 (C) subsection (a)(111)(C) \$300,000;  
 (D) subsection (a)(111)(D) \$370,000;  
 (E) subsection (a)(111)(E) \$280,000;  
 (F) subsection (a)(111)(F) \$590,000;  
 (G) subsection (a)(111)(G) \$80,000;  
 (H) subsection (a)(111)(H) \$80,000;  
 (I) subsection (a)(111)(I) \$100,000;  
 (J) subsection (a)(111)(J) \$160,000;  
 (K) subsection (a)(111)(K) \$80,000;  
 (L) subsection (a)(111)(L) \$160,000; and  
 (M) subsection (a)(111)(M) \$60,000;  
 (112) subsection (a)(112) \$810,000;  
 (113) subsection (a)(113) \$250,000;  
 (114) subsection (a)(114) \$400,000;  
 (115) subsection (a)(115) \$380,000;  
 (116) subsection (a)(116) \$4,000,000;  
 (117) subsection (a)(117) \$300,000;  
 (118) subsection (a)(118) \$930,000;  
 (119) subsection (a)(119) \$754,000;  
 (120) subsection (a)(120) \$4,000,000; and  
 (121) subsection (a)(121) \$1,500,000.

(c) **MINIMUM ALLOCATION.**—

(1) **IN GENERAL.**—If the total amount authorized for projects in a State in a fiscal year under subsection (b) is less than \$829,060, the Secretary shall allocate an additional amount to such State for such fiscal year. The additional amount shall be an amount which, when added to the total amount authorized for projects in such State for such fiscal year under subsection (b), equals \$829,060.

(2) **USE OF FUNDS.**—Subject to subsections (d) and (e), amounts allocated under paragraph (1) shall be available to a State to carry out any project on a Federal-aid system.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$12,200,000 per fiscal year for each

of fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out this subsection.

**(d) AMOUNTS AVAILABLE FROM DISCRETIONARY FUNDS.—**

(1) **DETERMINATION OF AMOUNT FOR EACH PROJECT.**—For each project authorized by subsection (a), the Secretary shall make available in any fiscal year an amount equal to 60 percent of the amount authorized for such project for such fiscal year by subsection (b). For each project constructed by a State with funds allocated under subsection (c), the Secretary shall make available to such State for such project an amount equal to 60 percent of the amount of such funds used for such project.

(2) **AMOUNTS DERIVED FROM DISCRETIONARY FUNDS.**—The amounts required to carry out paragraph (1) shall be derived from the discretionary funds described in paragraph (3). For each of fiscal years 1987, 1988, 1989, 1990, and 1991, the Secretary shall reserve from each such discretionary fund an amount equal to—

(A) the total required to carry out paragraph (1) for such fiscal year, multiplied by

(B) a fraction, the numerator of which is the amount available to be distributed at the discretion of the Secretary for such fiscal year from such discretionary fund, and the denominator of which is the amount available to be distributed at the discretion of the Secretary for such fiscal year from all such discretionary funds.

(3) **DISCRETIONARY FUNDS.**—The discretionary funds referred to in paragraph (2) are the funds available to be distributed at the discretion of the Secretary under—

(A) section 103(e)(4) of title 23, United States Code, for highway assistance projects;

(B) section 118(b) of such title;

(C) section 118(c) of such title; and

(D) section 144(g) of such title;

except that such discretionary funds shall not include the funds available under section 118(b) of such title in fiscal year 1987.

(4) **APPLICABILITY OF CERTAIN PROVISIONS.**—A provision of title 23, United States Code, shall only apply to amounts to be obligated under this subsection to the extent that the Secretary determines that application of such provision is consistent with this section.

**(e) STATE SHARE.—**

(1) **GENERAL RULE.**—A State in which a project authorized by subsection (a) is located, or which constructs a project with funds received under an allocation under subsection (c), shall provide for such project an amount equal to 40 percent of the amount authorized for such project or the amount provided for such project from such allocation. Such amount shall be provided from non-Federal sources.

(2) **LOCAL GOVERNMENT OPTION.**—Any portion of the State share under this subsection and subsection (f) may be provided by a political subdivision of the State, at the election of such political subdivision.

**(f) ADDITIONAL FUNDS.—**

(1) *GENERAL RULE.*—If amounts provided under subsections (b), (c), (d), and (e) of this section are not sufficient to complete a project authorized by subsection (a), a State may use any funds apportioned or allocated to the State for Federal-aid highways (other than interstate construction, highway-railway crossings, and hazard elimination funds) and any State funds to complete such project.

(2) *FEDERAL SHARE.*—If Federal-aid highway funds are used to complete a project pursuant to this subsection, the use of such funds shall be subject to the appropriate Federal share applicable with respect to such class of funds under title 23, United States Code.

(g) *DELEGATION TO STATES.*—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section (other than subsection (k)) to the State in which such project or projects are located upon request of such State.

(h) *ADVANCE CONSTRUCTION.*—When a State which has been delegated responsibility for construction of a project under this section (other than subsection (k))—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it; the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(i) *APPLICABILITY OF TITLE 23.*—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by subsections (b) and (c) shall not be subject to any obligation limitation.

(j) *REPORTS.*—

(1) *STATUS REPORTS.*—Not later than January 31 of calendar years 1988, 1989, 1990, and 1991, the Secretary shall submit to Congress a report on the status of the projects authorized by this section.

(2) *PASSAIC COUNTY, NEW JERSEY.*—Not later than 180 days after completion of the demonstration project under subsection (a)(1), the Secretary shall submit a report to Congress on the results of such project (including the timesavings), along with a description of the procedures used to accelerate design and construction of such project, a summary of the manner in which the techniques used in carrying out such project in an urban area differed from the techniques used in the demonstration project carried out under section 141 of the Federal-Aid High-

way Act of 1976 in a rural area, and an analysis of the costs and benefits of the accelerated completion of the project conducted under such paragraph (1).

(3) ALTOONA, PENNSYLVANIA.—Not later than 1 year, 6 years, and 11 years after the completion of the state of the art delineation technology project under subsection (a)(8), the Secretary shall submit reports to the Congress, including but not limited to the results of such project, the effects of using the best delineation technology on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such delineation techniques.

(4) ARKANSAS-MISSOURI.—Not later than 1 year, 6 years, and 11 years after the completion of the projects under subsection (a)(11), the Secretary shall submit reports to the Congress, including but not limited to the results of such projects, the effects of using design features and advances described in such paragraph on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such features and advances.

(5) LIMITATION ON FUNDING.—The cost of any reports required by this subsection (other than status reports under paragraph (1) with respect to a project) shall be paid for with funds made available under subsection (b) of this section for such project.

(k) PRIORITY PROJECTS.

(1) PROJECT DESCRIPTIONS.—

(A) DRY RIDGE, KENTUCKY.—The Secretary is authorized to carry out a highway project to demonstrate methods of improving traffic flow and safety on a portion of a Kentucky State highway which connects an interstate route in the vicinity of Dry Ridge, Kentucky, with a highway on the Federal-aid primary system in the vicinity of Owenton, Kentucky.

(B) ISLE OF PALMS, SOUTH CAROLINA.—The Secretary is authorized to carry out a highway project connecting the Isle of Palms, South Carolina, to the mainland for the purpose of demonstrating the reduction in traffic congestion, improved emergency preparedness, and increased accessibility to a sea island by construction of a high-level fixed span bridge over a high-volume intracoastal waterway segment.

(C) IDAHO FALLS, IDAHO.—The Secretary is authorized to carry out the United States-20/26 Highway Project, located on United States-20/26 and United States-20 between the Idaho National Engineering Laboratory site and the city of Idaho Falls, Idaho;

(D) LAS CRUCES, NEW MEXICO.—The Secretary is authorized to carry out work on United States 70 in the State of New Mexico from Las Cruces, New Mexico to Texico, New Mexico.

(E) LAWRENCE, KANSAS.—The Secretary is authorized to carry out, in Lawrence, Kansas, a bypass project which is a model for its cost-sharing arrangement and economic development goals.

(F) *WICHITA, KANSAS.*—The Secretary is authorized to carry out, in Wichita, Kansas, the replacement of a conventional intersection of 2 heavily-travelled streets at Kellogg and Oliver with a new low-cost European fly-over design for the interchange.

(G) *EMPORIA, KANSAS.*—The Secretary is authorized to construct, in Emporia, Kansas, a new Prairie Street overpass to overcome existing flood conditions.

(H) *SOUTH CAROLINA.*—The Secretary is authorized to construct the South Carolina portion of the Bobby Jones Expressway bypass from I-20 near North Augusta, South Carolina, south across the Savannah River into Georgia, where it connects with I-520.

(I) *FORT WORTH, TEXAS.*—The Secretary is authorized to carry out reconstruction and widening of a critical interchange (“West Leg”) involving major, heavily traveled East-West and North-South interstate highways (I-30 and I-35, respectively), Fort Worth, Texas.

(J) *EBENSBURG, PENNSYLVANIA.*—The Secretary is authorized to carry out and construct the Ebensburg Pennsylvania bypass to divert traffic from Route 219 in Ebensburg, Pennsylvania, to a 5.1 mile relocated segment.

(K) *ST. LOUIS, MISSOURI.*—The Secretary is authorized to carry out the restoration of the Martin Luther King bridge connecting the metro east area in Illinois and St. Louis, Missouri.

(L) *IOWA.*—The Secretary is authorized to carry out the construction of a bridge on United States Route 30 in Iowa to replace a 56-year old structure which is too narrow to be utilized by motor carriers.

(M) *EAST CHICAGO, INDIANA.*—The Secretary is authorized to construct the Cline Avenue—I-94 Interchange in East Chicago, Indiana.

(N) *EAST CHICAGO, INDIANA.*—The Secretary is authorized to carry out the Cline Avenue Interchange improvement project in East Chicago, Indiana, for the reconstruction of an intersection of Cline Avenue and the Borman Expressway.

(O) *TEXARKANA, TEXAS.*—The Secretary is authorized to carry out a highway project in the United States 59 highway corridor in Texas, from Texarkana to Houston to Beeville.

(P) *SOMERSET, PENNSYLVANIA.*—The Secretary is authorized to carry out a study to determine the feasibility of constructing a 4-lane highway out of a 2-lane segment of Route 219 between Somerset, Pennsylvania, and the border of the State of Maryland.

(Q) *JOHNSTOWN, PENNSYLVANIA.*—The Secretary is authorized to carry out a study to determine the feasibility of constructing a 4-lane highway out of a 2-lane segment that connects Route 56, near Johnstown, Pennsylvania, to Route 22.

(R) *PITTSBURGH, PENNSYLVANIA.*—The Secretary is authorized to carry out a study to determine the feasibility of

making Route 22 between Ebensburg and Pittsburgh, Pennsylvania, completely 4-lane.

(S) *EXTON, PENNSYLVANIA.*—The Secretary is authorized to carry out a project to construct a bypass of approximately 4.9 miles parallel to Route 30, to divert motor traffic around the city of Exton, Pennsylvania.

(T) *BELLA VISTA, ARKANSAS.*—The Secretary is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate Routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(2) *FUNDING.*—A State may use any amount apportioned for fiscal year 1987, 1988, 1989, 1990, or 1991 under section 104 (other than 104(b)(5)(A)) or section 144 of title 23, United States Code, to pay the Federal share of the cost of a project under this subsection.

(3) *FEDERAL SHARE.*—If Federal-aid highway funds are used to complete a project pursuant to this subsection, the use of such funds shall be subject to the appropriate Federal share applicable with respect to such class of funds under title 23, United States Code.

#### **SEC. 150. CUMBERLAND GAP NATIONAL HISTORICAL PARK, VIRGINIA.**

(a) *AVAILABILITY OF PARKWAY FUNDS.*—Section 160(a) of the Federal-Aid Highway Act of 1973 (87 Stat. 278) is amended by adding at the end the following new sentences: “After completion of the reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park (including construction of a tunnel and the approaches thereto), funds available for parkways, notwithstanding the definition of parkways in section 101(a) of title 23, United States Code, shall be available to finance the cost of upgrading from 2 lanes to 4 lanes a highway providing access from such route through that portion of the Cumberland Gap National Historical Park which lies within the State of Virginia. The project referred to in the preceding sentence, including preparation of any environmental impact statements with respect to such project, shall not delay or affect in any way the reconstruction and relocation of Route 25E (including construction of a tunnel and approaches thereto).”

(b) *INCLUSION OF APPROACHES.*—Subsection (b) of section 160 of such Act is amended by inserting after “rights-of-way” the following: “, including approaches in the State of Virginia.”

#### **SEC. 151. DELAWARE RIVER BRIDGES.**

(a) *REPAYMENT OF FEDERAL FUNDS INVESTED ON I-80 BRIDGE.*—

(1) *IN GENERAL.*—The Delaware River Joint Toll Bridge Commission (hereinafter in this section referred to as the “Commission”), in conjunction with the State highway agencies of the States of Pennsylvania and New Jersey, shall enter into an agreement with the Secretary to repay to the Treasury of the

United States any Federal funds which previously have been obligated or otherwise expended by the Federal Government with respect to the Delaware Water Gap Bridge on I-80. Such repayment shall be credited to the Highway Trust Fund.

(2) *EFFECT OF REPAYMENT.*—Upon such repayment, such States and the Commission shall be free of all restrictions contained in title 23, United States Code, and any regulation or agreement thereunder, with respect to the collection or imposition of tolls or other charges for such bridge or the use thereof.

(b) *AGREEMENT TO CONSTRUCT I-78 TOLL BRIDGE.*—If the State of Pennsylvania, the State of New Jersey, and the Commission determine to operate the uncompleted bridge under construction in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, on I-78 as a toll bridge, such States, the Commission, and the Secretary shall enter into an agreement with respect to such I-78 bridge project as provided in section 129 of title 23, United States Code, notwithstanding the requirements of section 301 of such title or any existing agreement.

(c) *RIGHT OF REVIEW BY FEDERAL AGENCIES.*—The Commission's authority to fix, charge or collect any fees, rentals, tolls, or other charges shall be as provided in its compact and supplements thereto (including the supplemental agreement described in subsection (e)); except that paragraph (c) of such supplemental agreement shall not be construed to eliminate the necessity for review and approval by any Federal agency, as may be required under applicable Federal law, to determine that the tolls charged by the Commission are reasonable and just consistent with the Commission's responsibilities under such compact and supplements thereto.

(d) *LIMITATIONS.*—

(1) *NO TOLLS ON EXISTING NONTOLL BRIDGES.*—Nothing in this section shall be construed to grant congressional consent to the imposition of tolls by the Commission on any existing and operating bridge under the Commission's jurisdiction on which tolls were not charged and collected on January 1, 1986.

(2) *NONAPPLICABILITY TO I-895 CORRIDOR.*—Nothing in this section shall constitute congressional approval to construct any additional toll bridge in the previously designated I-895 corridor.

(e) *SUPPLEMENTAL AGREEMENT.*—

(1) *CONSENT OF CONGRESS.*—The consent of the Congress is hereby given to the supplemental agreement, described in paragraph (2), concerning the Delaware River Joint Toll Bridge Commission, which agreement has been enacted by the State of Pennsylvania on December 18, 1984, as Act 206, laws of 1984, and by the State of New Jersey on October 21, 1985, as Public Law 1985, chapter 342.

(2) *DESCRIPTION OF AGREEMENT.*—The agreement referred to in paragraph (1) reads substantially as follows:

**“SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY**

**“SUPPLEMENTING THE COMPACT OR AGREEMENT ENTITLED ‘AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY CREATING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION AS A BODY CORPORATE AND POLITICAL AND DEFINING ITS POWERS AND DUTIES, AS HERETOFORE AMENDED AND SUPPLEMENTED, TO ESTABLISH THE PURPOSES FOR WHICH THE COMMISSION MAY FIX, CHARGE, AND COLLECT TOLLS, RATES, RENTS, AND OTHER CHARGES FOR THE USE OF COMMISSION FACILITIES AND PROPERTIES’**

*“The Commonwealth of Pennsylvania and the State of New Jersey do solemnly covenant and agree, each with the other, as follows:*

*“(a)(1) Notwithstanding any other provision of the compact hereby supplemented, or any provision of law, State or Federal to the contrary, as soon as the existing outstanding bonded indebtedness of the commission shall be refunded, defeased, retired, or otherwise satisfied and thereafter, the commission may fix, charge, and collect tolls, rates, rents, and other charges for the use of any commission facility or property and in addition to any purpose now or heretofore or hereafter authorized for which the revenues from such tolls, rates, rents, or other charges may be applied, the commission is authorized to apply or expend any such revenue for the management, operation, maintenance, betterment, reconstruction, or replacement (A) of the existing non-toll bridges, formerly toll or otherwise, over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (Chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto, and (B) of all other bridges within the commission’s jurisdiction and control. Betterment shall include but not be limited to parking areas for public transportation services and all facilities appurtenant to approved projects.*

*“(2) The commission may borrow money or otherwise incur indebtedness and provide from time to time for the issuance of its bonds or other obligations for one or more of the purposes authorized in this supplemental agreement. The commission is authorized to pledge its tolls, rates, rents, and other revenues, or any part thereof, as security for the repayment, with interest, of any moneys borrowed by it or advanced to it for any of its authorized purposes, and as security for the satisfaction of any other obligation assumed by it in connection with such loan or advances.*

*“(3) The authority of the commission to fix, charge, and collect fees, rentals, tolls or any other charges on the bridges within its jurisdiction, including the bridge at the Delaware Water Gap, is confirmed.*

*“(4) The covenants of the State of New Jersey and the Commonwealth of Pennsylvania as set forth in Article VI of the compact to*

*which this is a supplemental agreement shall be fully applicable to any bonds or other obligations issued or undertaken by the commission. Notwithstanding Article VI or any other provision of the compact, the State of New Jersey and the Commonwealth of Pennsylvania may construct a bridge across the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, within 10 miles of the existing toll bridge at that location. All the rest and remainder of the compact, as amended or supplemented, shall be in full force and effect except to the extent it is inconsistent with this supplemental agreement.*

*“(b) The commission is authorized to fix, charge, or collect fees, rentals, tolls, or any other charges on the proposed bridge to be constructed in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, in the same manner and to the same extent that it can do so for other toll bridges under its jurisdiction and control: Provided, That the United States Government has approved the bridge to be a part of the National System of Interstate and Defense Highways with 90 percent of the cost of construction to be contributed by the United States Government: And provided further, That the non-Federal share of such bridge project is contributed by the commission. The commission is further authorized in the same manner and to the same extent that it can do so for all the other toll bridges under its jurisdiction and control to fix, charge, and collect fees, rentals, tolls or any other charges on any other bridge within its jurisdiction and control if such bridge has been constructed in part with Federal funds.*

*“(c) The consent of Congress to this compact shall constitute Federal approval of the powers herein vested in the commission and shall also constitute authority to the United States Department of Transportation or any successor agency and the intent of Congress to grant and Federal approvals required hereunder to permit the commission to fix, charge, and collect fees, rentals, tolls, or any other charges on the bridges within its jurisdiction to the extent provided in subsections (a) and (b) and this subsection and the compact.*

*“(d) Notwithstanding the above provisions, the commission shall not fix, charge, or collect fees, rentals, tolls, or any other charges on any of the various bridges formerly toll or otherwise over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto.*

*“(e) At any time that the commission shall be free of all outstanding indebtedness, the State of New Jersey and the Commonwealth of Pennsylvania may, by the enactment of substantially similar acts, require the elimination of all tolls, rates, rents, and other charges on all bridges within the commission’s jurisdiction and control and, thereafter, all costs and charges in connection with the construction, management, operation, maintenance, and betterment of bridges within the jurisdiction and control of the commission shall be the financial responsibility of the States as provided by law.”*

**SEC. 152. PROHIBITION ON WIDENING CERTAIN ROUTES THROUGH HISTORIC DISTRICT.**

None of the funds authorized by this Act or any other Act or any amendment made by this Act may be obligated for a project to widen any State route through the historic district of the village of Hudson, Ohio, or for a project to construct an alternative or bypass route for such a route within 1 mile of such historic district, unless specifically approved by the village council of the village of Hudson, Ohio.

**SEC. 153. URBAN HIGH DENSITY PROGRAM.**

Of amounts available under the urban high density program, \$2,806,675 is rescinded. \$2,806,675 shall be made available out of the Highway Trust Fund by the Secretary for reconstruction of an interchange on an urban high density project designated in the State of Indiana in accordance with section 146 of title 23, United States Code (as such section was in effect on August 13, 1973).

**SEC. 154. SIGNS IDENTIFYING FUNDING SOURCES.**

If a State has a practice of erecting on projects under actual construction without Federal-aid highway assistance signs which indicate the source or sources of any funds used to carry out such projects, such State shall erect on all projects under actual construction with any funds made available out of the Highway Trust Fund (other than the Mass Transit Account) signs which are visible to highway users and which indicate each governmental source of funds being used to carry out such federally assisted projects and the amount of funds being made available by each such source.

**SEC. 155. SALVAGE OPERATION.**

Notwithstanding any other provision of law, the State of Massachusetts is required—

(1) to assist and coordinate the salvaging of the foundation and associated structures of the historic Great House in City Square, Charlestown, Massachusetts;

(2) to store the salvaged material during the depression and reconstruction of an interstate highway in Charlestown, Massachusetts; and

(3) to assist and coordinate the incorporation of the Great House's foundation and related structures into the reconstruction of City Square at Charlestown, Massachusetts.

**SEC. 156. RELEASE OF CONDITION RELATING TO CONVEYANCE OF A CERTAIN HIGHWAY.**

Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 (84 Stat. 1739) and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

**SEC. 157. MARYLAND INTERSTATE TRANSFER.**

Section 7 of the Act entitled "An Act to apportion certain funds for construction of the National System of Interstate and Defense

Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes”, approved March 9, 1984 (98 Stat. 55-56), is amended—

(1) in the first sentence by inserting “not to exceed” before “\$100,000,000”;

(2) in the second sentence by striking out “\$100,000,000” and inserting in lieu thereof “an amount equal to the amount of such funds”; and

(3) in the third sentence by striking out “\$100,000,000” and inserting in lieu thereof “an amount equal to the amount of funds transferred under this section”.

#### SEC. 158. MOTOR VEHICLE STUDY.

(a) *STUDY.*—The Secretary shall enter into appropriate arrangements with the Transportation Research Board of the National Academy of Sciences (hereinafter in this section referred to as the “Board”) to conduct a study of those motor vehicle issues set forth in subsection (b) of this section. The Board shall consult with the Department of Transportation, the State highway administrations, the motor carrier industry, highway safety groups, and any other appropriate entities.

(b) *ITEMS INCLUDED.*—The study shall include an analysis of the impacts of the various positions that have been put forth with respect to each issue. The final report shall include best estimates of the effects on pavement, bridges, highway revenue and cost responsibility, and highway safety, and the changes in transportation costs and other measures of productivity for various segments of the trucking industry resulting from adoption of each of the positions identified and analyzed. Related issues of permitting, weight enforcement, and data availability and reliability shall be addressed as appropriate. The issues to be addressed shall include but not be limited to the following:

(1) Elimination of existing, grandfather provisions of section 127, title 23, United States Code, which allow higher axle loads and gross vehicle weights than the 20,000-pound single axle load limit, 34,000-pound tandem axle load limit, and 80,000-pound gross vehicle weight limit maximums authorized by the Federal-Aid Highway Amendments of 1974 (Public Law 93-643), including permits for divisible loads and statutory provisions providing higher weights by formula, tolerance or statutory specification.

(2) Analysis of alternative methods of determining a gross vehicle weight limit and axle loadings for all types of motor carrier vehicles.

(3) Analysis of the bridge formula contained in section 127 of such title 23 in view of current vehicle configurations, pavement and bridge stresses in accord with 1986 design and construction practices, and existing bridges on and off the Interstate System.

(4) Establishment of a nationwide policy regarding the provisions of “reasonable access” to the National Network for combination vehicles established pursuant to the Surface Transportation Assistance Act of 1982.

(5) *Recommendation of appropriate treatment for specialized hauling vehicles which do not comply with the existing Federal bridge formula.*

(c) *REPORT.*—The Board shall submit a final report to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section, not later than 30 months after appropriate arrangements are entered into under subsection (a). Appropriate arrangements shall be concluded within 6 months after the date of the enactment of this Act.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), \$500,000 per fiscal year for each of fiscal years 1987 and 1988. Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall remain available until expended.

#### **SEC. 159. RAIL-HIGHWAY CROSSINGS STUDY.**

(a) *STUDY.*—The Secretary shall conduct a study of national highway-railroad crossing improvement and maintenance needs. The Secretary shall consult with the State highway administrations, the Association of American Railroads, highway safety groups, and any other appropriate entities in carrying out this study.

(b) *ITEMS INCLUDED.*—The issues to be addressed by the study described in subsection (a) shall include, but not be limited to, the following:

(1) *An examination of any correlation which may exist between existing conditions at highway-railroad crossings and accident data at such crossings.*

(2) *An examination of existing hazards to motorists and railroad personnel and community impacts resulting from mobility and capacity constraints at such crossings including delays of police, fire, and emergency medical services.*

(3) *An analysis of the most cost effective methods of protecting the public at crossings including a review of the impact of Federal funds expended at crossings; division of cost of improvements and maintenance between Federal, State, local governments and railroads; cost effectiveness of the railroad relocation demonstration program conducted under section 163 of the Federal-Aid Highways Act of 1973 as compared to the railroad-highway crossings program conducted under section 130 of title 23, United States Code; and the cost of upgrading existing equipment at crossings to the latest technology.*

(4) *An examination of driver behavior at such crossings and what technologies are most effective in changing behavior and preventing accidents.*

(5) *An examination of what effect the shift in rail traffic patterns (including abandonments, mergers, and increased demand in certain corridors) has on railroad-highway crossing needs.*

(6) A review of any other potential costs associated with such crossings, including accident liability, increased truck size and weight, and maintenance responsibilities.

(7) An examination of railroad and highway needs relating to crossing safety, capacity, and mobility and the needs of communities affected by railroad-highway crossings.

(8) An examination of the feasibility of addressing these needs on a corridor or system basis.

(9) An examination of the responsibility of rail and highway authorities in addressing these needs.

(c) **REPORT.**—Not later than 24 months after the date of the enactment of this Act, the Secretary shall submit a final report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section along with recommendations of how crossing needs can be addressed in a cost effective manner.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), \$600,000 for 1987. Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall remain available until expended.

#### **SEC. 160. STUDY OF HIGHWAY BRIDGES WHICH CROSS RAIL LINES.**

(a) **NEEDS INVESTIGATION.**—The Secretary shall conduct a comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross rail lines and whose ownership has been disputed. Such study and investigation shall assess—

(1) railroad and highway needs relating to safety, capacity, and mobility and the needs of communities affected by such bridges;

(2) the feasibility of addressing these needs on a comprehensive, national basis; and

(3) the responsibility of railroad and highway authorities in addressing these needs.

(b) **REPORT.**—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the Secretary's study and investigation along with recommendations on how the bridge needs referred to in subsection (a) may best be addressed on a long term basis in a cost effective manner.

#### **SEC. 161. PARKING FOR HANDICAPPED PERSONS.**

(a) **STUDY.**—The Secretary shall conduct a study for the purpose of determining—

(1) any problems encountered by handicapped persons in parking motor vehicles; and

(2) whether or not each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents.

(b) *REPORT.*—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subsection (a).

(c) *DEVELOPMENT OF PROPOSED UNIFORM STATE LAW.*—

(1) *REQUIREMENT.*—If the Secretary determines under subsection (a) that each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents, the Secretary shall develop a proposed uniform State law with respect to parking privileges for handicapped persons and submit a copy of the proposed uniform State law to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives and each State.

(2) *FACTORS TO CONSIDER.*—In developing the proposed uniform State law, the Secretary shall consult with the States and shall consider any advantages—

(A) of ensuring that parking privileges for handicapped persons may be utilized whether a handicapped person is a passenger or a driver;

(B) of the use of the international symbol of access as the exclusive symbol identifying parking zones for handicapped persons and identifying vehicles that may park in such parking zones;

(C) of displaying the international symbol of access on license plates or license plate decals and on identification placards; and

(D) of designing any identification placard so that the placard is easily visible when placed in the interior of any vehicle.

(3) *REPORT.*—If a proposed uniform State law with respect to parking privileges for handicapped persons is developed and submitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives under paragraph (1), within 12 months after the date of such submission and each year thereafter, the Secretary shall report to such committees on the extent to which each State has adopted the proposed uniform State law.

#### **SEC. 162. BRIDGE MANAGEMENT STUDY.**

(a) *INVESTIGATION AND STUDY.*—The Secretary shall make a full and complete investigation and study of State bridge management programs for the purpose of determining whether or not States participating in the Federal bridge replacement and rehabilitation program under section 144 of title 23, United States Code, need to establish a comprehensive bridge management program.

(b) *REPORT.*—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the investigation and study conducted under

subsection (a) together with recommendations (including legislative and administrative recommendations) concerning State establishment of comprehensive bridge management programs and any minimum requirements of such programs which the Secretary considers appropriate based on the findings of such investigation and study.

**SEC. 163. STATE MAINTENANCE PROGRAM STUDY.**

(a) **INVESTIGATION AND STUDY.**—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a complete investigation of the appropriateness of establishing minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

(b) **REPORT.**—Not later than 18 months after entering into appropriate arrangements under subsection (a), the National Academy of Sciences shall submit to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the investigation and study conducted under subsection (a) together with recommendations (including legislative and administrative recommendations) concerning establishment of minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

**SEC. 164. FEASIBILITY STUDY OF USING HIGHWAY ELECTRIFICATION SYSTEMS.**

(a) **GRANT PURPOSE.**—The Secretary shall make a grant to the California Department of Transportation for the purpose of determining the feasibility and applicability of utilizing a highway electrification system as a source of energy for highway vehicles. Such grant shall cover the costs of activities necessary to make such determination, including (but not limited to) necessary land acquisition, construction of a test facility, research, planning, analysis, and engineering.

(b) **GRANT CONDITIONS.**—A grant may only be made under this section if the California Department of Transportation agrees—

(1) to conduct, through the test facility to be constructed under such grant, a study to determine the feasibility and applicability of using a highway electrification system as a source of energy for highway vehicles, and

(2) to submit to the Secretary a report on the results of such study not later than three years after the date such construction is completed.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out subsection (a) of this section, out of the Highway Trust Fund (other than the Mass Transit Account), \$970,000 per fiscal year for each of fiscal years 1987, 1988, and 1989.

(d) **FUNDING AND APPLICABILITY OF TITLE 23.**—Except as provided in subsection (e), funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended.

(e) **FEDERAL SHARE.**—The Federal share of the cost of conducting the study under this section shall not exceed 65 percent.

**SEC. 165. COST EFFECTIVENESS STUDY OF HIGHWAY UPGRADING.**

(a) **STUDY.**—The Secretary shall conduct a study—

(1) to determine the cost-effectiveness of carrying out a project to upgrade Route 219—

(A) between its intersection with Interstate Route I-80 near Dubois, Pennsylvania, and its intersection with the boundary between New York and Pennsylvania near Bradford, Pennsylvania; and

(B) between its intersection with New York Route 242 near Ellicottville, New York, and its intersection with New York Route 17 (Southern Tier Expressway) in Salamanca, New York;

to the geometric and construction standards adopted for the National System of Interstate and Defense Highways;

(2) to determine the feasibility of partially financing such project with toll revenues, of using reclaimed strip mining lands for right-of-way for such project, and of avoiding encroachment upon national and State forests and State game lands in carrying out such project; and

(3) to determine the alignment on which such project should be carried out.

(b) *REPORT.*—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$650,000 for fiscal year 1987.

(d) *FUNDING AND APPLICABILITY OF TITLE 23.*—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of conducting the study under this section shall not exceed 65 percent and such funds shall remain available until expended.

#### **SEC. 166. HIGHWAY FEASIBILITY STUDY.**

(a) *STUDY.*—The Secretary, in cooperation with the States of Louisiana, Arkansas, and Missouri, shall study the feasibility and necessity of constructing to appropriate standards a proposed highway along a route from Shreveport, Louisiana, to Texarkana, Fort Smith, and Fayetteville, Arkansas, and Carthage and Kansas City, Missouri. Such study shall update the feasibility study conducted under section 143(6) of the Federal-Aid Highway Act of 1973.

(b) *FEDERAL SHARE.*—The Federal share of the cost of conducting the study under this section shall be 65 percent.

(c) *REPORT.*—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this section.

**SEC. 167. CALIFORNIA FEASIBILITY STUDY.**

(a) *STUDY.*—*The Secretary shall study the feasibility and necessity of constructing a bypass highway around the city of Sebastopol, California.*

(b) *REPORT.*—*Not later than 9 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this section. Such report shall compare the costs and benefits of constructing the highway referred to in subsection (a) and shall include the recommendations of the Secretary concerning the location of such highway and appropriate design standards for such highway.*

(c) *AUTHORIZATION OF APPROPRIATION.*—*There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section \$100,000 for fiscal year 1987.*

(d) *FUNDING AND APPLICABILITY OF TITLE 23.*—*Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of conducting the study under this section shall not exceed 65 percent and such funds shall remain available until expended.*

**SEC. 168. NEW YORK FEASIBILITY STUDY.**

(a) *STUDY.*—*The Secretary shall study the feasibility and necessity of constructing a major highway on an inland route as an alternative to New York Route 5 from the central business district of Buffalo, New York, to the towns immediately south of Buffalo, New York.*

(b) *FEDERAL SHARE.*—*The Federal share of the cost of conducting the study under this section shall be 65 percent.*

(c) *REPORT.*—*Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).*

**SEC. 169. FLORIDA FEASIBILITY STUDY.**

(a) *STUDY.*—*The Secretary, in cooperation with the State of Florida, shall conduct a study of the feasibility and necessity of constructing, to appropriate standards, a tunnel of not less than 6 lanes (including approaches thereto) under the Intracoastal Waterway in the vicinity of, and north of, the Port Everglades Seaport in Fort Lauderdale, Florida, to replace a bridge on a State highway system and designated as part of the Federal-aid urban system.*

(b) *MATTERS INCLUDED.*—*The study conducted under this section shall include—*

(1) *an analysis of the need to reduce the congestion on the bridge referred to in subsection (a);*

(2) *an analysis of the extent to which the tunnel described in subsection (a) would reduce such congestion;*

(3) an analysis of the extent to which such tunnel would improve navigation and the flow of vessels on the Intracoastal Waterway;

(4) an analysis of the extent to which such tunnel would improve safety and emergency services, including emergency evacuation programs;

(5) if appropriate, an analysis of alternative transportation facilities which would relieve the congestion on such bridge; and

(6) an analysis of feasible proposals for financing the construction of such tunnel and, if appropriate, each such alternative transportation facility, including cost estimates, recommendations as to the sharing of cost responsibilities, and other pertinent matters.

(c) **FEDERAL SHARE.**—The Federal share of the cost of conducting the study under this section shall be 65 percent.

(d) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this section together with recommendations, including specific recommendations on the best method or methods of relieving the congestion on the bridge referred to in subsection (a).

(e) **CONSULTATION.**—In carrying out each phase of the study under this section, the Secretary shall consult with local officials, representatives of local civic organizations, representatives of the port, representatives of local businesses, and other interested parties.

#### **SEC. 170. VIRGIN ISLANDS FEASIBILITY STUDY.**

(a) **REVIEW.**—The Secretary, in cooperation with the Virgin Islands Department of Public Works, shall review existing studies relating to traffic congestion in and around Charlotte Amalie, Virgin Islands, for the purpose of determining feasible alternatives to construction of any highway which extends eastward from the vicinity of the Windward Passage Hotel on the western fringe of Charlotte Amalie and a segment of which parallels the existing Charlotte Amalie waterfront and requires extensive landfill along the waterfront. Such alternatives must reduce traffic congestion in and around Charlotte Amalie.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the review under this subsection.

#### **SEC. 171. STUDY OF FERRY BOAT SERVICE.**

(a) **STUDY.**—The Secretary, in consultation with the highway departments of the States of Nebraska and South Dakota, shall conduct a study to determine the feasibility and cost of establishing public ferry boat service on the Missouri River which connects a Federal-aid highway in the vicinity of Niobrara, Nebraska, with a Federal-aid highway in the vicinity of Springfield, South Dakota, and which meets the requirements of section 129(g) of title 23, United States Code.

(b) *FEDERAL SHARE.*—*The Federal share of the cost of conducting the study under this section shall be 65 percent.*

(c) *REPORT.*—*Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the establishment of the ferry boat service described in subsection (a).*

**SEC. 172. REVIEW OF REPORTS ON UNITED STATES ROUTE 13 RELIEF ROUTE.**

*The Congress requests the Board of Engineers for Rivers and Harbors of the United States Army Corps of Engineers to review—*

(1) *the report of the State of Delaware and the Federal Highway Administration for the United States Route 13 Relief Route; Project No. F-1001(16), Contract #83-110-01,*

(2) *the report of the Chief of Engineers on the Inland Waterway from the Delaware River to Chesapeake Bay, Delaware and Maryland, printed as House Document Number 63-196, and*

(3) *other subsequent reports pertinent to the reports referred to in paragraphs (1) and (2),*

*for the purpose of determining how to best modify the existing canal project to provide a new structure for the selected alignment of the United States Route 13 relief route.*

**SEC. 173. USE OF ROCK SALT ON HIGHWAYS.**

*It is the sense of Congress—*

(1) *that, to enhance environmental protection, and mitigate potential damages to highways and vehicles, Congress encourages efforts to advance the research and development of alternative chemical de-icers to rock salt;*

(2) *that Congress encourages research on alternative chemical de-icers to rock salt under the strategic highway research program under section 307(d) of title 23, United States Code; and*

(3) *that once alternative de-icers are commercially available, the full cost of all de-icing materials, including damages to highways, vehicles, and the environment, should be considered by State and local governments in determining their snow and ice control strategies.*

## **TITLE II—HIGHWAY SAFETY ACT OF 1987**

**SEC. 201. SHORT TITLE.**

*This title may be cited as the “Highway Safety Act of 1987”.*

**SEC. 202. HIGHWAY SAFETY.**

(a) *AUTHORIZATIONS OF APPROPRIATIONS.*—*The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):*

(1) *NHTSA HIGHWAY SAFETY PROGRAMS.*—*For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration \$126,000,000 for fiscal years 1988, 1989, 1990, and 1991.*

(2) **NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—For carrying out section 403 of such title by the National Highway Traffic Safety Administration \$33,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(b) **EXTENSION OF NHTSA HIGHWAY SAFETY PROGRAMS FOR FISCAL YEAR 1987.**—Section 203(a) of the Surface Transportation Assistance Act of 1982 is amended—

(1) in paragraph (1) by striking out “and” and by inserting before the period at the end of such paragraph “; and \$126,000,000 for the fiscal year ending September 30, 1987”;

(2) in paragraph (2) by striking out “and” and by inserting “and September 30, 1987” after “1986,”; and

(3) in paragraph (4)(B) by striking out “and September 30, 1986,” and inserting in lieu thereof “September 30, 1986, and September 30, 1987,”.

(c) **MINIMUM OBLIGATIONS OF NHTSA HIGHWAY SAFETY AUTHORIZATIONS.**—

(1) **ENFORCEMENT OF SPEED LIMIT.**—Out of the funds authorized to be appropriated under subsection (a)(3) of this section for each of fiscal years 1988, 1989, 1990, and 1991, not less than \$20,000,000 per fiscal year shall be obligated under section 402 of title 23, United States Code, for the purpose of enforcing the speed limit established by section 154 of such title.

(2) **SAFETY BELT PROGRAMS.**—Each State shall expend in each fiscal year not less than 2 percent of the amount apportioned to it for such fiscal year of the sums authorized by subsection (a)(3) of this section, for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

(d) **OBLIGATION CEILING FOR HIGHWAY SAFETY PROGRAMS.**—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed \$121,000,000 for fiscal year 1987 and \$126,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

**SEC. 203. ALCOHOL TRAFFIC SAFETY PROGRAMS.**

(a) **PERIOD OF ELIGIBILITY.**—Section 408(c) of title 23, United States Code, is amended—

(1) in the first sentence by striking out “three” and inserting in lieu thereof “5”; and

(2) in the second sentence by striking out “third fiscal year” and inserting in lieu thereof “third, fourth, and fifth fiscal years”.

(b) **AVAILABILITY OF FUNDS.**—Section 408(g) of title 23, United States Code, is amended by inserting before the period at the end of the second sentence the following: “and except that sums authorized by this subsection shall remain available until expended”.

(c) **DEMONSTRATION OF CERTAIN DRUG AND ALCOHOL TESTING TECHNOLOGY.**—

(1) **IN GENERAL.**—The Secretary is authorized—

(A) to test a new drug and alcohol testing technology which measures corneal retinal potential as exhibited in the brain function wave form; and

(B) to test the application of ignition interlock devices that prohibit the operation of motor vehicles by intoxicated individuals;

to determine the potential for applying such technology and devices in preventing drug and alcohol related traffic deaths.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall report to Congress on the effectiveness and the potential for application of the technology and devices described in paragraph (1).

**SEC. 204. SCHOOLBUS SAFETY MEASURES.**

(a) **STUDY.**—

(1) **NATIONAL ACADEMY OF SCIENCES.**—Not later than 30 days after the date of the enactment of this Act, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the principal causes of fatalities and injuries to schoolchildren riding in schoolbuses and of the use of seatbelts in schoolbuses and other measures that may improve the safety of schoolbus transportation. The purpose of the study and investigation is to determine those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

(2) **REPORT.**—In entering into any arrangements with the National Academy of Sciences for conducting the study and investigation under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 18 months after the date on which such arrangements are completed, to Congress and the Secretary a report on the results of such study and investigation. The report shall contain a list of those safety measures determined by the Academy to be most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

(3) **REVIEW OF REPORT.**—Upon receipt of the report under paragraph (2), the Secretary shall review such report for the purpose of determining those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses. Not later than 2 months after the date of receipt of such report, the Secretary shall publish in the Federal Register a list of those safety measures which the Secretary determines are the most effective in protecting the safety of such children.

(4) **INFORMATION.**—Upon request of the National Academy of Sciences, the Secretary shall furnish to the Academy any information which the Academy deems necessary for the purpose of conducting the study and investigation under this subsection.

(b) **SCHOOLBUS SAFETY GRANT PROGRAM.**—

(1) **SET-ASIDE.**—Before apportioning any funds made available to carry out section 402 of title 23, United States Code, for each of fiscal years 1989, 1990, and 1991, the Secretary may set aside an amount not to exceed \$5,000,000 for making grants to States to implement those schoolbus safety measures published by the Secretary under subsection (a).

(2) *APPLICATION.*—Any State interested in receiving under this subsection a grant to implement schoolbus safety measures in fiscal year 1989, 1990, or 1991 shall submit to the Secretary an application for such grant. Applications under this subsection shall be submitted at such time and in such form and contain such information as the Secretary may require by regulation.

(3) *LIMITATION.*—No State shall receive more than 30 percent of the funds set aside pursuant to this subsection for any fiscal year in grants under this subsection.

#### **SEC. 205. SPLASH AND SPRAY SUPPRESSANT DEVICES.**

Section 414(b) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314(b)) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) within one year after the date of the enactment of the Highway Safety Act of 1987, establish final minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, and trailers unless the Secretary has determined that there is no available technology which—

“(A) can significantly reduce splash and spray from truck tractors, semitrailers, and trailers, and

“(B) can significantly improve visibility of drivers, as demonstrated during testing on highways, at test facilities, and in laboratories to take into account possible wind and rain conditions;”.

#### **SEC. 206. HIGHWAY SAFETY PROGRAM AMENDMENTS.**

(a) *GUIDELINES.*—Section 402 of title 23, United States Code, is amended by striking out “standard” and “standards” each place they appear and inserting in lieu thereof “guideline” and “guidelines”, respectively.

(b) *WAIVERS FOR EXPERIMENTAL PROGRAMS.*—Subsection (a) of such section is amended by striking out the last sentence.

(c) *ELIMINATION OF CERTAIN CONDITION.*—Subsection (b)(1) of such section is amended by striking out subparagraph (D), relating to comprehensive driver training programs, and by redesignating subparagraphs (E) and (F) (and any references thereto) as subparagraphs (D) and (E), respectively.

(d) *RULEMAKING PROCESS.*—Subsection (j) of such section is amended to read as follows:

“(j) *RULEMAKING PROCESS.*—The Secretary shall, not later than September 1, 1987, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Not later than April 1, 1988, the Secretary shall promulgate a final rule establishing those programs determined to be most effective in reducing accidents, injuries, and deaths. If such rule is promulgated by April 1, 1988, then it shall take effect October 1, 1988. If such rule is not promulgated by April 1, 1988, it shall take effect October 1, 1989. After a rule is promulgated in accordance with this subsection, the Secretary may from time to time thereafter revise such rule under a rulemaking process described in the first sentence of this subsection. Any rule under this subsection shall be promulgated taking into account consideration of the States having a major role

*in establishing programs described in the first sentence of this subsection. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section."*

**SEC. 207. HIGHWAY SAFETY EDUCATION AND INFORMATION.**

(a) **NATIONAL HIGHWAY SAFETY CAMPAIGN.**—Subsection (d) of section 209 of the Highway Safety Act of 1978 is amended to read as follows:

*"(d) NATIONAL HIGHWAY SAFETY CAMPAIGN.—Utilizing those techniques, methods, and practices determined most effective under subsection (b), the Secretary of Transportation shall conduct a national highway safety campaign utilizing the local and national television and radio to educate and inform the public of techniques, methods, and practices to reduce the number and severity of highway accidents. Not later than the 180th day after the date of submission of the first report to Congress required by subsection (b) of this section, the Secretary shall commence the conduct of such campaign."*

(b) **LIMITATION ON OBLIGATIONS.**—Subsection (h) of such section is amended by adding at the end thereof the following: *"None of the amounts authorized by this subsection shall be available for obligation for any education or information program conducted in connection with the implementation of Federal Motor Vehicle Safety Standard 208 (49 C.F.R. 571.208)."*

(c) **OBLIGATION CEILING.**—Subsection (i) of such section is amended by inserting before the period at the end the following: *"and except that the funds authorized to be appropriated to carry out this section shall not be subject to any obligation limitation"*.

**SEC. 208. OLDER DRIVER STUDY.**

(a) **CONTRACT.**—Not later than 30 months after the date of the enactment of this Act, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of (1) problems which may inhibit the safety and mobility of older drivers using the Nation's roads, and (2) means of addressing these problems.

(b) **REPORT.**—In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and Congress not later than 24 months after the date of the enactment of this Act on the results of such study and investigation, together with its recommendations.

(c) **AVAILABILITY OF INFORMATION.**—The Secretary shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by this section.

(d) **PILOT PROGRAM.**—

(1) **DEVELOPMENT OF PROGRAM.**—The Secretary shall develop, in conjunction with the study carried out under this section, a pilot program of highway safety improvements to enhance the safety and mobility of older drivers. The program shall be designed to apply known technology at sites in rural and urban

areas and on different types of highways and to determine the daytime and nighttime effectiveness of such technology.

(2) **STATES ENCOURAGED TO CARRY OUT PROGRAM.**—The Secretary shall encourage the States to carry out the pilot program developed under paragraph (1) with funds available for highway safety improvement projects. In particular, the Secretary shall encourage States with a high percentage of older drivers to give high priority to carrying out the pilot program.

(3) **EVALUATION AND REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall evaluate the pilot program under this subsection and shall report to Congress on the effectiveness of such program in improving the safety and mobility of older drivers.

**SEC. 209. RESCISSION OF CONTRACT AUTHORITY.**

\$148,000,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982 is rescinded. This rescission does not reduce the balance in the Airport and Airway Trust Fund.

## **TITLE III—FEDERAL MASS TRANSPORTATION ACT OF 1987**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Federal Mass Transportation Act of 1987”.

**SEC. 302. LETTERS OF INTENT.**

Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended by striking out “provided in an appropriation Act” and by striking out “specified in an appropriations Act.” and inserting in lieu thereof “specified in law.”

**SEC. 303. CRITERIA FOR NEW STARTS.**

(a) **GENERAL RULE.**—Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

“(i) **CRITERIA FOR NEW STARTS.**—No grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may be made under this section unless the Secretary determines that the proposed project—

“(1) is based on the results of an alternatives analysis and preliminary engineering,

“(2) is cost-effective, and

“(3) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension.

In making grants and loans under this section, the Secretary may also consider such other factors as the Secretary deems appropriate. The Secretary shall issue guidelines that set forth the means by which the Secretary will evaluate cost-effectiveness, results of alternatives analysis, and degree of local financial commitment.”

(b) **LIMITATION ON APPLICABILITY.**—The amendment made by subsection (a) of this section shall not apply to any project—

(1) for which a letter of intent or full funding contract has been issued under section 3(a)(4) of the Urban Mass Transportation Act of 1964 before the date of enactment of this Act; or

(2) which was in the preliminary engineering, final design, or construction stage as of January 1, 1987.

**SEC. 304. REPORT ON FUNDING LEVELS AND ALLOCATIONS OF FUNDS.**

Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

“(j) **REPORT ON FUNDING LEVELS AND ALLOCATIONS OF FUNDS.**—Not later than 30 days after the date of enactment of this subsection and each January 20 thereafter, the Secretary shall prepare and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

“(1) a proposal of the total amount of funds which should be made available in accordance with subsection (k)(1)(D) of this section to finance for the fiscal year beginning on October 1 of such year grants and loans for each of the following:

“(A) the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities,

“(B) rail modernization, and

“(C) construction of new fixed guideway systems and extensions to fixed guideway systems; and

“(2) a proposal of the allocation of the funds to be made available to finance grants and loans for the construction of new fixed guideway systems and extensions to fixed guideway systems among applicants for such assistance.”

**SEC. 305. ALLOCATION OF SECTION 3 FUNDS.**

Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

“(k) **ALLOCATIONS.**—

“(1) **IN GENERAL.**—Of the amounts available for grants and loans under this section for fiscal years 1987, 1988, 1989, 1990, and 1991—

“(A) 40 percent shall be available for rail modernization;

“(B) 40 percent shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems;

“(C) 10 percent shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities; and

“(D) 10 percent shall be available for the purposes described in subparagraphs (A) through (C), as determined by the Secretary.

“(2) **ELIGIBILITY.**—(A) The receipt of, or application for, assistance for a project described in subparagraph (A), (B), or (C) of paragraph (1) shall not preclude eligibility for assistance for a project described in any other such subparagraph.

“(B) Prior to the expiration of the 2-year period beginning on the date of enactment of this subsection, the Secretary may not

*change program administration regarding eligibility for assistance for rail modernization.”*

**SEC. 306. ADVANCE CONSTRUCTION.**

(a) **DISCRETIONARY GRANT PROGRAM.**—Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

“(1) **ADVANCE CONSTRUCTION.**—

“(1) **APPROVED PROJECT.**—Upon application of a State or local public body which carries out a project described in this section or a substitute transit project described in section 103(e)(4) of title 23, United States Code, or portion of such a project without the aid of Federal funds in accordance with all procedures and requirements applicable to such a project and upon the Secretary’s approval of such application, the Secretary may pay to such applicant the Federal share of the net project costs if, prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section or such section 103(e)(4), as the case may be.

“(2) **BOND INTEREST.**—

“(A) **ELIGIBLE COST.**—Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State or local public body to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion.

“(B) **LIMITATION ON AMOUNT.**—In no event shall the amount of interest considered as a cost of carrying out a project or portion thereof under subparagraph (A) be greater than the excess of—

“(i) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over

“(ii) the actual cost of carrying out such project or portion (not including such interest).

“(C) **CHANGES IN CONSTRUCTION COST INDICES.**—The Secretary shall consider changes in construction cost indices in determining the amount under subparagraph (B)(i).”

(b) **BLOCK GRANT PROGRAM.**—Section 9 of such Act is amended by adding at the end thereof the following new subsection:

“(p) **ADVANCE CONSTRUCTION.**—

“(1) **APPROVED PROJECT.**—When a recipient has obligated all funds apportioned to it under this section and proceeds to carry out any project described in this section (other than a project for operating expenses) or portion of such a project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit a State to carrying out projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such recipient and his ap-

proval of such application, is authorized to pay to such recipient the Federal share of the costs of carrying out such project or portion when additional funds are apportioned to such recipient under this section if, prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section.

“(2) **LIMITATION ON PROJECTS.**—The Secretary may not approve an application under this subsection unless an authorization for this section is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such recipient. No application may be approved under this subsection which will exceed—

“(A) the recipient’s expected apportionment under this section if the total amount of funds authorized to be appropriated to carry out this section for such fiscal year were so appropriated, less

“(B) the maximum amount of such apportionment which could be made available for projects for operating expenses under this section.

“(3) **BOND INTEREST.**—

“(A) **ELIGIBLE COST.**—Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the recipient to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion.

“(B) **LIMITATION ON AMOUNT.**—In no event shall the amount of interest considered as a cost of carrying out a project or portion under subparagraph (A) be greater than the excess of—

“(i) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over

“(ii) the actual cost of carrying out such project or portion (not including such interest).

“(C) **CHANGES IN CONSTRUCTION COST INDICES.**—The Secretary shall consider changes in construction cost indices in determining the amount under subparagraph (B)(i).”.

**SEC. 307. SECTION 4(h)(1) REPORTS.**

Section 4(h)(1) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(h) **QUARTERLY REPORTS.**—(1) Not later than 30 days after the last day of each calendar quarter, the Secretary shall transmit to the Committee on Public Works and Transportation and the Committee on Appropriations of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate a report on—

*“(A) obligations, commitments, and reservations by State, designated recipient, and applicant, made under authority of this Act during that quarter;*

*“(B) the balance as of the last day of that quarter of the unobligated, uncommitted, and unreserved apportionments made under this Act;*

*“(C) the balance of unobligated, uncommitted, and unreserved sums available for expenditure at the discretion of the Secretary under this Act as of the close of that quarter;*

*“(D) a listing of letters of intent issued during that quarter;*

*“(E) a status report on all letters of intent outstanding as of the close of that quarter; and*

*“(F) a status report on the execution of grant contracts and the establishment of a letter of credit or other reimbursement authority for sums already obligated for each State, designated recipient, and applicant.”.*

#### **SEC. 308. LEASED PROPERTY.**

Section 9(j) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence the following: *“Grants for construction projects under this section shall also be available to finance the leasing of facilities and equipment for use in mass transportation service, subject to regulations limiting such grants to leasing arrangements which are more cost effective than acquisition or construction. The Secretary shall publish regulations under the preceding sentence in proposed form in the Federal Register for public comment not later than 60 days after the date of enactment of this sentence, and shall promulgate such regulations in final form not later than 240 days after such date of enactment.”.*

#### **SEC. 309. BUS REMANUFACTURING AND OVERHAULING OF ROLLING STOCK.**

(a) **INCLUSION IN DEFINITION OF CONSTRUCTION.**—Section 12(c)(1) of the Urban Mass Transportation Act of 1964 is amended by inserting *“(A)”* after *“such term also means”* and by inserting before the semicolon at the end thereof the following: *“; (B) any bus remanufacturing project which extends the economic life of the bus 8 years or more, and (C) any project for the overhaul of rail rolling stock (whether or not such overhaul increases the useful life of the rolling stock)”.*

(b) **EXPANSION OF ASSOCIATED CAPITAL MAINTENANCE ITEMS.**—Section 9(j) of the Urban Mass Transportation Act of 1964 is amended—

*(1) in the last sentence, by striking out “and materials” and inserting in lieu thereof “, tires, tubes, and materials”;*

*(2) in the last sentence, by striking out “1 per centum” and inserting in lieu thereof “one-half of 1 per centum”.*

*(3) by inserting “(1)” before “Grants”;* and

*(4) by adding at the end thereof the following:*

*“(2) A project for the reconstruction (whether by employees of the grant recipient or by contract) of any equipment and materials each of which, after reconstruction, will have a fair market value no less than one-half of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and materials are to be used shall be considered a project for construction of an associated capital maintenance item under this section.”.*

(c) *FEDERAL SHARE.*—The first sentence of section 9(k)(1) of such Act is amended by striking out “shall not exceed” the first place it appears and inserting in lieu thereof “shall be”.

(d) *LOCAL MATCH.*—The first sentence of section 9(k)(1) of such Act is further amended by striking out “such project” and inserting in lieu thereof “such project; however, a recipient is permitted to provide additional local match at its option”.

(e) *MAINTENANCE REQUIREMENT.*—Section 3(a)(2)(A) of such Act is amended to read as follows:

“(2)(A) No grant or loan shall be provided under this section unless the Secretary determines that the applicant—

“(i) has or will have the legal, financial, and technical capacity to carry out the proposed project;

“(ii) has or will have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment; and

“(iii) has or will have sufficient capability to maintain the facilities and equipment, and will maintain, such facilities and equipment.”.

(f) *CONFORMING AMENDMENT.*—The first sentence of section 9(k)(1) of such Act is further amended by striking out “(including capital maintenance items)” and inserting in lieu thereof “(including any project for the acquisition or construction of an associated capital maintenance item)”.

#### **SEC. 310. LONG-TERM FINANCIAL PLANNING.**

Section 8(a) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end of the third sentence the following: “and development of long-term financial plans for regional urban mass transit improvements and the revenue available from current and potential sources to implement such improvements”.

#### **SEC. 311. USE OF LAPSED SECTION 9A AND SECTION 9 FUNDS.**

Section 9(o) of the Urban Mass Transportation Act of 1964 is amended by striking out the period at the end of the second sentence and inserting “not later than 30 days after the end of such period.”.

#### **SEC. 312. BLOCK GRANT PROGRAM AMENDMENTS.**

(a) *FUNDING OF PARTIAL PROGRAMS OF PROJECTS.*—Section 9(e)(2) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new sentence: “A grant may be made under this section to carry out, in whole or in part, a program of projects.”.

(b) *TRANSIT ADVERTISING REVENUES.*—

(1) *EXCLUSION FROM OPERATING REVENUES.*—Section 9(k)(1) of such Act is amended by inserting after the third sentence the following new sentence: “For purposes of the preceding sentence, ‘revenues from the operation of a public mass transportation system’ shall not include the amount of any revenues derived by such system from the sale of advertising and concessions which is in excess of the amount of such revenues derived by such system from the sale of advertising and concessions in fiscal year 1985.”.

(2) ANNUAL REPORT.—Section 9(e) of such Act is amended by adding at the end thereof the following new paragraph:

“(4) Each recipient (including any person receiving funds from a Governor under this section) shall submit to the Secretary annually a report on the revenues such recipient derives from the sale of advertising and concessions.”

(c) OPERATING ASSISTANCE LIMITATION FOR SMALL URBANIZED AREAS.—Section 9(k)(2) of such Act is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking out the last sentence and inserting in lieu thereof the following: “Notwithstanding the preceding sentence, an urbanized area that first became an urbanized area under the 1980 census or thereafter may use each fiscal year for operating assistance not to exceed an amount equal to  $\frac{2}{3}$  of its apportionment during the first full year it received funds under this section.”; and

(3) by adding at the end thereof the following:

“(B) Beginning on October 1, 1988, the amount of funds apportioned under this section that may be used for operating assistance by urbanized areas of less than 200,000 population shall be increased on October 1 of each year by an amount determined by multiplying the amount applicable to each such urbanized area as determined under subparagraph (A) (excluding any increases under this subparagraph) by the percentage of the increase (if any) in the Consumer Price Index during the most recent calendar year. The amount of funds apportioned under this section that each urbanized area of less than 200,000 population that was a recipient of funds under this section during fiscal year 1987 may use for operating assistance shall be increased by 32.2 percent on October 1, 1987. The increases provided for by this subparagraph shall be cumulative.

“(C) As used in subparagraph (B), the term ‘Consumer Price Index’ means the Consumer Price Index for all-urban consumers published by the Department of Labor.”

(d) TRANSFERS OF APPORTIONMENTS.—Section 9(n)(1) of such Act is amended—

(1) by striking out “with populations of 300,000 or less” in the first sentence; and

(2) by inserting after the third sentence the following: “Any amounts of a State’s apportionment that remain available for obligation at the beginning of the 90-day period before the expiration of the period of availability of such amounts shall be available to the Governor for use throughout the State.”

(e) DATE OF APPORTIONMENT.—Section 9 of such Act is further amended by adding at the end thereof the following new subsection:

“(q) DATE OF APPORTIONMENT.—The Secretary shall apportion funds appropriated to carry out this section for any fiscal year in accordance with the provisions of this section not later than the tenth day following the date on which such funds are appropriated or October 1 of such fiscal year, whichever is later. The Secretary shall publish apportionments of such appropriated funds, including amounts attributable to each urbanized area above 50,000 population as well as the amount attributable to each State of the multi-state urbanized area, on the apportionment date established by the preceding sentence.”

(f) **TECHNICAL AMENDMENTS.**—(1) Section 9(e) of such Act is amended by adding at the end thereof the following new paragraph:

“(5) No grant shall be made under this section to any recipient in any fiscal year unless the Secretary has accepted a certification for such fiscal year submitted by such person pursuant to this subsection.”

(2) Section 9(g) of such Act is amended by striking out paragraph (4).

(3) Section 9(l) of such Act is repealed.

**SEC. 313. SECTION 9B PROGRAM.**

The Urban Mass Transportation Act of 1964 is amended by inserting after section 9A the following:

“**MASS TRANSIT ACCOUNT BLOCK GRANTS**

“**SEC. 9B. (a) APPORTIONMENT AND ADMINISTRATION.**—The amount made available by subsections (b) and (c) of section 21 of this Act to carry out this section shall be made available in accordance with the provisions of subsections (a) through (j), (m), and (n) of section 9 of this Act.

“(b) **AVAILABILITY FOR CONSTRUCTION PROJECTS.**—Grants under this section shall be available only for the purpose of construction projects (including capital maintenance items) and shall be subject to the limitations contained in section 9(k) of this Act applicable to such projects.

“(c) **USE OF UNOBLIGATED AMOUNTS.**—Sums apportioned under this section shall be available for obligation by the recipient for a period of 3 years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under this section for the succeeding fiscal year not later than 30 days after the end of such period.”

**SEC. 314. UNIVERSITY TRANSPORTATION CENTERS.**

(a) **GRANT PROGRAM; NATIONAL ADVISORY COUNCIL.**—Section 11(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(b) **UNIVERSITY TRANSPORTATION CENTERS.**—

“(1) **GRANTS FOR ESTABLISHMENT AND OPERATION.**—In addition to grants authorized by subsection (a) of this section, the Secretary shall make grants to one or more nonprofit institutions of higher learning to establish and operate one regional transportation center in each of the ten Federal regions which comprise the Standard Federal Regional Boundary System.

“(2) **RESPONSIBILITIES.**—The responsibilities of each transportation center established under this subsection shall include, but not be limited to, the conduct of infrastructure research concerning transportation and research and training concerning transportation of passengers and property and the interpretation, publication, and dissemination of the results of such research. The responsibilities of one of such centers may include research on the testing of new model buses. The program of research at all research centers should cover more than one mode of transportation, and should take into consideration the proportion of funding for this subsection from funding available to

carry out urban mass transportation projects under this Act and from the Highway Trust Fund.

"(3) *APPLICATION.*—Any nonprofit institution of higher learning interested in receiving a grant under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

"(4) *SELECTION CRITERIA.*—The Secretary shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The regional transportation center shall be located in a State which is representative of the needs of the Federal region for improved transportation services and facilities.

"(B) The demonstrated research and extension resources available to the grant recipient for carrying out this subsection.

"(C) The capability of the grant recipient to provide leadership in making national and regional contributions to the solution of both long-range and immediate transportation problems.

"(D) The grant recipient shall have an established transportation program or programs encompassing several modes of transportation.

"(E) The grant recipient shall have a demonstrated commitment to supporting ongoing transportation research programs with regularly budgeted institutional funds of at least \$200,000 per year.

"(F) The grant recipient shall have a demonstrated ability to disseminate results of transportation research and educational programs through a statewide or regionwide continuing education program.

"(G) The projects which the grant recipient proposes to carry out under the grant.

"(5) *MAINTENANCE OF EFFORT.*—No grant may be made under this section in any fiscal year unless the recipient of such grant enters into such agreements with the Secretary as the Secretary may require to ensure that such recipient will maintain its aggregate expenditures from all other sources for establishing and operating a regional transportation center and related research activities at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this subsection.

"(6) *FEDERAL SHARE.*—The Federal share of a grant under this subsection shall be 50 percent of the costs of establishing and operating the regional transportation center and related research activities carried out by the grant recipient.

"(7) *NATIONAL ADVISORY COUNCIL.*—

"(A) *ESTABLISHMENT; FUNCTIONS.*—The Secretary shall establish in the Department of Transportation a national advisory council to coordinate the research and training to be carried out by the grant recipients, to disseminate the results of such research, to act as a clearinghouse between

such centers and the transportation industry, and to review and evaluate programs carried out by such centers.

“(B) MEMBERS.—The council shall be composed of the directors of the regional transportation centers and 19 other members appointed by the Secretary as follows:

“(i) Six officers of the Department of Transportation one of whom represents the Office of the Secretary, one of whom represents the Federal Highway Administration, one of whom represents the Urban Mass Transportation Administration, one of whom represents the National Highway Traffic Safety Administration, one of whom represents the Research and Special Programs Administration, and one of whom represents the Federal Railroad Administration.

“(ii) Five representatives of State and local governments.

“(iii) Eight representatives of the transportation industry, including private providers of public transportation services, and organizations of employees in such industry.

A vacancy in the membership of the council shall be filled in the manner in which the original appointment was made.

“(C) TERM OF OFFICE; PAY; CHAIRMAN.—Each of the members appointed by the Secretary shall serve without pay. The chairman of the council shall be designated by the Secretary.

“(D) MEETINGS.—The council shall meet at least annually and at such other times as the chairman may designate.

“(E) AGENCY INFORMATION.—Subject to subchapter II of chapter 5 of title 5, United States Code, the council may secure directly from any department or agency of the United States information necessary to enable it to carry out this subsection. Upon request of the chairman of the council, the head of such department or agency shall furnish such information to the council.

“(F) TERMINATION DATE INAPPLICABLE.—Section 14 of the Federal Advisory Committee Act shall not apply to the council.

“(8) ADMINISTRATION THROUGH OFFICE OF SECRETARY.—Administrative responsibility for carrying out this subsection shall be in the Office of the Secretary.

“(9) ALLOCATION OF FUNDS.—The Secretary shall allocate funds made available to carry out this subsection equitably among the Federal regions.

“(10) TECHNOLOGY TRANSFER SET-ASIDE.—Not less than 5 percent of the funds made available to carry out this subsection for any fiscal year shall be available to carry out technology transfer activities.”.

(b) CONFORMING AMENDMENT.—Section 11(a) of such Act is amended by inserting “GRANT PROGRAM.—” before “The Secretary”.

**SEC. 315. SOLE SOURCE PROCUREMENTS.**

(a) **GENERAL RULE.**—Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

“(3) **SOLE SOURCE PROCUREMENT CONTRACTS.**—Any recipient of a grant under section 9 of this Act who is procuring an associated capital maintenance item under section 9(j) of this Act may, without receiving prior approval of the Secretary, contract directly with the original manufacturer or supplier of the item to be replaced if such recipient first certifies in writing to the Secretary—

“(A) that such manufacturer or supplier is the only source for such item; and

“(B) that the price of such item is no higher than the price paid for such item by like customers.”

(b) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) by inserting “**CONTRACT REQUIREMENTS.**—” before “(1) All contracts”;

(2) by inserting “**NONCOMPETITIVE BID CONTRACTS.**—” before “All contracts”;

(3) by inserting “**ROLLING STOCK ACQUISITION CONTRACTS.**—” before “In lieu of”; and

(4) by indenting paragraph (1) and aligning paragraphs (1) and (2) with paragraph (3), as added by subsection (a) of this section.

**SEC. 316. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.**

Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

“(4) **CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.**—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping or related services with respect to a project for which a loan or grant is made under this Act shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirement. This paragraph shall apply except to the extent any State adopts or has adopted by statute a formal procedure for the procurement of such services.”

**SEC. 317. BUS TESTING.**

(a) **REQUIREMENT.**—Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

“(h) **BUS TESTING.**—

“(1) **REQUIREMENT.**—No funds appropriated or made available pursuant to this Act after September 30, 1989, may be obligated or expended for the acquisition of a new bus model unless a bus of such model has been tested at a facility established under section 317(b) of the Federal Mass Transportation Act of 1987.

"(2) *NEW BUS MODEL DEFINED.*—As used in this subsection, the term 'new bus model' means a bus model which has not been used in mass transportation service in the United States before the date of production of such model or a bus model which has been used in such service but which is being produced with a major change in configuration or components."

(b) *BUS TESTING FACILITY.*—

(1) *ESTABLISHMENT.*—The Secretary shall establish a facility for testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Such facility shall be established by renovation of a facility constructed with Federal assistance for the purpose of training rail personnel.

(2) *OPERATION.*—The Secretary shall enter into a contract with a qualified person to operate and maintain the facility established under paragraph (1) for testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Such contract may provide for the testing of rail cars and other vehicles at such facility.

(3) *COLLECTION OF FEES.*—Under the contract entered into under paragraph (2), the person operating and maintaining the facility shall establish and collect fees for the testing of vehicles at the facility. Such fees shall be subject to the approval of the Secretary.

(4) *NEW BUS MODEL DEFINED.*—For purposes of this subsection, the term "new bus model" has the meaning such term has under section 12(h)(2) of the Urban Mass Transportation Act of 1964.

(5) *FUNDING.*—There shall be available to the Secretary out of the Mass Transit Account of the Highway Trust Fund for establishment of the facility under paragraph (1) \$200,000 for fiscal year 1987 and \$3,000,000 for fiscal year 1988. Funds made available by this paragraph shall remain available until expended and shall not be subject to any obligation limitation.

**SEC. 318. RULEMAKING.**

(a) *IN GENERAL.*—Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"(i) *RULEMAKING PROCEDURES.*—

"(1) *PROCEDURES.*—The Secretary shall prepare an agenda listing all areas in which the Secretary intends to propose rules governing activities under this Act within the following 12-month period. The Secretary shall publish the proposed agenda in the Federal Register as part of the Secretary's semi-annual rulemaking agenda which lists rulemaking activities of the Urban Mass Transportation Administration. The Secretary shall also transmit the agenda required by the first sentence of this paragraph to the Committee on Public Works and Transportation and the Committee on Appropriations of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate on the day that the Secretary's semi-annual rulemaking agenda is published in the Federal Register.

“(2) *VIEWS.*—Except for emergency rules, the Secretary shall give interested parties not less than 60 days to participate in any rulemaking under this Act through submission of written data views, or arguments with or without the opportunity for oral presentation, except when the Secretary for good cause finds that public notice and comment are unnecessary due to the routine nature or matter of insignificant impact of the rule, or that an emergency rule should be promulgated. The Secretary may extend the 60-day period if the Secretary determines that such period is insufficient to permit diligent persons to prepare comments or that other circumstances justify an extension of such period. An emergency rule shall terminate 120 days after the date on which it is promulgated.”

(b) *DEFINITIONS.*—Section 12(c) of such Act is amended—

(1) by striking out “and” at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

“(12) the term ‘rule’ means the whole or part of the Secretary’s statement of general or particular applicability designed to implement, interpret, or prescribe law or policy in carrying out provisions of this Act; and

“(13) the term ‘emergency rule’ means a rule which is temporarily effective prior to the expiration of the otherwise specified periods of time for public notice and comment under this section and which was promulgated by the Secretary pursuant to a finding that a delay in the effective date thereof would (A) seriously injure an important public interest, (B) substantially frustrate legislative policy and intent, or (C) seriously damage a person or class of persons without serving any important public interest.”

**SEC. 319. PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.**

Section 12 of the Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new subsection:

“(j) *PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.*—For the purpose of assuring compliance with Federal motor vehicle safety requirements, the requirements of section 165 of the Surface Transportation Assistance Act of 1982 (relating to purchases of American products), and bid specifications requirements of recipients of grants under this Act, the Secretary shall issue regulations requiring a preaward and postdelivery audit with respect to any grant under this Act for the purchase of buses and other rolling stock. For the purposes of such audit, manufacturer certification shall not be sufficient, and independent inspections and auditing shall be required.”

**SEC. 320. REMOVAL OF LIMITATION ON THE SOURCE OF FUNDING FOR INNOVATIVE MANAGEMENT GRANTS.**

Section 4(i) of the Urban Mass Transportation Act of 1964 is amended by striking out “, using sums available pursuant to section 4(c)(3)(A) of this section,”

**SEC. 321. FEDERAL SHARE FOR ELDERLY AND HANDICAPPED PROJECTS.**

Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

*“(e) INCREASED FEDERAL SHARE OF CERTAIN NONREQUIRED PROJECTS.—Notwithstanding any other provision of this Act, the Federal share under sections 3, 9, and 18 of this Act for each capital improvement project which enhances the accessibility for elderly and handicapped persons to public transportation service and which is not required by Federal law (including any other provision of this Act) shall be 95 percent of the net project cost of such project.”.*

**SEC. 322. RURAL TRANSPORTATION EQUITY.**

Section 18(c) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: “A State administering a program of operating assistance under this section may not limit the level or extent of use of the Federal share for the payment of operating expenses except as provided in this section.”.

**SEC. 323. RURAL TRANSIT ASSISTANCE PROGRAM.**

Section 18 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

*“(h) RURAL TRANSIT ASSISTANCE PROGRAM.—The Secretary shall establish and carry out a rural transit assistance program in nonurbanized areas. In carrying out this subsection, the Secretary is authorized to make grants and to enter into direct contracts for transit research, technical assistance, training, and related support services in nonurbanized areas.”.*

**SEC. 324. PROJECT MANAGEMENT OVERSIGHT.**

*(a) IN GENERAL.—The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:*

*“PROJECT MANAGEMENT OVERSIGHT*

*“SEC. 23. (a) AUTHORITY TO USE FUNDS.—Beginning October 1, 1987, the Secretary may use not to exceed ½ of 1 percent of—*

*“(1) the funds made available for any fiscal year by section 21(a)(2)(C) to carry out section 3 to contract with any person to oversee the construction of any major project under section 3;*

*“(2) the funds appropriated for any fiscal year pursuant to section 21(a)(1) to carry out section 9 to contract with any person to oversee the construction of any major project under section 9;*

*“(3) the funds appropriated for any fiscal year pursuant to section 21(a)(1) to carry out section 18 to contract with any person to oversee the construction of any major project under section 18;*

*“(4) the funds appropriated for any fiscal year pursuant to section 4(g) to contract with any person to oversee the construction of any major public transportation project substituted for an Interstate segment withdrawn under section 103(e)(4) of title 23, United States Code; and*

*“(5) the funds appropriated for any fiscal year pursuant to section 14(b) of the National Capital Transportation Act of 1969 to contract with any person to oversee the construction of any major project under such Act.*

“(b) *FEDERAL SHARE.*—Any contract entered into under this subsection shall provide for the payment by the Secretary of 100 percent of the cost of carrying out the contract.

“(c) *ACCESS TO SITES AND RECORDS.*—Each recipient of assistance under this Act or section 14(b) of the National Capital Transportation Act of 1969 shall provide the Secretary and a contractor chosen by the Secretary in accordance with subsection (a) such access to its construction sites and records as may be reasonably required.

“(d) *REQUIREMENT FOR PLAN.*—As a condition of Federal financial assistance for a major capital project under this Act or the National Capital Transportation Act of 1969, the Secretary shall require the recipient to prepare, and, after approval by the Secretary, implement a project management plan which meets the requirements of subsection (e).

“(e) *CONTENTS OF PLAN.*—A project management plan shall, as required in each case by the Secretary, provide for—

“(1) adequate recipient staff organization complete with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

“(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and such miscellaneous payments as the recipient may be prepared to justify;

“(3) a construction schedule;

“(4) a document control procedure and recordkeeping system;

“(5) a change order procedure which includes a documented, systematic approach to the handling of construction change orders;

“(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

“(7) quality control and quality assurance functions, procedures, and responsibilities for construction and for system installation and integration of system components;

“(8) materials testing policies and procedures;

“(9) internal plan implementation and reporting requirements;

“(10) criteria and procedures to be used for testing the operational system or its major components;

“(11) periodic updates of the plan, especially with respect to such items as project budget and project schedule, financing, ridership estimates, and where applicable, the status of local efforts to enhance ridership in cases where ridership estimates are contingent, in part, upon the success of such efforts; and

“(12) the recipient's commitment to make monthly submissions of project budget and project schedule to the Secretary.

“(f) *REGULATIONS.*—The Secretary shall promulgate such regulations as may be necessary to implement the provisions of this section. Such regulations shall be published in proposed form for comment in the Federal Register and shall be submitted for review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 60 days after the date of enactment of this section, and shall be promulgated in final form

not later than 180 days after the date of enactment of this section. Such regulations shall, at a minimum, include the following:

"(1) A definition of the term 'major capital project' for the purpose of subsection (a). Such definition shall exclude projects for the acquisition of vehicles or other rolling stock, or for the performance of vehicle maintenance or rehabilitation.

"(2) A requirement that, in order to maximize the transportation benefits and cost savings associated with project management oversight, such oversight shall begin during the preliminary engineering stage of a project. The requirement of this paragraph shall not apply if the Secretary finds that it is more appropriate to initiate such oversight during another stage of the project.

"(g) APPROVAL.—The Secretary shall approve a plan submitted pursuant to subsection (d) within 60 days following its submittal. In the event that approval cannot be completed within 60 days, the Secretary shall notify the recipient that approval cannot be completed within 60 days, explain the reasons for the delay, and estimate how much additional time will be required for completion. If a plan is disapproved, the Secretary shall inform the recipient of the reasons."

#### SEC. 325. CRIME PREVENTION AND SECURITY.

The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

##### "CRIME PREVENTION AND SECURITY

"SEC. 24. From funds made available pursuant to section 21 of this Act, the Secretary is authorized to make capital grants to public mass transit systems for crime prevention and security. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant."

#### SEC. 326. BICYCLE FACILITIES.

The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

##### "BICYCLE FACILITIES

"SEC. 25. (a) ELIGIBILITY.—For purposes of this Act, a project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be deemed to be a construction project eligible for assistance under sections 3, 9, and 18 of this Act.

"(b) FEDERAL SHARE.—Notwithstanding sections 4(a), 9(k), and 18(e), the Federal share under this Act for any project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be 90 percent of the cost of such project."

**SEC. 327. TRANSIT TECHNICAL AMENDMENTS.**

(a) **URBAN MASS TRANSPORTATION ACT.**—(1) Section 5(h)(1) of the Urban Mass Transportation Act of 1964 is amended by striking out “approach” and inserting in lieu thereof “approval”.

(2) Section 5(j)(1) of such Act is amended by striking out “action” and inserting in lieu thereof “section”.

(3) Section 5(n)(2) of such Act is amended by inserting “and section 9” after “this section”.

(4) Section 16 of such Act is amended by redesignating the second subsection (c) as subsection (d).

(5) Section 17(d)(4) of such Act is amended by striking out “; and”.

(b) **SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.**—Section 303 of the Surface Transportation Assistance Act of 1982 is amended by striking out “(a)” the first place it appears.

**SEC. 328. AUTHORIZATIONS.**

Section 21 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

**“AUTHORIZATIONS**

“**SEC. 21. (a) SECTIONS 9 AND 18.**—(1) There are hereby authorized to be appropriated to carry out the provisions of sections 9 and 18 of this Act not to exceed \$2,000,000,000 for fiscal year 1987, and not to exceed \$2,100,000,000 for each of fiscal years 1988 through 1991. Any funds so appropriated shall remain available until expended.

“(2) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 3, 4(i), 8, and 16(b) of this Act \$1,097,000,000 for the fiscal year 1987, and \$1,000,000,000 for each of fiscal years 1988 through 1991, to remain available until expended.

“(b) **SECTIONS 3 AND 9B.**—In addition to the amounts set forth in subsection (a)(2), to carry out sections 3 and 9B of this Act, there shall be available from the Mass Transit Account of the Highway Trust Fund for each of fiscal years 1988 through 1991—

“(1) \$200,000,000 for fiscal year 1988;

“(2) \$250,000,000 for fiscal year 1989;

“(3) \$300,000,000 for fiscal year 1990; and

“(4) \$400,000,000 for fiscal year 1991;

to remain available until expended.

“(c) **TREATMENT OF CERTAIN SECTION 3 AND SECTION 9B FUNDS.**—(1) Of the amounts made available by subsection (b), 50 percent shall be available for capital grants under section 3, and 50 per centum shall be available for grants under section 9B. If an obligation ceiling in effect for any fiscal year is less than the sum of the new budget authority authorized by subsections (a)(2) and (b), the ceiling shall first be applied to the budget authority provided by subsection (b).

“(2) Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under subsections (a)(2) and (b) of this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

“(d) **INTERSTATE TRANSFER.**—For substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there

are authorized to be appropriated \$200,000,000 for each of fiscal years 1987 through 1991.

“(e) **RURAL PROGRAM.**—For each of fiscal years 1987 through 1991, 2.93 percent of the aggregate funds made available for sections 9 and 18 and section 9B under subsections (a)(1) and (b) of this section shall be available to carry out section 18. All amounts made available for section 18 shall be from funds appropriated under subsection (a).

“(f) **PLANNING.**—From the funds made available under subsection (a)(2) of this section, not to exceed \$45,000,000 shall be available for the purposes of section 8 in each of fiscal years 1987 through 1991. Nothing herein shall prevent the use of additional funds available under this subsection for planning purposes.

“(g) **SECTIONS 4(i) AND 16(b).**—(1) From the funds made available under subsection (a)(2) of this section, not to exceed \$35,000,000 shall be available for the purposes of sections 4(i) and 16(b) in each of fiscal years 1988 through 1991.

“(2) From the funds provided for section 4(i) for fiscal year 1987, \$5,000,000 shall be available to carry out section 18(h).

“(h) **SECTIONS 6, 10, 11(a), 12(a), 18(h), AND 20.**—There are hereby authorized to be appropriated to carry out sections 6, 10, 11(a), 12(a), 18(h), and 20 of this Act—

“(1) not to exceed such sums as may be appropriated for fiscal year 1987; and

“(2) not to exceed \$50,000,000 for each of fiscal years 1988 through 1991, of which 10 percent shall be available only for section 18(h).

Any funds appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.

“(i) **SECTION 11(b).**—(1) From the funds made available under subsection (a)(2), \$5,000,000 shall be available for the purposes of section 11(b) for each of fiscal years 1988 through 1991.

“(2) From the Highway Trust Fund (other than from the Mass Transit Account), \$5,000,000 shall be available for the purposes of section 11(b) for each of the fiscal years 1988 through 1991.”

#### **SEC. 329. INCREASED OPERATING ASSISTANCE DURING CONSTRUCTION OF INTERSTATE PROJECT.**

Upon request of the State of Florida and the designated recipients under section 9 of the Urban Mass Transportation Act of 1964 for the urbanized areas of Fort Lauderdale and Miami, Florida, the amount of funds apportioned after September 30, 1987, under such section with respect to such urbanized areas which may otherwise be used for operating assistance under such section shall be increased by \$4,400,000 for each fiscal year in which major onsite construction is being carried out on a 40-mile segment of Interstate Route I-95 in Dade, Broward, and Palm Beach Counties, Florida. The increased operating assistance may only be used for commuter rail service provided as a maintenance-of-traffic measure during the period in which the construction is being carried out.

#### **SEC. 330. BUS SERVICE DETERIORATION.**

The Congress finds and declares that there has been a serious problem involving the deterioration of bus service for people residing

*in the small communities and rural areas of the several States, and recognizes the need to consider the best ways and means to remedy such problem.*

**SEC. 331. BART STUDY.**

*(a) STUDY.—The Secretary, in cooperation with the San Francisco Bay Area Rapid Transit District and the Metropolitan Transportation Commission, shall undertake a comprehensive study of the future of the Bay Area Rapid Transit System. The study shall focus on the development of financing alternatives for the first phase rail extensions identified in the Regional Transportation Plan.*

*(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study described in subsection (a).*

**SEC. 332. TACTILE MOBILITY AIDS.**

*(a) STUDY.—The Secretary shall conduct a study of the feasibility of developing and implementing standards for the use, in transportation facilities and equipment constructed or acquired with assistance under the Urban Mass Transportation Act of 1964, title 23, United States Code, or other laws administered by the Department of Transportation, of tactile mobility aids in order to facilitate the safe access to and use of such facilities and equipment by visually impaired and legally blind persons.*

*(b) REPORT.—Not later than six months after the date of enactment of this Act, the Secretary shall transmit a report to the Congress on the results of such study, including such recommendations for legislation as may be necessary to implement such standards.*

**SEC. 333. FEASIBILITY STUDY OF ELECTRIC BUS LINE.**

*Section 314(a) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:*

*"SEC. 314. (a) Upon request of a local public body eligible to receive a grant under the Urban Mass Transportation Act of 1964, the Secretary of Transportation shall make a grant to such public body to conduct a feasibility study to examine the possibility of constructing and operating an electric bus line with the advanced and environmentally sound electric bus technology that is being developed in the State of California for the Santa Barbara transit system."*

**SEC. 334. FEASIBILITY STUDY OF ABANDONED TROLLEY SERVICE.**

*(a) STUDY.—The Secretary, in cooperation with the city of Philadelphia, Pennsylvania, shall conduct a study of the feasibility of restoring trolley service to corridors on which trolley service has been abandoned in such city.*

*(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).*

**SEC. 335. COMPREHENSIVE TRANSIT PLAN FOR THE VIRGIN ISLANDS.**

*(a) STUDY.—The Secretary, in cooperation with the Virgin Islands Department of Public Works, shall study and analyze the mass transportation needs of the Virgin Islands for the purpose of developing a comprehensive mass transportation plan for the Virgin Islands.*

*(b) REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a*

report on the results of the study and analysis conducted under subsection (a) together with a copy of the mass transportation plan which the Secretary recommends for the Virgin Islands.

**SEC. 336. TRANSFER OF SECTION 9 FUNDS.**

The Governor of Nevada, after consultation with all urbanized areas within Nevada, may transfer not to exceed \$10,000,000 of unused apportionments under sections 9A and 9 of the Urban Mass Transportation Act of 1964 for use for urban mass transportation purposes in Santa Clara County, California.

**SEC. 337. BUY AMERICA.**

(a) **PERCENTAGE COST LIMITATION.**—(1)(A) Effective October 1, 1989, section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by striking out “50” and inserting in lieu thereof “55”.

(B) Effective October 1, 1991, section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by striking out “55” and inserting in lieu thereof “60”.

(2)(A) Except as provided in subparagraph (B), the amendments made by subparagraphs (A) and (B) of paragraph (1) shall apply only to contracts entered into on or after their respective effective dates.

(B) The amendments made by paragraph (1) shall not apply with respect to any supplier or contractor or any successor in interest or assignee which qualified under the provisions of section 165(b)(3) of the Surface Transportation Assistance Act of 1982 prior to the date of enactment of this Act under a contract entered into prior to April 1, 1992.

(b) **SUBCOMPONENTS.**—Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by inserting “and subcomponents” after “components”.

(c) **INCREASE IN PROJECT COST EXCEPTION.**—Paragraph (4) of section 165(b) of the Surface Transportation Assistance Act of 1982 is amended by striking out “10 per centum” and all that follows through the period at the end of such section and inserting in lieu thereof “25 percent.”.

(d) **EXEMPTION TO SUBSECTIONS (b) AND (c).**—The amendments made by subsections (b) and (c) of this section shall not apply to any contract awarded pursuant to bids which were outstanding on the date of enactment of this Act.

**SEC. 338. MULTI-YEAR CONTRACT FOR METRO RAIL PROJECT.**

(a) **SUPPLEMENTAL EIS.**—Not later than 10 days after the date of the enactment of this Act and in accordance with the National Environmental Policy Act of 1969, the Secretary shall begin the preparation of a supplemental environmental impact statement necessary as a result of alignment changes within the Minimum Operable Segment-2 portion of the Downtown Los Angeles to San Fernando Valley Metro Rail Project. The Secretary shall publish a notice of the completion of the final supplemental environmental impact statement in the Federal Register. If the Secretary has not published such notice within 5 months after the date of the enactment of this Act, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Com-

mittee on Banking, Housing, and Urban Affairs of the Senate on the status of the completion of such final supplemental environmental impact statement. The Secretary shall continue to report to those committees every 30 days on the status of the completion of the final supplemental environmental impact statement, including any proposed revisions to the statement, until a notice of the completion of such statement is published in the Federal Register.

(b) **AMENDMENT TO EXISTING CONTRACT.**—Notwithstanding any other provision of law, not later than 30 days after the publication of a notice of completion of a final supplemental environmental impact statement under subsection (a), the Secretary shall—

(1) issue a record of decision which approves the construction of the locally preferred Minimum Operable Segment-2 alternative, and

(2) execute an amendment to the existing full-funding contract under section 3 of the Urban Mass Transportation Act of 1964 with the Southern California Rapid Transit District (or its successor) for the construction of Minimum Operable Segment-1 of such project, in order to include the construction of such Minimum Operable Segment-2 alternative in such contract.

(c) **PAYMENT OF FEDERAL SHARE.**—

(1) **FEDERAL SHARE.**—The amended contract under subsection (b) shall provide that the Federal share of the cost of construction of the Minimum Operable Segment-1 portion of the Downtown Los Angeles to San Fernando Valley Metro Rail Project shall be \$605,300,000 and that the Federal share of the cost of construction of the Minimum Operable Segment-2 portion of such project shall be \$667,000,000.

(2) **PAYMENT.**—The amended contract under subsection (b) shall provide that the Federal share of the cost of such project shall be paid by the Secretary from amounts provided under section 3 of the Urban Mass Transportation Act of 1964 for construction of new fixed guideway systems and extensions to fixed guideway systems, as follows:

(A) not to exceed \$107,900,000 for fiscal year 1987;

(B) not to exceed \$300,000,000 for fiscal years 1987 and 1988;

(C) not to exceed \$490,000,000 for fiscal years 1987, 1988, and 1989;

(D) not to exceed \$680,000,000 for fiscal years 1987, 1988, 1989 and 1990; and

(E) not to exceed \$870,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(d) **ADVANCE CONSTRUCTION.**—

(1) **UNDER THE CONTRACT.**—The amended contract under subsection (b) shall provide that the Southern California Rapid Transit District (or successor) may construct any portion of the Downtown Los Angeles to San Fernando Valley Metro Rail Project in accordance with section 3(l) of the Urban Mass Transportation Act of 1964, except that such district (or successor) shall not be required to apply to and receive approval of the Secretary before carrying out any such construction.

(2) *ON MOS-1 BEFORE EXECUTION OF CONTRACT.*—At any time after the date of the enactment of this section, the Southern California Rapid Transit District (or successor) may construct any portion of the Minimum Operable Segment-1 portion of such project in accordance with section 3(l) of the Urban Mass Transportation Act of 1964, except that such district (or successor) shall not be required to apply to and receive approval of the Secretary before carrying out any such construction.

(3) *REIMBURSEMENT SCHEDULE.*—The amended contract under subsection (b) shall provide that the Secretary shall reimburse the Southern California Rapid Transit District (or successor), from any amounts provided under section 3 of the Urban Mass Transportation Act of 1964 for fiscal years 1992 through 1994, for the Federal share of the net project costs incurred by such district (or successor) under paragraphs (1) and (2) (including the amount of any interest earned and payable on bonds as provided in section 3(l)(2) of the Urban Mass Transportation Act of 1964), as follows:

(A) not later than September 30, 1992, the Secretary shall reimburse such district (or successor) a total of \$467,100,000 (plus such interest), less amounts provided under subsection (c)(2) for fiscal years 1988 through 1990;

(B) not later than September 30, 1993, the Secretary shall reimburse such district (or successor) a total of \$622,100,000 (plus such interest), less amounts provided under subsection (c)(2) for fiscal years 1988 through 1991; and

(C) not later than September 30, 1994, the Secretary shall reimburse such district (or successor) a total of \$762,100,000 (plus such interest), less amounts provided under subsection (c)(2) for fiscal years 1988 through 1991.

(4) *DELAYS IN PUBLICATION OF NOTICE OF SUPPLEMENTAL EIS.*—If the Secretary does not publish a notice of the completion of the final supplemental environmental impact statement in the Federal Register under subsection (a) on or before September 30, 1988, each date or year listed in paragraph (3) of this subsection shall be delayed one year. For each full year after such date in which such notice is not published, each such date or year shall be delayed one more year.

**SEC. 339. BUS CARRIER CERTIFICATES FOR RECIPIENTS OF GOVERNMENTAL ASSISTANCE.**

(a) *GENERAL RULE FOR NEW ENTRANTS.*—Section 10922(c)(1) of title 49, United States Code, is amended to read as follows:

“(c) *MOTOR COMMON CARRIERS OF PASSENGERS.*—

“(1) *INTERSTATE TRANSPORTATION.*—

“(A) *REGULAR-ROUTE TRANSPORTATION.*—The Commission shall issue a certificate to a person (including any private recipient of governmental assistance) authorizing that person to provide regular-route transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regu-

lations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

**“(B) SPECIAL AND CHARTER TRANSPORTATION.—**

**“(i) PRIVATE RECIPIENTS OF ASSISTANCE.—**The Commission shall issue a certificate to a private recipient of governmental assistance authorizing that recipient to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

**“(ii) OTHER PERSONS.—**The Commission shall issue a certificate to a person (other than a private recipient of governmental assistance) authorizing that person to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission.

**“(C) PUBLIC RECIPIENTS FOR CHARTER TRANSPORTATION.—**The Commission shall issue a certificate to a public recipient of governmental assistance authorizing that recipient to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that—

**“(i)** the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission; and

**“(ii)(I)** no motor common carrier of passengers (other than a motor common carrier of passengers which is a public recipient of governmental assistance) is providing, or is willing and able to provide, the transportation to be authorized by the certificate; or

**“(II)** the transportation to be authorized by the certificate is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

**“(D) PUBLIC RECIPIENTS FOR REGULAR-ROUTE TRANSPORTATION.—**The Commission shall issue a certificate to a public recipient of governmental assistance authorizing that recipient to provide regular-route transportation sub-

ject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

“(E) TREATMENT OF CERTAIN PUBLIC RECIPIENTS.—Subject to provisions of section 12(f) of the Urban Mass Transportation Act of 1964, any public recipient of governmental assistance which is providing or seeking to provide transportation of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title shall, for purposes of this subtitle, be treated as a person which is providing or seeking to provide transportation of passengers subject to such jurisdiction.

“(F) DEFINITIONS.—In this subsection—

“(i) PUBLIC RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term ‘public recipient of governmental assistance’ means—

“(I) any State,

“(II) any municipality or other political subdivision of a State,

“(III) any public agency or instrumentality of one or more States and municipalities and political subdivisions of a State,

“(IV) any Indian tribe,

“(V) any corporation, board, or other person owned or controlled by any entity described in subclause (I), (II), (III), or (IV), and

“(VI) any corporation, board, or other person owned by, controlled by, or under common control with, any entity described in subclause (I), (II), (III), (IV), or (V),

which before, on, or after the date of the enactment of this paragraph received governmental financial assistance for the purchase or operation of any bus.

“(ii) PRIVATE RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term ‘private recipient of governmental assistance’ means any person (other than a person described in clause (i)) who before, on, or after the date of the enactment of this paragraph received governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.”

(b) PUBLIC INTEREST FINDING.—Section 10922(c)(3) of title 49, United States Code, is amended by striking out “and” at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof “; and”, and by adding at the end thereof the following:

“(E) the amount and extent of governmental financial assistance which the applicant for the certificate received before, on, or after the date of the enactment of this subparagraph for the purchase or operation of buses.

In addition, in making any finding relating to public interest under paragraph (1)(D) of this subsection, the Commission shall consider whether or not the person objecting to issuance of the certificate is a motor common carrier of passengers which is providing, or is willing and able to provide, the transportation to be authorized by the certificate.”

(c) **CONFORMING AMENDMENT.**—Section 10922(c)(3) of title 49, United States Code, is amended by striking out “(1)(A)” and inserting in lieu thereof “(1)”.

**SEC. 340. UTILIZATION REQUIREMENT FOR CERTIFICATES AUTHORIZING INTRASTATE BUS OPERATIONS.**

(a) **GENERAL RULE.**—Section 10922(c)(2) of title 49, United States Code, is amended by adding at the end thereof the following new subparagraph:

“(J) **LIMITATION ON INTRASTATE CERTIFICATES.**—Each certificate issued under this paragraph to provide intrastate transportation of passengers on any route shall be subject to a condition which limits the authority of the carrier to provide intrastate transportation service under the certificate only if the carrier provides regularly scheduled interstate transportation service on the route.”

(b) **RETROACTIVE APPLICABILITY.**—The amendment made by subsection (a) shall apply to any certificate issued under section 10922(c)(2) of title 49, United States Code, before, on, or after the date of the enactment of this Act.

## **TITLE IV—UNIFORM RELOCATION ACT AMENDMENTS OF 1987**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Uniform Relocation Act Amendments of 1987”.

**SEC. 402. DEFINITIONS.**

(a) **FEDERAL AGENCY DEFINED.**—Section 101(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter in this title referred to as the “Uniform Act”) (42 U.S.C. 4601(1)) is amended to read as follows:

“(1) The term ‘Federal agency’ means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.”

(b) **STATE AGENCY DEFINED.**—Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

“(3) The term ‘State agency’ means any department, agency, or instrumentality of a State or of a political subdivision of a State, any department, agency, or instrumentality of two or more States or of

two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.”

(c) **INTEREST REDUCTION PAYMENTS AS FEDERAL FINANCIAL ASSISTANCE.**—Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting “, any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual,” after “insurance”.

(d) **DISPLACED PERSON DEFINED.**—Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

“(6)(A) The term ‘displaced person’ means, except as provided in subparagraph (B)—

“(i) any person who moves from real property, or moves his personal property from real property—

“(I) as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance; or

“(II) on which such person is a residential tenant or conducts a small business, a farm operation, or a business defined in section 101(7)(D), as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance in any case in which the head of the displacing agency determines that such displacement is permanent; and

“(ii) solely for the purposes of sections 202(a) and (b) and 205 of this title, any person who moves from real property, or moves his personal property from real property—

“(I) as a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; or

“(II) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, of other real property on which such person conducts a business or a farm operation, under a program or project undertaken by a Federal agency or with Federal financial assistance where the head of the displacing agency determines that such displacement is permanent.

“(B) The term ‘displaced person’ does not include—

“(i) a person who has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act;

“(ii) in any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.”

(e) **COMPARABLE REPLACEMENT DWELLING, DISPLACING AGENCY, LEAD AGENCY, AND APPRAISAL DEFINED.**—Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new paragraphs:

“(10) The term ‘comparable replacement dwelling’ means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally equivalent; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person’s dwelling with respect to public utilities, facilities, services, and the displaced person’s place of employment.

“(11) The term ‘displacing agency’ means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

“(12) The term ‘lead agency’ means the Department of Transportation.

“(13) The term ‘appraisal’ means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.”

(f) **CONFORMING AMENDMENT.**—Section 101(7)(D) of the Uniform Act (42 U.S.C. 4601(7)(D)) is amended by striking out “(a)” after “202”.

#### **SEC. 403. CERTIFICATION.**

Title I of the Uniform Act is amended by adding at the end thereof the following new section:

##### **“CERTIFICATION**

“SEC. 103. (a) Notwithstanding sections 210 and 305 of this Act, the head of a Federal agency may discharge any of his responsibilities under this Act by accepting a certification by a State agency that it will carry out such responsibility, if the head of the lead agency determines that such responsibility will be carried out in accordance with State laws which will accomplish the purpose and effect of this Act.

“(b)(1) The head of the lead agency shall issue regulations to carry out this section.

“(2) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of this section. A State agency shall make available any information required for such purpose.

“(3) Before making a determination regarding any State law under subsection (a) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within the State on the effects of such State law on the ability of local governments to carry out their responsibilities under this Act.

*“(c)(1) The head of a Federal agency may withhold his approval of any Federal financial assistance to or contract or cooperative agreement with any displacing agency found by the Federal agency to have failed to comply with the laws described in subsection (a) of this section.*

*“(2) After consultation with the head of the lead agency, the head of a Federal agency may rescind his acceptance of any certification under this section, in whole or in part, if the State agency fails to comply with such certification or with State law.”.*

**SEC. 404. DECLARATION OF FINDINGS AND POLICY.**

Section 201 of the Uniform Act (42 U.S.C 4621) is amended to read as follows:

**“DECLARATION OF FINDINGS AND POLICY**

**“SEC. 201. (a) The Congress finds and declares that—**

*“(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;*

*“(2) relocation assistance policies must provide for fair, uniform, and equitable treatment of all affected persons;*

*“(3) the displacement of businesses often results in their closure;*

*“(4) minimizing the adverse impact of displacement is essential to maintaining the economic and social well-being of communities; and*

*“(5) implementation of this Act has resulted in burdensome, inefficient, and inconsistent compliance requirements and procedures which will be improved by establishing a lead agency and allowing for State certification and implementation.*

*“(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance. The primary purpose of this title is to ensure that such persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.*

**“(c) It is the intent of Congress that—**

*“(1) Federal agencies shall carry out this title in a manner which minimizes waste, fraud, and mismanagement and reduces unnecessary administrative costs borne by States and State agencies in providing relocation assistance;*

*“(2) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act;*

*“(3) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals; and*

"(4) the policies and procedures of this Act will be administered in a manner which is consistent with fair housing requirements and which assures all persons their rights under title VIII of the Act of April 11, 1968 (P.L. 90-284), commonly known as the Civil Rights Act of 1968, and title VI of the Civil Rights Act of 1964."

**SEC. 405. MOVING AND RELATED EXPENSES.**

(a) **BUSINESS REESTABLISHMENT EXPENSES.**—Section 202(a) of the Uniform Act (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—":

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed \$10,000."

(b) **ALTERNATIVE RESIDENTIAL ALLOWANCE.**—Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency."

(c) **ALTERNATIVE BUSINESS ALLOWANCE.**—Section 202(c) of the Uniform Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than \$1,000 nor more than \$20,000. A person whose sole business at the displacement dwelling is the rental of such property to others shall not qualify for a payment under this subsection."

(d) **CERTAIN UTILITY RELOCATION EXPENSES.**—Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsection:

"(d)(1) Except as otherwise provided by Federal law—

"(A) if a program or project (i) which is undertaken by a displacing agency, and (ii) the purpose of which is not to relocate or reconstruct any utility facility, results in the relocation of a utility facility;

"(B) if the owner of the utility facility which is being relocated under such program or project has entered into, with the State or local government on whose property, easement, or right-of-way such facility is located, a franchise or similar agreement

with respect to the use of such property, easement, or right-of-way; and

“(C) if the relocation of such facility results in such owner incurring an extraordinary cost in connection with such relocation;

the displacing agency may, in accordance with such regulations as the head of the lead agency may issue, provide to such owner a relocation payment which may not exceed the amount of such extraordinary cost (less any increase in the value of the new utility facility above the value of the old utility facility and less any salvage value derived from the old utility facility).

“(2) For purposes of this subsection, the term—

“(A) ‘extraordinary cost in connection with a relocation’ means any cost incurred by the owner of a utility facility in connection with relocation of such facility which is determined by the head of the displacing agency, under such regulations as the head of the lead agency shall issue—

“(i) to be a non-routine relocation expense;

“(ii) to be a cost such owner ordinarily does not include in its annual budget as an expense of operation; and

“(iii) to meet such other requirements as the lead agency may prescribe in such regulations; and

“(B) ‘utility facility’ means—

“(i) any electric, gas, water, steam power, or materials transmission or distribution system;

“(ii) any transportation system;

“(iii) any communications system (including cable television); and

“(iv) any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system;

located on property which is owned by a State or local government or over which a State or local government has an easement or right-of-way. A utility facility may be publicly, privately, or cooperatively owned.”.

**SEC. 406. REPLACEMENT HOUSING FOR HOMEOWNER.**

Section 203(a) of the Uniform Act (42 U.S.C. 4623(a)) is amended—

(1) by striking out “Federal” in the portion of paragraph (1) preceding subparagraph (A) and inserting in lieu thereof “displacing”;

(2) by striking out “\$15,000” and inserting in lieu thereof “\$22,500”;

(3) by striking out “acquired by” and all that follows through “the additional payment.” in paragraph (1)(A) and inserting in lieu thereof “acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling.”;

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

“(B) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be

paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling.”; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

“(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency’s obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of such date.”.

**SEC. 407. REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS.**

Section 204 of the Uniform Act (42 U.S.C. 4624) is amended to read as follows:

**“REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS**

“SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to (1) the initiation of negotiations for acquisition of such dwelling, or (2) in any case in which displacement is not a direct result of acquisition, such other event as the head of the lead agency shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed 42 months, a comparable replacement dwelling, but not to exceed \$5,250. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account such person’s income.

“(b) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (a), except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least 90 days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person owned and occupied the displacement dwelling 180 days immediately prior to the initiation of such negotiations.”.

**SEC. 408. RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES.**

Section 205 of the Uniform Act (42 U.S.C. 4625) is amended to read as follows:

**"RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES**

*"SEC. 205. (a) Programs or projects undertaken by a Federal agency or with Federal financial assistance shall be planned in a manner that (1) recognizes, at an early stage in the planning of such programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations, and (2) provides for the resolution of such problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.*

*"(b) The head of any displacing agency shall ensure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.*

*"(c) Each relocation assistance advisory program required by subsection (b) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—*

*"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;*

*"(2) provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;*

*"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of—*

*"(A) a major disaster as defined in section 102(2) of the Disaster Relief Act of 1974;*

*"(B) a national emergency declared by the President; or*

*"(C) any other emergency which requires the person to move immediately from the dwelling because continued occupancy of such dwelling by such person constitutes a substantial danger to the health or safety of such person;*

*"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;*

*"(5) supply (A) information concerning other Federal and State programs which may be of assistance to displaced persons, and (B) technical assistance to such persons in applying for assistance under such programs; and*

*“(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.*

*“(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.*

*“(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may agree that the procedures of one of such agencies shall be utilized to implement this title with respect to such activities. If such agreement cannot be reached, then the head of the lead agency shall designate one of such agencies as the agency whose procedures shall be utilized to implement this title with respect to such activities. Such related activities shall constitute a single program or project for purposes of this Act.*

*“(f) Notwithstanding section 101(6) of this Act, in any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency.”*

**SEC. 409. HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT.**

Section 206 of the Uniform Act (42 U.S.C. 4626) is amended to read as follows:

**“HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT**

*“SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the displacing agency may use this section to exceed the maximum amounts which may be paid under sections 203 and 204 on a case-by-case basis for good cause as determined in accordance with such regulations as the head of the lead agency shall issue.*

*“(b) No person shall be required to move from his dwelling on account of any program or project undertaken by a Federal agency or with Federal financial assistance, unless the head of the displacing agency is satisfied that comparable replacement housing is available to such person.”*

**SEC. 410. ASSURANCES.**

Section 210 of the Uniform Act (42 U.S.C. 4630) is amended by striking out “State agency” the first place it appears and inserting in lieu thereof “displacing agency (other than a Federal agency)”; by striking out “State agency” the second place it appears and inserting in lieu thereof “displacing agency”; and by striking out “decent,

safe, and sanitary" in paragraph (3) and inserting in lieu thereof "comparable".

**SEC. 411. FEDERAL SHARE OF COSTS.**

(a) **GENERAL RULE.**—Section 211(a) of the Uniform Act (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance under this title and title III of this Act shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs."

(b) **LIMITATION.**—Section 211(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended to read as follows:

"(b) No payment or assistance under this title or title III of this Act shall be required to be made to any person or included as a program or project cost under this section, if such person receives a payment required by Federal, State, or local law which is determined by the head of the Federal agency to have substantially the same purpose and effect as such payment under this section."

**SEC. 412. DUTIES OF LEAD AGENCY.**

Section 213 of the Uniform Act (42 U.S.C. 4633) is amended to read as follows:

**"DUTIES OF LEAD AGENCY**

**"SEC. 213. (a) The head of the lead agency shall—**

**"(1) develop, publish, and issue, with the active participation of the Secretary of Housing and Urban Development and the heads of other Federal agencies responsible for funding relocation and acquisition actions, and in coordination with State and local governments, such regulations as may be necessary to carry out this Act;**

**"(2) ensure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency or a State or State agency with Federal financial assistance;**

**"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and**

**"(4) perform such other duties as may be necessary to carry out this Act.**

**"(b) The head of the lead agency is authorized to issue such regulations and establish such procedures as he may determine to be necessary to assure—**

**"(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable and as uniform as practicable;**

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

“(3) that any aggrieved person may have his application reviewed by the head of the Federal agency having authority over the applicable program or project or, in the case of a program or project receiving Federal financial assistance, by the State agency having authority over such program or project or the Federal agency having authority over such program or project if there is no such State agency.

“(c) The regulations and procedures issued pursuant to this section shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I.”

**SEC. 413. PAYMENTS UNDER OTHER LAWS.**

Section 216 of the Uniform Act (42 U.S.C. 4636) is amended by inserting after “Federal law” the following: “(except for any Federal law providing low-income housing assistance)”.

**SEC. 414. TRANSFER OF SURPLUS PROPERTY.**

Section 218 of the Uniform Act (42 U.S.C. 4638) is amended by inserting “net” after “all”.

**SEC. 415. REPEALS.**

Sections 214, 217, and 219 of the Uniform Act (42 U.S.C. 4634 and 4637) are hereby repealed.

**SEC. 416. UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES.**

(a) **WAIVER OF APPRAISAL.**—Section 301(2) of the Uniform Act (42 U.S.C. 4651(2)) is amended by inserting before the period at the end thereof the following: “, except that the head of the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value”.

(b) **ACQUISITION OF UNECONOMIC REMNANT.**—Section 301(9) of the Uniform Act (42 U.S.C. 4651(9)) is amended to read as follows:

“(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner’s property and which the head of the Federal agency concerned has determined has little or no value or utility to the owner.”

(c) **DONATIONS.**—Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following new paragraph:

“(10) A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his right to receive just compensation for such property, donate such property, and part thereof, any interest therein, or any compensation paid therefor to a Federal agency, as such person shall determine.”

**SEC. 417. ASSURANCES.**

Section 305 of the Uniform Act (42 U.S.C. 4655) is amended by inserting “(a)” after “SEC. 305.”, by striking out “a State agency” the first place it appears and inserting in lieu thereof “an acquiring agency”, by striking out “State agency” the second place it appears and inserting in lieu thereof “acquiring agency”, and by adding at the end thereof the following new subsection:

“(b) For purposes of this section, the term ‘acquiring agency’ means—

“(1) a State agency (as defined in section 101(3)) which has the authority to acquire property by eminent domain under State law, and

“(2) a State agency or person which does not have such authority, to the extent provided by the head of the lead agency by regulation.”.

**SEC. 418. EFFECTIVE DATE.**

The amendment made by section 412 of this title (to the extent such amendment prescribes authority to develop, publish, and issue regulations) shall take effect on the date of the enactment of this title. This title and the amendments made by this title (other than the amendment made by section 412 to such extent) shall take effect on the effective date provided in such regulations but not later than 2 years after such date of enactment.

## **TITLE V—HIGHWAY REVENUE ACT OF 1987**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Highway Revenue Act of 1987”.

**SEC. 502. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.**

(a) **EXTENSION OF TAXES.**—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out “1988” each place it appears and inserting in lieu thereof “1993”:

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

(4) Section 4081(e)(1) (as amended by the Tax Reform Act of 1986 and section 521(a)(1)(B) of the Superfund Revenue Act of 1986).

(5) Sections 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

(b) **EXTENSION OF EXEMPTIONS, ETC.**—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out “1988” each place it appears and inserting in lieu thereof “1993”:

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

(2) Section 4041(f)(3) (relating to exemption for farm use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to termination of exemptions for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems) (as in effect before its redesignation by section 1703(c) of the Tax Reform Act of 1986).

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable purposes) (as in effect before its redesignation by section 1703(e)(1) of the Tax Reform Act of 1986).

**(c) EXTENSION OF REDUCED RATES OF TAX ON FUELS CONTAINING ALCOHOL.—**

(1) Paragraph (3) of section 4041(k) of such Code (relating to fuels containing alcohol) is amended by striking out “December 31, 1992” and inserting in lieu thereof “September 30, 1993”.

(2) Paragraph (4) of section 4081(c) of such Code (relating to gasoline mixed with alcohol), as amended by the Tax Reform Act of 1986, is amended by striking out “December 31, 1992” and inserting in lieu thereof “September 30, 1993”.

**(d) OTHER PROVISIONS.—**

(1) **FLOOR STOCKS REFUNDS.**—Paragraph (1) of section 6412(a) of such Code (relating to floor stocks refunds) is amended—

(A) by striking out “1988” each place it appears and inserting in lieu thereof “1993”, and

(B) by striking out “1989” each place it appears and inserting in lieu thereof “1994”.

(2) **INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.**—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out “1988” and inserting in lieu thereof “1993”.

**SEC. 503. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND.**

(a) **IN GENERAL.**—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) are each amended—

(1) by striking out “1988” each place it appears and inserting in lieu thereof “1993”, and

(2) by striking out “1989” each place it appears and inserting in lieu thereof “1994”.

(b) **EXPENDITURES FROM HIGHWAY TRUST FUND.**—Paragraph (1) of section 9503(c) of such Code (relating to expenditures from Highway Trust Fund) is amended by striking out “or” at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following:

“(C) authorized to be paid out of the Highway Trust Fund under the Surface Transportation and Uniform Relocation Assistance Act of 1987, or

“(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on the date of the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987.”

(c) **CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.**—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out “1988” and inserting in lieu thereof “1993”, and

(2) by striking out “1989” each place it appears and inserting in lieu thereof “1994”.

**SEC. 504. CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MASS TRANSIT ACCOUNT.**

Subsection (e) of section 9503 of the Internal Revenue Code of 1986 (relating to establishment of Mass Transit Account) is amended by adding at the end thereof the following new paragraph:

**"(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—**

**"(A) IN GENERAL.—**Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of paragraph (2)) and the Mass Transit Account; except that any such transfers to the extent attributable to section 6427(g) shall be borne only by the Highway Account.

**"(B) HIGHWAY ACCOUNT.—**For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account."

**SEC. 505. TREATMENT OF LONG-TERM LESSORS OF HEAVY TRUCKS AND TRAILERS.**

(a) **INITIAL TAX NOT IMPOSED ON SALE TO LONG-TERM LESSORS.—**Paragraph (1) of section 4052(a) of the Internal Revenue Code of 1986 (defining first retail sale) is amended by striking out "other than for resale" and inserting in lieu thereof "other than for resale or leasing in a long-term lease".

(b) **CONSTRUCTIVE SALES PRICE IN THE CASE OF LONG-TERM LEASE.—**Subsection (b) of section 4052 of such Code (defining price) is amended by adding at the end thereof the following new paragraph:

**"(3) LONG-TERM LEASE.—**

**"(A) IN GENERAL.—**In the case of any long-term lease of an article which is treated as the first retail sale of such article, the tax under this subchapter shall be computed on a price equal to—

**"(i) the sum of—**

**"(I) the price (determined under this subchapter but without regard to paragraph (4)) at which such article was sold to the lessor, and**

**"(II) the cost of any parts and accessories installed by the lessor on such article before the first use by the lessee or leased in connection with such long-term lease, plus**

**"(ii) an amount equal to the presumed markup percentage of the sum described in clause (i).**

**"(B) PRESUMED MARKUP PERCENTAGE.—**For purposes of subparagraph (A), the term 'presumed markup percentage' means the average markup percentage of retailers of articles of the type involved, as determined by the Secretary.

**"(C) EXCEPTIONS UNDER REGULATIONS.—**To the extent provided in regulations prescribed by the Secretary, subparagraph (A) shall not apply to specified types of leases where its application is not necessary to carry out the purposes of this subsection."

(c) **LONG-TERM LEASE DEFINED.**—Section 4052 of such Code is amended by adding at the end thereof the following new subsection:

“(f) **LONG-TERM LEASE.**—For purposes of this section, the term ‘long-term lease’ means any lease with a term of 1 year or more. In determining a lease term for purposes of the preceding sentence, the rules of section 168(i)(3)(A) shall apply.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to articles sold by the manufacturer, producer, or importer on or after the 1st day of the 1st calendar quarter which begins more than 90 days after the date of the enactment of this Act.

**SEC. 506. DETERMINATION OF PRICE WHERE TAX PAID BY MANUFACTURER.**

(a) **IN GENERAL.**—Subsection (b) of section 4052 of the Internal Revenue Code of 1986 (defining price) is amended by adding at the end thereof the following new paragraph:

“(4) **SPECIAL RULE WHERE TAX PAID BY MANUFACTURER, PRODUCER, OR IMPORTER.**—

“(A) **IN GENERAL.**—In any case where the manufacturer, producer, or importer of any article (or a related person) is liable for tax imposed by this subchapter with respect to such article, the tax under this subchapter shall be computed on a price equal to the sum of—

“(i) the price which would (but for this paragraph) be determined under this subchapter, plus

“(ii) the product of the price referred to in clause (i) and the presumed markup percentage determined under paragraph (3)(B).

“(B) **RELATED PERSON.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the term ‘related person’ means any person who is a member of the same controlled group (within the meaning of section 5061(e)(3)) as the manufacturer, producer, or importer.

“(ii) **EXCEPTION FOR RETAIL ESTABLISHMENT.**—To the extent provided in regulations prescribed by the Secretary, a person shall not be treated as a related person with respect to the sale of any article if such article is sold through a permanent retail establishment in the normal course of the trade or business of being a retailer.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to articles sold by the manufacturer, producer, or importer on or after the 1st day of the 1st calendar quarter which begins more than 90 days after the date of the enactment of this Act.

**SEC. 507. IMPOSITION OF HIGHWAY USE TAX ON ALL MOTOR VEHICLES OPERATING IN UNITED STATES.**

(a) **IN GENERAL.**—Subsection (b) of section 4481 of the Internal Revenue Code of 1986 (relating to tax paid by whom) is amended by inserting “or contiguous foreign country” after “State”.

(b) **REDUCTION IN TAX FOR TRUCKS BASE-PLATED IN A CONTIGUOUS FOREIGN COUNTRY.**—Section 4483 of such Code (relating to exemp-

tions) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) **REDUCTION IN TAX FOR TRUCKS BASE-PLATED IN A CONTIGUOUS FOREIGN COUNTRY.**—If the base for registration purposes of any highway motor vehicle is in a contiguous foreign country for any taxable period, the tax imposed by section 4481 for such period shall be 75 percent of the tax which would (but for this subsection) be imposed by section 4481 for such period.”

(c) **REGULATIONS REQUIRED WITHIN 120 DAYS.**—The Secretary of the Treasury or the delegate of the Secretary shall within 120 days after the date of the enactment of this section prescribe regulations governing payment of the tax imposed by section 4481 of the Internal Revenue Code of 1986 on any highway motor vehicle operated by a motor carrier domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country. Such regulations shall include a procedure by which the operator of such motor vehicle shall evidence that such operator has paid such tax at the time such motor vehicle enters the United States. In the event of the failure to provide evidence of payment, such regulations may provide for denial of entry of such motor vehicle into the United States.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on July 1, 1987.

**SEC. 508. APPLICATION OF CERTAIN REVENUE RULINGS.**

Revenue Rulings 85-196 and 86-43 shall not apply to any vehicle acquired by a retail dealer before January 1, 1986, continuously held in such dealer's inventory through September 30, 1986, and sold by such dealer after September 30, 1986.

And the Senate agree to the same.

For consideration of all provisions except Title V of the House bill and Title II of the Senate amendment:

JAMES J. HOWARD,  
GLENN M. ANDERSON,  
ROBERT A. ROE,  
JOHN PAUL HAMMERSCHMIDT,  
BUD SHUSTER,

As exclusive conferees on Title V of the House bill and Title II of the Senate amendment:

DAN ROSTENKOWSKI,  
J.J. PICKLE,  
ED JENKINS,  
FRANK GUARINI,  
ROBERT T. MATSUI,  
BERYL ANTHONY, Jr.,  
RONNIE G. FLIPPO,  
JOHN J. DUNCAN,  
BILL FRENZEL,  
DICK SCHULZE,  
WM. THOMAS,

*Managers on the Part of the House.*

From the Committee on Environment and Public Works, for Title I of the Senate amendment and Title I of H.R. 2,

and for sec. 203, 55-mph speed limit; sec. 202(a)(1), bridge replacement and rehabilitation programs authorizations; (a)(2), elimination of hazards authorization; (a)(5), FHWA highway safety construction authorization; (a)(6), FHWA highway safety research and development authorization; sec. 202(d), obligation ceiling for highway safety programs; sec. 207, use of certain reports as evidence; sec. 208, emergency call boxes; sec. 209, railroad-highway crossings, authorization; and sec. 213, railroad highway crossing needs:

D.P. MOYNIHAN,  
 QUENTIN N. BURDICK,  
 GEORGE MITCHELL,  
 JOHN BREAUX,  
 ROBERT T. STAFFORD,  
 STEVE SYMMS,  
 JOHN CHAFEE,

From the Committee on Finance, for Title II of the Senate amendment and Title V of H.R. 2, extending the Highway Trust Fund:

LLOYD BENTSEN,  
 SPARK M. MATSUNAGA,  
 D.P. MOYNIHAN,  
 BOB DOLE,  
 BILL ROTH,

From the Committee on Banking, Housing, and Urban Affairs, for provisions dealing with urban mass transportation (including Title IV of the Senate amendment, the Urban Mass Transportation Authorization Act of 1987, and Title III of H.R. 2):

BILL PROXMIRE,  
 ALAN CRANSTON,  
 DON RIEGLE,  
 ALAN J. DIXON,  
 JOHN HEINZ,  
 ALFONSE D'AMATO,

From the Committee on Commerce, Science, and Transportation, for provisions dealing with highway safety (including Title II of H.R. 2, except for sec. 202(a)(1), bridge replacement and rehabilitation programs authorizations, (a)(2) elimination of hazards authorization, (a)(5) FHWA highway safety construction authorization, (a)(6) FHWA highway safety research and development authorization; sec. 207, use of certain reports as evidence; sec. 208, emergency call boxes; sec. 209, railroad-highway crossings authorization; and sec. 213, railroad-highway crossing needs):

FRITZ HOLLINGS,  
 ALBERT GORE, Jr.,  
 JOHN C. DANFORTH,

From the Committee on Governmental Affairs, for provisions dealing with the Uniform Relocation Act:

JIM SASSER,  
 CARL LEVIN,  
 JOHN HEINZ,

*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 Senate to the bill (H.R. 2) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, 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 Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

### TITLE I—FEDERAL-AID HIGHWAY ACT OF 1987

#### SHORT TITLE

##### *House bill*

Provides that title I may be cited as the “Federal-Aid Highway Act of 1987”.

##### *Senate amendment*

Provides that the Senate Amendment may be cited as the “Federal-Aid Highway Act of 1987”.

##### *Conference substitute*

Same as House bill.

### APPROVAL OF INTERSTATE COST ESTIMATE AND EXTENSION OF INTERSTATE PROGRAM

##### *House bill*

Approves the use of the apportionment factors contained in revised table 5 of the Committee Print 100-1 of the House Committee on Public Works and Transportation to apportion the Interstate construction funds authorized for fiscal year 1988 and requires the Secretary of Transportation to transmit an estimate of the remaining cost to complete the Interstate system within ten days subsequent to January 2, 1989, to the Congress to apportion Interstate construction funds authorized for fiscal years 1991, 1992 and 1993.

*Senate amendment*

Provides a formula for the new Interstate-primary program which apportions \$3.0 billion based on an administratively adjusted Interstate Cost Estimate, \$2.8 billion based on the existing Interstate 4R formula and \$2.35 billion based on the existing primary formula.

*Conference substitute*

Approves the use of the apportionment factors contained in revised table 5 of Committee Print 100-5 of the House Committee on Public Works and Transportation for fiscal year 1988 and requires the Secretary to transmit a revised cost estimate in 1989 to apportion Interstate construction funds authorized for fiscal years 1991 and 1992 and a revised cost estimate in 1991 to apportion Interstate construction funds authorized for fiscal year 1993. If an Interstate Cost Estimate has not been enacted into law for the fiscal years 1989, 1990, 1991, and 1992 then the Secretary is required to adjust the last Estimate submitted to Congress and use that as the basis for making a timely release of the Interstate Construction funds.

The Conference agreement includes a Senate provision to continue the one-half per cent minimum allocation of Interstate Construction funds and extends the deadline for completing the Interstate System. The conference substitute also provides that the Secretary and a State highway department may agree that a State does not need a portion of its Interstate Construction apportionment for a fiscal year. Under such an agreement the funds would not be apportioned, a State would not receive an allocation of obligation authority for the funds not apportioned, and the funds would be available for allocation from the Interstate Discretionary Fund.

## INTERSTATE SUBSTITUTE PROGRAM

*House bill*

Directs the Secretary to apportion funds authorized for highway and transit projects substituted for withdrawn Interstate System projects under section 103(e)(4) of title 23, United States Code, for fiscal year 1987 on the basis of factors contained in Committee Print 100-2.

Amends section 103(e)(4) of title 23, United States Code, to increase the period of availability for Interstate substitute funds from two years to four years and requires the Secretary to transmit to the Congress as soon as is practicable proposed apportionment factors for highway and transit substitute projects, to apportion 75 percent of authorizations in the case of highways and 50 percent in the case of transit for the fiscal years 1988, 1989, 1990 and 1991.

The distribution of substitute highway and transit funds is continued through fiscal year 1991 with twenty-five percent of the funds available in a fiscal year for substitute highway projects allocated at the discretion of the Secretary. The remaining seventy-five percent of the substitute highway funds are apportioned on the

basis of estimates of the cost to complete substitute highway projects prepared by the Secretary and approved by the Congress.

The distribution of substitute transit funds provides for fifty percent of the funds available in a fiscal year for substitute transit projects to be allocated at the discretion of the Secretary. The remaining fifty percent of the substitute transit funds are apportioned on the basis of the estimates of the cost to complete substitute transit projects prepared by the Secretary and approved by the Congress.

The Secretary would use the apportionment factors contained in Committee Print 100-2 of the House Committee on Public Works and Transportation to apportion funds made available for Interstate substitute projects for fiscal year 1987. A revised cost estimate would be submitted to the Congress as soon as is practicable for approval by the Congress to apportion Interstate substitute project funds made available for fiscal years 1988, 1989, 1990 and 1991 subject to changes in state estimates in the division of funds between substitute highway and transit projects, subject to amounts made available in prior fiscal years and subject to reapportionment of funds for one year of funds which lapse after three years.

Provides authorization levels for the Interstate transfer highway and transit program. Funds authorized under this program for transit projects are appropriated, an action which is required for non-contract authority programs. For Interstate transfer highway projects, the House bill authorizes \$825 million, out of the Highway Trust Fund (other than the Mass Transit Account), for each of the fiscal years 1986 through 1991.

Would add \$100 million to the unobligated balance of current state entitlements under the Interstate transfer transit program as a one-time compromise measure to help offset anticipated future inflation in transit construction costs. To avoid biasing future decisions with respect to the withdrawal of any Interstate route and with respect to state changes in the division of funds between substitute highway and transit projects, these additional sums are intended solely for the benefit of current state transit transfer programs as they are contained in Committee Print 100-2 and in the amounts derived by application of the apportionment factors therein. These amounts would remain unaffected by future adjustments to Committee Print 100-2 as authorized by the amendments under subsection (b).

Would also eliminate the deadline in current law for having substitute projects under construction or under contract for construction and treats certain non-Federal expenditures in the past on a substitute highway in Portland, Oregon, as the non-Federal share of highway transfer funds that may be spent on that highway in the future.

Makes a series of technical conforming amendments to section 103(e) of title 23, United States Code.

#### *Senate amendment*

Amends section 103(e)(4) of title 23, the Interstate Substitute Program. The amendments to section 103(e)(4) are a simple recodification except as follows.

Section 103(e)(4)(A) makes highway construction projects on any public road eligible, as highway substitution projects, expanding the current eligibility from projects authorized under any highway assistance program under section 103 of title 23 and deletes the deadline for project approval.

Section 103(e)(4)(C) makes substitution funds available in a state for 2 years. Funds not obligated in the 2 year period shall be reallocated or reapportioned as the case may be.

Authorizations for highway substitution projects for the fiscal years 1987, 1988, 1989, and 1990 of \$650 million per fiscal year are provided in an authorization section separate from 103(e)(4).

Section 103(e)(4)(E)(ii) provides for the administrative adjustment of the last Interstate Substitute Cost Estimate (ISCE) approved to make substitution apportionments for highways and transit after fiscal year 1986.

Section 103(e)(4)(I) directs the Secretary to reserve, in a State's account under section 103(e)(4) of title 23, United States Code, an amount equal to that expended on right-of-way for a withdrawn route or segment of the Interstate where the right-of-way has not been disposed of. Such sum shall be released to the State upon partial or full repayment of funds in accordance with section 103(e)(7) of this title or upon the determination by the Secretary that under section 103(e) (5)(B) or (6)(B) repayment is not required.

#### *Conference substitute*

The Conference substitute includes provisions from both the House bill and the Senate amendment. The substitute recodifies section 103(e)(4) and amends it.

The Secretary is directed to apportion funds authorized for highway and transit projects substituted for withdrawn Interstate System projects under section 103(e)(4) of title 23, United States Code, for fiscal year 1987 on the basis of factors contained in Committee Print 100-6.

The substitute makes highway construction projects on any public road eligible, as highway substitution projects, expanding the current eligibility from projects authorized under any highway assistance program under section 103 of title 23.

The substitute also deletes the requirement for concept plan approval. This deletion is intended to permit States such as Rhode Island, Maryland, Connecticut, and Massachusetts to construct different highway and transit projects with substitute funds including substitute projects described in Section 136 of the House bill.

The substitute adopts the Senate approach and makes substitution funds available in a State for 2 years. Funds not obligated in the 2 year period shall be reallocated or reapportioned as the case may be.

The substitute provides authorizations for highway substitution projects for the fiscal years 1987, 1988, 1989, 1990, and 1991.

The distribution of substitute highway and transit funds is continued through fiscal year 1991 with substitute highway project funds distributed with twenty-five percent of the funds available in a fiscal year for substitute highway projects allocated at the discretion of the Secretary. The remaining seventy-five percent of the substitute highway funds is apportioned on the basis of estimates

of the cost to complete substitute highway projects prepared by the Secretary and approved by the Congress. The substitute provides for the administrative adjustment of the last Interstate Substitute Cost Estimate (ISCE) approved to make substitution apportionments for highways for fiscal year 1988 if the Estimate has not been enacted by September 30, 1987. The Secretary then adjusts the last estimate for each year through and including 1991.

The distribution of substitute transit funds in section 103(e) provides for fifty percent of the funds available in a fiscal year for substitute transit projects to be allocated at the discretion of the Secretary. The remaining fifty percent of the substitute transit funds are apportioned on the basis of the estimates of the cost to complete substitute transit projects prepared by the Secretary. If Congress has not approved the 1988 Estimate by September 30, 1987, the Estimate provides for the automatic approval of the Estimate. The Secretary uses the last estimate and adjusts it for years after 1988.

The Conference substitute would add \$100 million to the unobligated balance of current State entitlements under the Interstate transfer transit program as a one-time compromise measure to help offset anticipated future inflation in transit construction costs. To avoid biasing future decisions with respect to State changes in the division of funds between substitute highway and transit projects, these additional sums are intended solely for the benefit of current State transit transfer programs derived by application of the apportionment factors in committee print 100-2.

The substitute directs the Secretary to reserve, in a State's account under section 103(e)(4) of title 23, United States Code, an amount equal to that expended on right-of-way for a withdrawn route or segment of the Interstate where the right-of-way has not been disposed of. Such sum shall be released to the State upon partial or full repayment of funds in accordance with section 103(e)(7) of title 23 or upon the determination by the Secretary that under section 103(e)(5)(B), (6)(B), or (7) repayment is not required because the right-of-way has been applied to the purposes described therein.

It is the intention of the conferees that the Secretary would withhold the amount not available for release by adjusting the final drawdowns. Until the State reached the point that the only funds left were the funds necessary to cover the release, the annual apportionments would not be affected.

The conference agreement would also eliminate the deadline in current law for having substitute projects under construction or under contract for construction and treats certain non-Federal expenditures in the past on a substitute highway in Portland, Oregon, as the non-Federal share of highway transfer funds that may be spent on that highway in the future.

The substitute makes a series of technical conforming amendments to section 103(e) of title 23, United States Code.

#### INTERSTATE AUTHORIZATIONS

##### *House bill*

Reduces and extends the authorizations for Interstate construction to \$3.0 billion in fiscal year 1988 and \$3.3 billion for each of

the fiscal years 1989 through 1992 and authorizes \$2.0 billion for fiscal year 1993. Interstate construction funds are available for obligation one year prior to the fiscal year for which authorized. The Interstate construction funds are authorized through fiscal year 1993 at levels which will provide the states sufficient funds to complete the System.

#### *Senate amendment*

Provides authorization for the new Interstate-primary program of \$8.15 billion for each fiscal year 1987 through 1990.

#### *Conference substitute*

The Conference substitute is essentially the House provision. The substitute would authorize \$3 billion for fiscal year 1988; \$3.15 billion for fiscal years 1989, 1990, 1991, and 1992; and \$1.4 billion for fiscal year 1993.

### OBLIGATION LIMITATION

#### *House bill*

Subsection (a) of the House section provides a limitation of \$12.6 billion for each of the fiscal years 1988 through 1991 on obligations for Federal-aid highway and highway safety construction programs.

Subsection (b) provides for the exclusion of obligation constraints for emergency relief projects; for minimum allocations; for bridge projects on Federal dams; for bridge projects under section 147 of the Surface Transportation Assistance Act of 1978, as amended; for the Woodrow Wilson Bridge located in the District of Columbia, Maryland, and Virginia; for a demonstration project in Altoona, Pennsylvania on Route 220; for a demonstration project in Illinois demonstrating the benefits of constructing usable segments of high-volume facilities; for Union Station; for a railroad-highway relocation project in Carbondale, Illinois; for motor carrier safety grants under section 404 of the Surface Transportation Assistance Act of 1982; for grants to states providing systematic inspection and service of protection devices at ConRail crossings; for highway demonstration projects provided in the Federal-Aid Highway Act of 1986; for a study of the bridge formula; for a feasibility study in California utilizing a highway electrification system as a source of energy for highway vehicles; for a study to determine the cost-effectiveness of upgrading Route 219 in Pennsylvania and New York to Interstate standards; and for a feasibility study for constructing a bypass highway around Sebastopol, California.

Subsection (c) would distribute obligational authority among the states each fiscal year on the relative basis of each state's share of apportioned and allocated Federal-aid highway and highway safety construction programs for the fiscal year.

Subsection (d) limits the total first quarter obligations for all States to twenty-five percent and limits each state's first quarter obligations to thirty-five percent of its share of the annual obligation limitation for fiscal years 1987 through 1991.

Subsection (e) continues the priorities in existing law for the August 1 redistribution of unused obligation authority for fiscal years 1987 through 1991 with equal priority being given on the one

hand to those states with large unobligated balances and on the other to those states which are receiving reduced apportionments as a result of the Federal-Aid Highway Act of 1981, or the STAA of 1982.

Subsection (f) is intended to address the problem of the states which have accumulated a significant backlog of unobligated apportionments or allocations for a variety of reasons, and are unable to eliminate that backlog by virtue of the fact that obligational authority is distributed to a state each year on the basis of funds apportioned or allocated to that state in that year; in essence, with obligational authority being distributed only on the basis of new funding, the backlog is perpetuated. Subsection (f) would allow each state that uses up its obligational authority in a fiscal year as well as any obligational authority redistributed to it on August 1, to obligate an additional 10 percent of its backlogged Federal-aid funds, provided that the total of such additional amounts nationwide does not exceed 5 percent of all backlogged funds.

Subsection (g) is a conforming amendment to assure that funds allocated under the minimum allocation program do not affect the distribution of annual obligation authority.

#### *Senate amendment*

This section establishes an obligation limitation of \$12.35 billion for fiscal year 1987, \$12.35 billion for fiscal year 1988, \$12.35 billion for fiscal year 1989 and \$12.35 billion for fiscal year 1990. The Emergency Relief and Minimum Allocation funds are not subject to the obligation limitation.

#### *Conference substitute*

The Conference substitute adopts the House approach, with fewer exceptions to the obligation limitation, as proposed by the Senate amendment.

Subsection (a) of the section provides a limitation of \$12.35 billion for each of the fiscal years 1987 through 1991.

Subsection (b) provides for exceptions to the obligation limitation.

Subsection (c) would distribute obligational authority among the States each fiscal year on the relative basis of each State's share of apportioned and allocated Federal-aid highway and highway construction programs for the fiscal year.

Subsection (d) limits the total first quarter obligations to twenty-five percent and limits each State's first quarter obligations to thirty-five percent of its share of the annual obligation limitation for fiscal years 1987 through 1991.

Subsection (e) continues the priorities in existing law for the August 1 redistribution of unused obligation authority for fiscal years 1987 through 1991 with equal priority being given on the one hand to those States with large unobligated balances and on the other to those States which are receiving reduced apportionments as a result of the Federal-Aid Highway Act of 1981, or the STAA of 1982.

This subsection also directs the Secretary not to distribute obligational authority necessary to cover the full costs of administrative expenses, certain studies, the Federal lands highways program, the strategic highway research program, and amounts made available

from discretionary funds for demonstration projects and ½% States under Section 149(d).

Subsection (f) is intended to address the problem of the States which have accumulated a significant backlog of unobligated apportionments or allocations for a variety of reasons, and are unable to eliminate that backlog by virtue of the fact that obligational authority is distributed to a State each year on the basis of funds apportioned or allocated to that State in that year; in essence, with obligational authority being distributed only on the basis of new funding, the backlog is perpetuated. Subsection (f) would allow each State that uses up its obligational authority in a fiscal year as well as any obligational authority redistributed to it on August 1, to obligate an additional 5 percent of its backlogged Federal-aid funds provided that the total of such additional amounts nationwide does not exceed 2.5 percent of all backlogged funds.

Subsection (g) provides an obligation ceiling for highway safety programs under 23 U.S.C. 402 carried out by the Federal Highway Administration.

Subsection (h) is a conforming amendment to assure that funds allocated under the minimum allocation program do not affect the distribution of annual obligation authority.

#### AUTHORIZATIONS

##### *House bill*

Provides authorizations to be made available in fiscal years 1987, 1988, 1989, 1990, and 1991 for various Federal-aid highway programs out of the Highway Trust Fund (other than the Mass Transit Account).

For the Interstate 4R program \$2.8225 billion for fiscal year 1988, \$2.830 billion per fiscal year for each of the fiscal years 1989, 1990, 1991 and 1992.

For the primary system \$2.2975 billion for fiscal year 1987 and \$2.305 billion per fiscal year for each of the fiscal years 1988, 1989, 1990 and 1991.

For the secondary system \$600 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

For the urban system \$750 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

For Indian reservation roads \$90 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

For forest highways \$57.5 million for each of the fiscal years 1987 and 1988, \$57.185 million for each of the fiscal years 1989 and 1990 and \$60 million for fiscal year 1991.

For public lands highways \$20 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990, and 1991.

The House bill authorizes \$45 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990, and 1991 for parkways and park highways. The entire cost of any parkway or park highway on the Federal-aid system shall be paid out of the Highway Trust Fund. Any parkway or park highway not on the Federal-aid system shall be paid from the general funds of the Treasury. The annual authorization is limited to \$45 million regardless of the source of the funds.

The House bill in Title II provides authorizations for appropriations out of the Highway Trust Fund for bridge replacement and rehabilitation of \$1.755 billion per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991 and provides authorizations for appropriations out of the Highway Trust Fund for projects for the elimination of hazards under section 152 of title 23, United States Code, of \$170 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

The bill provides authorizations for appropriations out of the Highway Trust Fund for carrying out the highway safety programs under section 402, title 23, United States Code, by the Federal Highway Administration in the amount of \$10 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991 and provides authorizations for appropriations out of the Highway Trust Fund for carrying out the highway safety research and development programs under sections 307(a) and 403 of title 23, United States Code, by the Federal Highway Administration in the amount of \$10 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990, and 1991.

The bill also provides authorizations of \$140 million per year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991 to carry out projects for the elimination of hazards of railroad-highway crossings under section 203 of the Federal-Aid Highway Act of 1973.

#### *Senate amendment*

Authorizes the appropriation of sums from the Highway Trust Fund, other than the Mass Transit Account, for the Federal-aid programs for fiscal years 1987 through 1990.

Provides authorizations for the Interstate-primary program of \$8.15 billion for each fiscal year 1987 through 1990.

Provides authorizations for the Federal-aid urban system of \$750 million for each fiscal year 1987 through 1990.

Provides authorizations for the Federal-aid secondary system of \$600 million for each fiscal year 1987 through 1990.

Provides authorizations for the bridge replacement and rehabilitation program of \$1.5 billion for each fiscal year 1987 through 1990. A total of \$200 million per year shall be set aside for the bridge discretionary fund.

Provides annual authorizations for each of the components of the Federal lands highway program for fiscal years 1987 through 1990 as follows: forest highways \$50 million, public lands highways \$50 million, Indian reservation road \$75 million, and park roads and parkways \$75 million.

Provides each of the territories (the Virgin Islands, Guam, American Samoa, and the Northern Marianas) with an annual authorization under the Territorial Highway Program for fiscal years 1987 through 1990 of \$5 million, \$5 million, \$1 million, and \$1 million, respectively.

Provides annual authorizations for highway related safety construction grants by FHWA for the fiscal years 1987 through 1990 of \$10 million.

Provides annual authorizations for highway construction safety research and development grants by FHWA for the fiscal years 1987 through 1990 of \$10 million.

Provides annual authorizations for hazard elimination for fiscal years 1987 through 1990 of \$175 million.

Provides annual authorizations for rail-highway crossings for fiscal years 1987 through 1990 of \$175 million.

The Senate amendment also authorizes \$58 million out of the general funds in the Treasury for the upgrading of roads in the vicinity of the Waste Isolation Pilot Project (WIPP) in New Mexico.

#### *Conference substitute*

Provides authorizations to be made available in fiscal years 1987, 1988, 1990, and 1991 for various Federal-aid highway programs out of the Highway Trust Fund (other than the Mass Transit Account).

For the Interstate 4R program \$2.815 billion per fiscal year for each of the fiscal years 1988, 1989, 1990, 1991, and 1992.

For the primary system \$2.325 billion per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

For the secondary system \$600 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

For the urban system \$750 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

For Indian reservation roads \$80 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

For forest highways \$55 million for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

For public lands highways \$40 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

The substitute authorizes \$60 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991 for parkways and park highways.

The substitute provides authorizations out of the Highway Trust Fund for bridge replacement and rehabilitation of \$1.63 billion per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

Provides authorizations out of the Highway Trust Fund for projects for the elimination of hazards under section 152 of title 23, United States Code, of \$170 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

Provides authorizations out of the Highway Trust Fund for carrying out the highway safety programs under section 402, title 23, United States Code, by the Federal Highway Administration in the amount of \$10 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

Provides authorizations out of the Highway Trust Fund for carrying out the highway safety research and development programs under section 307(a) and 403 of title 23, United States Code, by the Federal Highway Administration in the amount of \$10 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.

Provides authorizations of \$160 million per year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991 to carry out projects for the elimination of hazards of railroad-highway crossings under section 203 of the Federal-Aid Highway Act of 1973.

The conferees believe that this program has been, and continues to be, an effective measure in the reduction of fatalities and injuries at railroad crossings.

However, the conferees recognize that protective devices cannot, in all cases, prevent accidents from occurring at railroad crossings where the public may ignore warning signals and other devices designed to protect them. (For example, a train, because of its size, appears to be moving slower than it really is, and motorists on occasion will attempt to cross, despite active warning devices, into the path of the oncoming train. This generally results in a fatal encounter for the motorist.)

The conferees, therefore, direct the Secretary to use up to \$250,000 from funds made available under Section 130, for a public information program which the Secretary deems will be effective in educating the public as to the hazards posed at railroad crossings and the importance of heeding warning signals and any other information the Secretary deems relevant to diminish railroad crossing accidents.

The substitute also authorizes \$58 million out of the general funds in the Treasury for the upgrading of roads in the vicinity of the Waste Isolation Pilot Project (WIPP) in New Mexico.

The substitute continues authorizations for Federal-aid secondary and urban system roads. A concern has been expressed that States are not providing their communities with an equitable share of the secondary and urban system funds. The conferees believe that the State should consult closely with local government officials in determining the manner in which these funds are allocated, and that in developing the process for the allocation of these funds, the needs of those roads which are part of the Federal-aid secondary and urban systems and under the control of local governments should be given fair consideration.

#### DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

##### *House bill*

The House bill provides for the continuation of the Disadvantaged Business Enterprise Program for fiscal years 1987, 1988, 1989, 1990, and 1991, extends the definition of "socially and economically disadvantaged individuals" to include women, and requires States to compile a list of disadvantaged business enterprises each year.

##### *Senate amendment*

The Senate amendment authorizes a Disadvantaged Business Enterprise (DBE) program which establishes goals to encourage the participation of disadvantaged business enterprises.

Subsection (a) requires States to expend 10 percent of Federal aid highway contracts with DBEs unless the Secretary determines otherwise.

Subsection (b) defines a disadvantaged business enterprise. The definition includes a small business owned and controlled by socially and economically disadvantaged individuals provided that annual average gross receipts do not exceed \$10 million. Women

are also included in the rebuttable presumption of being disadvantaged.

Subsection (c) would allow DBE costs incurred by State and local governments and prime contractors in assisting disadvantaged businesses in meeting the goals. These costs cannot be used to meet more than 10 percent of the DBE contract.

Subsection (d) would require the Secretary to establish minimum uniform criteria for State governments to use in certifying whether a concern is a disadvantaged business enterprise for the purpose of this section.

Subsection (e) requires that a DBE subcontractor perform at least 30 percent of the subcontract work with its own organization in order for the work to count toward a State's DBE goal. Certain exceptions can be made to the 30 percent requirement.

Subsection (f) provides that States must contract part of their DBE goal directly with DBE firms beginning in 1988.

#### *Conference substitute*

The Conference substitute adopts the House language with the Senate provision requiring the Secretary to establish minimum uniform certification criteria for each State to use. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, résumé of principal owners, financial capacity, and type of work preferred.

It is the intention of the conferees that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE).

The conferees intend that contractors bidding on Federal-aid highway projects will now be able to make best efforts to meet DBE contract goals using DBE's (as they were defined prior to this Act), WBEs, or combinations thereof. Additionally, the conferees intend that the Department of Transportation and the states no longer should require contractors bidding on Federal-aid highway projects to meet separate contract goals for DBEs (as defined prior to this Act) and WBEs.

In establishing regulations to implement this section, the Secretary should not increase the overall 10 percent DBE requirement set by this section as a result of the inclusion of WBE's as a presumptive group. Some states may wish to establish a DBE goal which exceeds the minimum goal set by this section, and they are permitted to do so.

The conferees believe that the participation of minorities and women should be equitably distributed throughout the highway construction industry and the implementation of the DBE program should not fall disproportionately on any one segment of the industry.

In promulgating regulations to carry out this section, the Secretary is encouraged to re-examine the existing waiver provisions and revise them to permit any State to more readily adjust its goal from the 10% requirement, if this percentage does not reflect a reasonable goal in that State.

## INDIAN EMPLOYMENT AND CONTRACTING

*House bill*

No provision.

*Senate amendment*

The Senate amendment brings the antidiscrimination provision of section 140 of title 23, United States Code, into conformity with title VII of the 1964 Civil Rights Act on the issue of Indian preference in employment and contracting for certain Federal-aid highway projects.

*Conference substitute*

Adopts the Senate amendment.

## APPORTIONMENT

*House bill*

The House bill changes the Interstate 4R formula from one which apportions funds 55 percent on the basis of Interstate lane miles and 45 percent on the basis of Interstate vehicle miles traveled (with no state receiving less than ½ percent of the total amounts apportioned) to a formula which apportions funds 50 percent on the basis of Interstate vehicle miles traveled, 25 percent on the basis of gasoline consumption, and 25 percent on the basis of diesel fuel consumption.

The House bill also continues through 1991 the formula in existing law for distribution of Federal-aid primary funds.

*Senate amendment*

The Senate amendment amends section 104 of title 23 as follows: Subsection (a) makes technical and conforming amendments.

Subsection (b) adds a new subsection to set aside funds for the Strategic Highway Research Program from Federal-aid Interstate-primary, Urban, Secondary, Bridge Highway Substitution, Railway-Highway Crossings and Hazard Elimination authorizations.

Subsection (c) repeals transfer provisions which do not conform with the creation of a new Federal-aid Interstate-primary program.

Subsection (d) provides apportionment formulas for the Federal-aid Interstate-primary formula, the Secondary System and the Urban System. The Secondary and Urban formulas are unchanged. The Federal-aid Interstate-primary formula replaces existing Interstate construction, Interstate 4R, and primary program formulas which are unchanged. Those programs are consolidated by this Act into one program.

Paragraph (A) provides a formula for the new Interstate-primary program which apportions \$3.0 billion based on an administratively adjusted Interstate Cost Estimate, \$2.8 billion based on the existing Interstate 4R formula and \$2.35 billion based on the existing primary formula.

Subsections (e), (f) and (g) make technical and conforming amendments.

Subsection (h) permits a State to transfer up to 50 percent of its apportionment between the Urban and Secondary Systems. Urban

System funds allocated to an urbanized area under section 150 of title 23 cannot be transferred without the approval of the local officials of the area.

*Conference substitute*

Retains the current 4R Formula and the current separate Interstate and Primary programs. The Conference substitute continues the current formula for the primary program through 1991.

ELIMINATION OF ROADSIDE OBSTACLES

*House bill*

The House bill amends the definition of construction as used in title 23 to include the removal of roadside obstacles. Under existing law, obstacle removal is generally authorized in connection with, or as an ancillary feature of, general highway construction. This amendment would allow states to use Federal-aid funds to remove roadside obstacles as a discrete Federal-aid project. This change is not intended to affect the application of section 123 of title 23, United States Code, regarding the relocation of utility facilities. However, where a state elects to carry out a discrete project for the removal of metal or plastic pipelines, relocation of adjoining pipe and appurtenances, to the extent necessary for continued pipeline utilization, should be considered within the purview of this definition.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House provision.

The conferees are also concerned that in many areas of the country, roadside mailboxes have been installed that present a clear hazard to the motoring public. Tests have shown that some single and multiple mailbox installations are not safe. It is the committee's belief that the United States Postal Service should work with the Secretary and the states to address this serious problem. The American Association of State Highway and Transportation Officials has published a guide on erecting mailboxes on highways which offers great promise in addressing this roadside obstacle problem.

In addition, the conferees acknowledge the growing concern about traffic safety on private property where the public is invited to travel for purposes of business. Research indicates the accidents and fatalities on private property have risen in conjunction with the increase in the volume of business-related traffic on such property and these accidents and fatalities are attributable, in part, to the lack of uniform traffic control devices.

The Uniform Vehicle Code addresses this problem and section 15-117 states "no person shall erect or maintain in any area of private property where the public is invited to travel any sign, signal, marking or other device intended to regulate, warn, or guide traffic unless it conforms with the State manual and specifications adopted under section 15-104." Business owners should be aware that

they may incur additional responsibility for public safety when they own property on which the public is invited to travel for the purpose of business. The erection of uniform traffic control devices will reduce the business owner's liability if a traffic accident occurs on his or her property.

The conferees encourage the State Departments of Transportation and interested private parties to inform business owners about the public safety concerns and liability problems associated with a lack of uniform traffic control devices.

#### EMERGENCY CALL BOXES

##### *House bill*

The bill authorizes the use of hazard elimination funds under 23 U.S.C. 52 for the installation or replacement of emergency call boxes.

##### *Senate amendment*

No provision.

##### *Conference substitute*

Adopts the House Bill provision.

#### VENDING MACHINES AND STATE POLICE BARRACKS

##### *House bill*

Permits the placement of vending machines in rest and recreation areas and safety rest areas on Interstate rights-of-way and permits the construction of a State Police Barracks at the intersection of I-93 and route 3 in Quincy, Massachusetts.

##### *Senate amendment*

No provision.

##### *Conference substitute*

Adopts the House provision.

#### LETTING OF CONTRACTS

##### *House bill*

No provision.

##### *Senate amendment*

The Senate amendment amends section 112(b) of title 23 to permit the Secretary to waive competitive bidding on a reconstruction contract where an emergency situation such as an emergency relief project exists.

##### *Conference substitute*

Adopts the Senate provision.

## CONTRACTING FOR ENGINEERING AND DESIGN SERVICES

*House bill*

The House bill brings procurement of engineering and design services for Federal-aid highway projects into conformity with Title IX of the Federal Property and Administrative Services Act of 1949, which requires qualifications-based selection of these services when they are procured by Federal agencies for any project except Federal-aid highway projects, as they are not direct Federal procurements. Under the bill, the Federal selection procedures or equivalent state qualifications-based selection requirements for selecting firms for programs management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, or related services, shall apply to such contracts awarded or administered by recipients of funds.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House bill with a proviso that it shall not apply in a state that adopts or has adopted by statute any formal procedure for procurement of engineering and related design services. For states which do not use the federal selection procedures or equivalent state qualifications-based requirements, the provision shall become effective beginning on the earlier of August 1, 1989 or the 10th day following the close of the first regular session of the legislature of a state which begins after the date of enactment of the bill unless a state adopts or has adopted by statute any formal procedure for the procurement of engineering and related design services.

## STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS

*House bill*

The bill would amend section 112 of title 23, United States Code, to direct the Secretary of Transportation to issue regulations establishing and requiring a standardized contract clause in all Federal-aid highway contracts. The standardized contract clause would provide for the equitable adjustment of contract terms in each of the following situations:

- (1) In situations where site conditions differ from those specified in the contract.
- (2) In situations where work has been suspended by order of the state (other than a suspension of work caused by the fault of the contractor or by weather).
- (3) In situations where there are material changes in the scope of work specified in the contract.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House bill provision with a limitation that the provision does not apply in a State that adopts or has adopted by statute a formal procedure for the development of such a contract clause or adopts or has adopted a statute which does not permit inclusion of such a contract clause. Also, the substitute would not allow the Secretary to require that disputes be submitted for arbitration.

## CONVICT PRODUCED MATERIALS

*House bill*

The bill amends section 114(b) of title 23, United States Code, which prohibits the use of convict labor on highway construction projects, to permit the use of materials produced by convict labor only at prison facilities producing convict-made materials for Federal-aid construction projects prior to July 1, 1985. A qualified prison facility is limited to the production levels for Federal-aid construction projects during the 12-month period prior to July 1, 1985.

The bill also provides several technical and conforming amendments to other provisions of law to limit convict produced materials on Federal-aid highway construction projects.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House provision, but changes the date to July 1, 1987.

## ADVANCE CONSTRUCTION

*House bill*

The bill deletes a restriction in section 115 of title 23, United States Code, which limits Federal payment for interest on bonds issued in connection with any advance construction Interstate project under construction on January 1, 1983, and substitutes in lieu thereof a provision to permit Federal reimbursement for bond interest in connection with any advance construction Interstate or primary project on which the proceeds of bonds were used or will be used, subject to certain limitations. The bill also allows states to secure approval of advance construction primary projects without having exhausted all primary apportionments.

Currently, the dollar value of advance construction projects that may be approved for the various categories of assistance is limited to a state's unobligated balances and anticipated apportionments for the individual categories. The bill would increase this dollar volume for the individual categories by an amount equivalent to a state's current year apportionment. Advance construction approvals create no obligation of the Federal government.

*Senate amendment*

The Senate amendment section on Advance Construction gives the states additional flexibility for using the Advance Construction Program effective January 1, 1987.

*Conference substitute*

The substitute expands the use of advance construction to Metropolitan planning projects, planning and research projects, hazard elimination projects and projects for the elimination of hazards at railroad-highway crossings. To advance these types of projects and highway substitute, urban, secondary and bridge projects, a State must be out of apportionments or demonstrate that it will use all of its obligation authority. During the period January 1, 1987 and ending September 30, 1990 the Secretary may approve advance construction projects that have no existing authorizations.

Interstate and primary projects may be advanced without being out of apportionments or obligation authority.

The conferees made the amendments effective January 1, 1987. It is the intent of the conferees that projects which meet the qualifying requirements advanced between January 1, 1987 and the date of enactment of the amendments under the Interim Procedures detailed in a memorandum dated February 3, 1987, from the Executive Director of the Federal Highway Administration to Regional Federal Highway Administrators, shall be eligible for Federal funding. The projects advanced shall comply with all applicable Federal requirements.

## INTERSTATE DISCRETIONARY FUNDS

*House bill*

The bill amends section 118(b)(2) of title 23, United States Code, to revise the priority for the availability of Interstate construction discretionary funds. The Secretary shall prioritize the allocation of these funds first, for high cost projects which are on segments not open to traffic and to high cost projects for construction of high occupancy vehicle (HOV) lanes and other lanes on the Harbor Freeway in Los Angeles County, California; second, for projects which are high cost in relation to a state's apportionment; and third, for conversion of advance construction Interstate projects. The State of California would be eligible for the receipt of Interstate construction discretionary funds for the construction of high occupancy vehicle and other lanes on the Harbor Freeway, although the state may not have obligated all of its Interstate construction apportionments.

Under existing law, Interstate construction apportionments are available for obligation for two years, after which time any unobligated funds lapse to the discretionary fund. Subsection (a) would allow a state to reduce the period of availability of its apportioned Interstate construction funds from two years to one year.

The bill amends the Interstate 4R discretionary program by setting aside \$200 million annually from the Interstate 4R authorization for discretionary projects. In selecting projects for funding, the Secretary shall give priority consideration to projects costing more than \$10 million on high-volume urban routes or high truck-volume rural routes. The Secretary is also directed to consider how a state has used its apportioned Interstate 4R funds in the past to determine to what extent the state merits discretionary funding currently in that the Secretary should not look too favorably upon the request of a state that has used excessive amounts of the Inter-

state 4R funds to construct new routes which have been designated under 139(b) of title 23, United States Code. However, the Secretary is directed not to consider whether a state has used or intends to use any of its apportioned Interstate 4R funds on routes designated under section 139(a) of title 23, United States Code, or whether it intends to exercise its unconditional right to transfer 20 percent of its 4R funds to primary as authorized by the reported bill.

Under existing law, Interstate 4R apportionments are available for obligation for four years, after which time any unobligated funds lapse to the Interstate 4R discretionary fund. Subsection (c) would reduce this period of availability from four years to three years.

*Senate amendment*

No similar provision.

*Conference substitute*

The Conference substitute adopts the House approach, with an amendment. The bill amends section 118(b)(2) of title 23, United States Code, to revise the priority for the availability of Interstate construction discretionary funds. The Secretary shall prioritize the allocation of these funds first, for high cost projects which are on segments not open to traffic or for the Harbor Freeway; second, for projects which are high cost in relation to a State's apportionment; and third, for conversion of advance construction Interstate projects. The Harbor Freeway shall receive the same priority as other first priority projects.

Under existing law, Interstate construction apportionments are available for obligation for two years, after which time any unobligated funds lapse to the discretionary fund. Subsection (a) would allow a State to reduce the period of availability of its apportioned Interstate construction funds from two years to one year. The conference substitute would also amend section 118(b)(2) to provide that any apportionments which are made on or after October 1, 1989, shall be made available until expended.

The bill amends the Interstate 4R discretionary program by setting aside \$200 million annually from the Interstate 4R authorization for discretionary projects.

In selecting projects for funding, the Secretary shall give priority consideration to projects costing more than \$10 million on high-volume urban routes or high truck-volume routes in rural areas. Other criteria included in the House provision were deleted.

Under existing law, Interstate 4R apportionments are available for obligation for four years, after which time any unobligated funds lapse to the Interstate 4R discretionary fund. The provision would reduce this period of availability from four years to three years.

**FLEXIBILITY**

*House bill*

This provision will grant Puerto Rico a similar degree of flexibility as that accorded the State of Alaska. This flexibility will allow Puerto Rico to use funds from the different program categories to

suit its particular highway needs and priorities, allowing the Commonwealth of Puerto Rico to expand and upgrade its infrastructure in order to attain stateside levels. This type of flexibility would permit Puerto Rico to advance such projects as the new access road in San Lorenzo.

*Senate amendment*

No provision.

*Conference substitute*

Adopts the House provision. The conferees adopt the language in the House Report.

INTERSTATE-PRIMARY PROGRAM

*House bill*

Present law, under section 105 of the Surface Transportation Assistance Act of 1978, permits a state to transfer any part of its Interstate 4R apportionment to its primary apportionment if a state certifies and the Secretary accepts the state's certification that the amounts to be transferred are in excess of the state's Interstate 4R needs. Many states desiring such a transfer have experienced difficulty showing that the amounts to be transferred are in excess of the state's Interstate 4R needs; and thus, the transfers have not occurred.

The Committee believes the enactment of policies which will require the states to invest sufficient funds for the preservation and improvement of the 42,500-mile National System of Interstate and Defense Highways is absolutely essential. However, the Committee also understands the needs in many states for new construction and reconstruction of primary highways, particularly important connectors to the Interstate System. Thus, the Committee bill includes a provision to permit states to transfer up to 20 percent of their Interstate 4R funds each year to primary projects unconditionally. The provision also permits these funds to be used at the same 90 percent Federal matching share as for Interstate projects, except where law provides for a higher matching share. Any state desiring to transfer more than 20 percent, however, must continue to justify the transfer as under existing law. The Committee believes the additional flexibility authorized by this section will permit states to make important investments on priority projects such as the Fall Line Freeway connecting Columbus, Macon and Augusta, Georgia, the Florence to Myrtle Beach connector in South Carolina, the Rice Road Interchange access road on Route 219 in New York, and the FAP 410 corridor in southern Illinois.

The bill also codifies and makes technical amendments to a provision in existing law authorizing a state to use Interstate 4R funds on Interstate toll roads if it signs an agreement that the road will become free to the public upon the collection of sufficient tolls to liquidate the outstanding debt at the time the agreement was signed and establish a sinking fund for operations and maintenance. If the road is not freed in accordance with the agreement, all Federal funds spent on the road must be repaid to the Treasury.

### *Senate amendment*

The bill incorporates the toll provisions of section 105 of the Federal-Aid Highway Act of 1978 into section 129 of title 23 and clarifies a provision of section 105 concerning the repayment of Federal funds.

The bill also makes technical and conforming amendments to section 119 of title 23 and amends provisions that require a reduction of a state's Interstate apportionments by 10 percent for failure to maintain the Interstate System adequately to require a reduction of not more than 10 percent of a state's Interstate portion of the Interstate-primary apportionment at the discretion of the Secretary.

The bill also amends title 23 to establish the Federal-Aid Interstate-primary Program. The Interstate-primary program will emphasize bringing all elements of the Primary System to acceptable standards of operation and safety. The program will consist of both new construction and 4R work on the Primary System and the Interstate System (including additions thereto under section 139). The Interstate-primary program will include traditional primary program projects, Interstate construction projects, and Interstate resurfacing, restoration, rehabilitation and reconstruction projects.

The designated Interstate System in all states will receive attention in maintaining its high level of serviceability. At the same time, there is sufficient flexibility to allow States to concentrate on neglected primary routes and other primary routes which have developed into significant Interstate traffic carriers.

The bill also makes amendments to sections 139(a), (b), and (c) of title 23 to conform with the new Interstate-primary category and provides that routes designated by section 139 are eligible for any of the funds provided by the Interstate-primary program.

### *Conference substitute*

The Conference agreement contains elements of the House bill and the Senate amendments.

The bill incorporates the toll provisions of section 105 of the Federal-Aid Highway Act of 1978 into section 129 of title 23 and clarifies a provision of section 105 concerning the repayment of Federal funds.

The Conference substitute includes a provision from the House bill to permit States to transfer up to 20 percent of their Interstate 4R funds each year to primary projects unconditionally. These funds would be used at the same Federal matching share as other primary funds, i.e., 75-25. Any State desiring to transfer more than 20 percent must continue to justify the transfer as under existing law.

The bill also codifies and makes technical amendments to a provision in existing law authorizing a State to use Interstate 4R funds on Interstate toll roads if it signs an agreement that the road will become free to the public upon the collection of sufficient tolls to liquidate the outstanding debt at the time the agreement was signed and establish a sinking fund for operations and maintenance.

The conferees believe that the additional flexibility authorized will permit states to make important investments on priority projects such as the Fall Line Freeway connecting Columbus, Macon and Augusta, Georgia, the Florence to Myrtle Beach connector in South Carolina, the Rice Road Interchange access road on Route 219 in New York, the FAP 410 corridor in Southern Illinois, the pedestrian walkway on Route 63 in Pavilion, New York, two sets of soundwalls along the Artesia Freeway in California from Atlantic Avenue to Cherry Avenue and from Paramount Boulevard to Lakewood Boulevard, soundwalls on US Highway 50 between Howe Avenue and Watt Avenue in Sacramento, California, the Highway 156 Hollister bypass in California and the Highway 101 Prunedale bypass.

#### FEDERAL SHARE PAYABLE

##### *House bill*

This section of the House bill would amend section 1209(d) of title 23, United States Code, adding to the projects and activities eligible for 100 percent Federal financing of the cost of construction to include the installation of traffic signs, highway lights, guardrails, and impact attenuators. These devices are reported by the Federal Highway Administration to be among the most safety cost-effective improvements that may be made to a highway. The Committee believes this preferential match will lead to greater safety on the Nation's highways.

The Committee strongly urges the Secretary to include Federal Highway Administration's Highway Safety Program Standard 13, and resultant FHWA procedures, as safety priorities in traffic control device programs undertaken in conjunction with the states and their political subdivisions. This program, which calls for each state and its political subdivision to have a traffic control devices program, includes an inventory and periodic review of existing devices, as well as a maintenance schedule adequate to ensure proper operations and timely repair of control devices. Such a schedule would require daytime and nighttime inspections.

AASHTO's "Highway Design and Operational Practices Related to Highway Safety" provides additional support for Standard 13, because it emphasizes the benefits to be derived from a good traffic control operational review to detect problems as they develop, as well as the need to maintain a high level of service on the highway facility.

In addition, the Federal Highway Administration's "Traffic Control Devices Handbook" recommends an inventory and dating procedure that complies with the standard established when the Committee wrote the National Highway Safety Act of 1966.

The Committee requests that the Secretary make the inventory results available to the Committee in order that the Committee may properly assess the need for future legislation regarding traffic control devices.

The FHWA issues an Annual Report on Highway Safety Improvement Programs which includes a listing of highway safety equipment that has proved to be particularly cost-effective. Impact attenuators are among the type of equipment that has consistently

demonstrated a high benefit/cost ratio and so they have consequently been added to the items eligible for 100 percent Federal funding under section 120(d) of title 23. The Committee intends the term "impact attenuator" to mean crash cushions that have been accepted by the Federal Highway Administration.

Subsection (b) amends the listing of priority primary routes which are eligible for a Federal funding match of at least 95 percent (rather than the 75 percent applicable to conventional primary projects), if a state elects to use its primary funds on such routes. The listing of priority primary routes appears in Committee Print 100-3.

Subsection (c) amends section 120 of title 23, United States Code, to allow a state to set the Federal match for Federal-aid projects on the Great River Road at not greater than 95 percent, but not less than 75 percent.

Subsection (d) is intended to provide incentives to the states to use coal ash in their highway construction projects. The ash produced by coal-burning electric generating plants and other users of coal has a well-established record of successful use in highway construction. Fly ash has been used in pozzolanic and cement stabilized roadbases, cement stabilized subbases, as a mineral filler in asphalt paving, in grouting and for soil stabilization. Bottom ash and/or boiler slag (collectively termed power plant aggregates) have been used in pozzolanic and cement stabilized roadbases and as aggregate in asphalt paving. Ample data exists supporting the technical feasibility of using coal ash in paving applications.

The utility industry produces tens of millions of tons of ash each year. Only about 20 percent is used at present. The remainder is disposed of as a waste.

Thus, promoting the reuse of power plant ash will conserve energy and reduce costs. The production of power plant ash requires essentially no energy—it is a by-product of the generation of electricity. In addition to reducing energy costs, the use of coal ash in transportation construction projects around the country appears, from comparative bid prices, to yield significant cost savings. Moreover, increased use of coal ash will reduce disposal costs for utilities generating ash and thereby produce cost savings for consumers as well.

### *Senate amendment*

This section from the Senate amendment amends section 120 of title 23 making technical and conforming changes and also provides a Federal share for Interstate-primary funds used on the Primary System (other than the Interstate) of not to exceed 75 percent of the cost of construction. These percentages may be increased under the sliding scale provision of current law.

Interstate projects would have a Federal share of not to exceed 90 percent. Routes designated as Interstate under section 139(a) and 139(b) of title 23 prior to March 9, 1984, and under section 139(c) of title 23 would be able to improve at a 90-percent Federal share. These percentages may be increased in certain circumstances under current law.

This section provides that the Federal share payable for a highway emergency relief project shall be the same as for a regular

Federal-aid highway project on the system in question except that the Federal share payable may be 100 percent only for emergency work done in the first 30 days after the occurrence of the event that triggers emergency relief.

This section also provides that states may contribute amounts in excess of the normal state share on all title 23 projects.

#### *Conference substitute*

The Conference substitute would amend section 120(d) of title 23, United States Code, adding to the projects and activities eligible for 100 percent Federal financing of the cost of construction to include the installation of traffic signs, highway lights, guardrails, and impact attenuators. These devices are reported by the Federal Highway Administration to be among the most safety cost-effective improvements that may be made to a highway.

Subsection (b) amends the listing of priority primary routes which are eligible for a Federal funding match of at least 95 percent (rather than the 75 percent applicable to conventional primary projects), if a State elects to use its primary funds on such routes. The listing of priority primary routes appears in Committee Print 100-3.

The substitute amends section 120 of title 23, United States Code, to allow a State to set the Federal match for Federal-aid projects on the Great River Road at not greater than 95 percent, but not less than 75 percent.

The Conference substitute provides that the Federal share payable for a highway emergency relief project shall be the same as for a regular Federal-aid highway project on the system in question except that the Federal share payable may be 100 percent only for emergency work done in the first 90 days after the occurrence of the event that triggers emergency relief. The Federal share payable for a highway emergency relief project relating to natural disasters or catastrophic failures occurring before the date of enactment of this Act shall be 100 percent.

This section also provides that States may contribute amounts in excess of the normal State share on all title 23 projects. The Conference direct the Secretary to issue criteria for the States to use so that poorer areas of a State do not lose projects because wealthier areas are willing to provide a higher local match to obtain Federal-aid highway funds. A State may establish uniform guidelines for excess match, according to the merit of the project, but the guidelines should not discriminate against areas.

A preferential match is provided for the use of coal as products.

#### EMERGENCY RELIEF

#### *House bill*

The bill adds a new subsection (d) to section 125 of title 23 which makes the territories eligible for emergency relief assistance. Subsection (b) imposes a \$5 million annual limitation on emergency relief funding for the territories. The amendments are made retroactive to April 15, 1983, to cover a recent disaster.

The bill also increases the limit on emergency relief grants for each state for each disaster from \$30 million to \$50 million and in-

creases the limit to \$100 million for each state for each disaster occurring in calendar 1986. The bill would also allow the Secretary to reimburse the State of Utah from emergency relief funds to compensate for its use of Interstate 4R funds to repair I-80 which was damaged by flooding of the Great Salt Lake in 1983 in an amount not to exceed \$30 million. The reimbursed funds would only be available for Interstate 4R projects.

#### *Senate amendment*

This amendment amends section 125 of title 23 to make the territories eligible for emergency relief with a \$5 million cap on obligations during any one fiscal year.

The bill also replaces the Emergency Relief program cap of \$30 million per year with a cap of \$100 million per year.

#### *Conference substitute*

The Conference substitute increases the limit on emergency relief grants for each State for each disaster from \$30 million to \$100 million, retroactive to disasters occurring after December 31, 1985. Otherwise, the substitute generally adopts the House provision except that it does not adopt the Salt Lake provision and does not make the territories retroactively eligible for funds.

### VEHICLE WEIGHTS LIMITATIONS

#### *House bill*

The bill provides a temporary modification of the bridge formula contained in section 127 of title 23, United States Code, for two classes of vehicles. The bridge formula prescribes limitations on axle loadings to prevent undue concentration of weight within overall gross vehicle weight limitations, thus preventing harm to bridges on the Interstate System.

Existing law provides that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more. This in effect requires 36 feet between the second and fifth axles on the conventional 18-wheel, five-axle, tractor-semitrailer combination common to the trucking industry. Because of ambiguities in interpretation of the bridge formula since its enactment in the mid-1970's, tank trucks have been acquired and placed in service which, while complying with overall gross vehicle weights, inadvertently would trigger the bridge formula prohibitions when loaded to capacity.

This situation was called to the Committee's attention because of tighter enforcement policies which have been pursued by the Federal Highway Administration. In view of the relatively small number of such vehicles, the Committee believes a temporary modification of this requirement—terminating on September 1, 1988—to provide for 30 feet between the axles in question is altogether reasonable. Much of the same can be said of freight containers widely used in intermodal transport by truck and oceangoing vehicles. Shorter containers, which occasion the use of vehicles with lesser spacing between the second and fifth axles of five axle vehicles, are in widespread use but are in the process of being

phased out in favor of longer containers which will occasion the use of longer trailers which eventually will meet the bridge formula requirements. The Committee has concluded that fairness dictates the inclusion of these vehicles as well.

The bill also provides the definition of ocean container incorporated by reference in the statutory language:

An article of transport of equipment:

(a) of a permanent character and accordingly strong enough to be suitable for repeated use;

(b) specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;

(c) fitted with the devices permitting its ready handling, particularly its transfer from one mode of transport to another;

(d) so designed as to be easy to fill and empty;

(e) having an internal volume of 35.3 ft<sup>3</sup> or more.

The term "freight container" includes neither vehicles nor conventional packing.

#### *Senate amendment*

The bill amends section 127(a) of title 23 to provide for the withholding of the Interstate construction portion of Federal-aid Interstate-primary funds, in lieu of withholding Interstate construction funds, for violations of section 127. The change is needed as Interstate construction funds would be unavailable to withhold. The current penalty provision in section 127(a) is revised to provide that any withheld funds do not lapse if they are subsequently released and obligated within the normal four year availability period.

#### *Conference substitute*

The current penalty provision in section 127(a) is revised to provide that any withheld funds do not lapse if they are subsequently released and obligated within the normal four year availability period.

The House provision concerning tandem axles is adopted by the Conferees. It is the Conferees' intention that tank trailers, dump trailers, and ocean transport containers on two sets of tandem axles not acquire any "grandfather rights" beyond September 1, 1988, because of this amendment. While the amendment would allow owners to recover some of their costs for current vehicles, it should not become a means to allow these types of vehicles under these loads to continue to use the Interstate highways after September 1, 1988.

### TOLLS

#### *House bill*

The House bill amends section 129(e) of title 23, United States Code, to permit the collection of tolls on Interstate 75, Alligator Alley, in the State of Florida, to be used for repayment of costs incurred by the state and liquidation of indebtedness incurred to finance any cost associated with a feature of the project as recommended by the final environmental impact statement or any revi-

sion thereof which the Secretary determines is ineligible for Interstate construction funding.

*Senate amendment*

The bill contains a provision similar to the House bill. The bill also requires toll authorities to certify to the Governor of their State that sufficient reserves are available to cover the construction, operation, maintenance, and repair or replacement of the toll facilities not eligible for Federal-aid highway funds. The Governor is to transmit this information to the Secretary who will transmit it to Congress. If funds from the Highway Trust Fund are spent on these toll facilities, an equal amount will be deducted from the state's Federal-aid highway apportionments the following year. This provision does not apply to international toll facilities and those toll facilities covered by a section 105 or section 129 agreement.

The amendment also permits Federal-aid financing for new toll highways other than Interstate and permits Federal-aid financing for any toll highway, other than Interstate, to expand capacity with a Federal share payable of 35 percent of Federal funds expended on toll roads, bridges or tunnels.

*Conference substitute*

The substitute permits Federal-aid financing of toll highways for seven facilities as a pilot program and permits the renegotiation of certain toll agreements entered into by four States.

A State must agree that toll revenues from (1) operation of the toll facility constructed or reconstructed under the pilot program or from (2) the toll facility for which a toll agreement is renegotiated under this section will only be used on the tolled facility and only for construction or reconstruction costs, or for the costs necessary for proper operation, maintenance, and debt service of the tolled facility including resurfacing, reconstruction, rehabilitation and restoration. While there is no requirement that tolls be removed from the tolled facility, tolls shall not be charged that are excess to the needs of the facility for the stated purposes.

In allowing the New York State Bridge Authority (NYSBA) to renegotiate the Section 129 Agreement for the Newburgh-Beacon Bridge, the conferees have agreed to allow toll receipts from that bridge to be spent on other bridges operated by NYSBA.

In doing so, the conferees have recognized that since the original agreement was signed in 1973, circumstances have changed in the Hudson Valley. First, traffic volumes have exceeded all expectations due to unexpected population growth. Second, the expected completion of a Federal-aid project in New Jersey (I-287) promises to elevate traffic volumes further by providing a truck route to New England which bypasses the metro New York area.

This combination of unforeseen growth and the effects of a Federal-aid project, coupled with the impending requirement to remove tolls under the existing Section 129 Agreement, was necessary to convince the conferees that tolls collected from the Newburgh-Beacon Bridge should be allowed to be continued and spent on other NYSBA bridges.

The substitute adopts the Senate Amendment provision concerning Biennial Certification, and adopts the Alligator Alley provision from the House Bill.

This provision permits the continued collection of tolls on Interstate 75, Alligator Alley, in the State of Florida, to be used for repayment of costs incurred by the State and liquidation of indebtedness incurred to finance any cost associated with a feature of the project as recommended by the final environmental impact statement or any revision thereof which the Secretary determines is ineligible for Interstate construction funding.

The conferees intend that the pilot program project in Orange County, California be selected by the Orange County Transportation Commission.

#### RAILWAY-HIGHWAY CROSSINGS

##### *House bill*

No provision.

##### *Senate amendment*

This section incorporates the provisions of section 203 of the Highway Safety Act of 1973 into section 130 of title 23 and makes technical and conforming amendments.

##### *Conference substitute*

Adopts the Senate amendment provision.

#### INDIAN EMPLOYMENT AND CONTRACTING

##### *House bill*

No provision.

##### *Senate amendment*

The Senate amendment brings the antidiscrimination provision of section 140 of title 23, United States Code, into conformity with title VII of the 1964 Civil Rights Act on the issue of Indian preference in employment and contracting for certain Federal-aid highway projects.

##### *Conference substitute*

Adopts the Senate amendment.

#### BRIDGE PROGRAM

##### *House bill*

The House bill increases the amounts set aside for the discretionary bridge program through fiscal year 1991, to carry out section 144(g)(2) of title 23, United States Code, from \$200 million to \$250 million.

Also, the bill would amend section 144(h) of title 23, United States Code, by eliminating from applicability of the General Bridge Act the requirement of Coast Guard Bridge permits for bridges over waters which are navigable waters of the United States solely because they are subject to tidal influence. The amendment would exclude applicability of the General Bridge Act

for those bridges over waters which are used by recreational boating, fishing, and other small vessels with a length of 21 feet or less.

The bill would modify the requirement for the Secretary to submit a bridge report to the Congress each year and substitute a requirement that it be submitted biennially along with the Highway Conditions and Performance Report.

The bill amends section 144 of title 23, United States Code, to allow the State of Arkansas to apply for assistance for construction of a highway bridge to replace ferryboat service being provided for motor vehicles. The Federal share payable for the construction of any such project is to be 80 percent. The remaining total costs of deficient bridges in the State of Arkansas will be reduced by the total cost of any highway bridges constructed in the state for replacement of ferryboat service. This adjustment is necessary to preclude diversion of bridge funds from other states.

The provision of law which set in place investment criteria for administering discretionary bridge funds, section 161 of the Surface Transportation Assistance Act of 1982, also contained a provision grandfathering discretionary bridges already eligible for funding under the discretionary program. The Committee intended, as reflected in the Committee's report accompanying the House-passed version of the 1982 Act, that the Acosta Bridge in Jacksonville, Florida, was one such grandfathered bridge. Unfortunately, the Administration has taken a different view.

The bill clarifies that the Acosta Bridge is to be treated as a grandfathered bridge and shall be funded to completion using discretionary bridge funds.

#### *Senate amendment*

The Senate amendment provides that \$200 million for each of the fiscal years 1987, 1988, 1989 and 1990 shall be set aside for the bridge discretionary fund and that the minimum off-system bridge provision of 23 U.S.C. 144(g)(2) shall be continued.

The amendment establishes an off-system bridge program which permits a state to credit state-only financed off-system bridge replacement and rehabilitation projects toward the state share of the cost of other Federal-aid bridge projects. Off-system bridges that are eligible for section 144 funds, are noncontroversial, and certified by the state to have been carried out in accordance with all standards applicable under section 144 of title 23 are eligible for this program.

The amendment, like the House bill, amends 23 U.S.C. 144 to permit Arkansas to use bridge funds to construct a bridge to replace ferryboat service being provided for motor vehicles.

#### *Conference substitute*

The Conference substitute adopts the provisions of the House bill with the following exceptions: the amount set aside for the Discretionary Bridge Fund is reduced from \$250 million per year to \$225 million per year. The Conference substitute also adopts a Senate provision which establishes an off-system bridge program to permit a State to credit State-only financed off-system bridge replacement and rehabilitation projects toward the State share of the cost of other Federal-aid bridge projects. Off-system bridges that are eligi-

ble for section 144 funds, are noncontroversial, and certified by the State to have been carried out in accordance with all standards applicable under section 144 of title 23 are eligible for this program.

The substitute adopts a provision concerning bridges to replace destroyed bridges and ferryboat service.

The replacement for the South Michigan Avenue Bridge in Buffalo, New York is eligible for funds under section 144.

The substitute contains a provision requiring that motorists be able to see over or through the bridge railing on the new Jamestown Bridge in Rhode Island.

#### STATE MATCHING SHARE

##### *House bill*

No provision.

##### *Senate amendment*

The amendment allows the State of Idaho to credit the value of donated land and construction work to the state matching share of the Calder bridge project in north Idaho.

##### *Conference substitute*

Adopts the Senate amendment provision.

#### HISTORIC BRIDGES

##### *House bill*

No provision.

##### *Senate amendment*

This section encourages the preservation of historic bridges. Subsection (a) establishes that it is in the national interest to preserve historic bridges.

Subsection (b) directs the Secretary to cooperate with the states in implementing section 144 of title 23 in a manner which promotes the preservation of historic bridges.

Subsection (c) requires states to identify historic bridges on the National Bridge Inventory.

Subsection (d) clarifies that any reasonable costs associated with mitigating harm to an historic bridge would be eligible for Federal-aid bridge funds if the bridge remains part of the highway system.

Subsection (e) permits states to use bridge funds equal to the cost of demolition for preserving an historic bridge eligible for demolition if they, or any other responsible entity, sign an agreement taking future legal and financial responsibility for the bridge.

Subsection (f) defines an historic bridge as any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

Subsection (g) requires the Transportation Research Board to review the rehabilitation of historic bridges and develop recommendations for specific standards for the rehabilitation of historic bridges.

*Conference substitute*

Adopts the Senate amendment provision.

## MINIMUM ALLOCATION

*House bill*

The bill allows states to expend one and one-half percent of their minimum allocation funds (section 157) on transportation planning in urban areas (section 134) and allows states to expend one and one-half percent of their minimum allocation funds (section 157) on research and planning (section 307). The bill also provides that any Federal-aid highway funds withheld for noncompliance of the national maximum speed limit or for noncompliance of the national minimum drinking age laws or any other provision of law shall be treated as having been apportioned in such year to the states in order to determine the amounts allocated under section 157 of title 23, United States Code (minimum allocation), and extends the life of the minimum allocation program permanently.

*Senate amendment*

This section amends section 157 to title 23 to add allocations as well as apportionments to the calculation of the 85 percent minimum funds and makes the provision permanent law. This will provide donor states a return closer to 85 percent of the amount contributed to the Highway Trust Fund by these states. Currently, in calculating the return of 85 percent minimum to the states, only apportioned programs are considered. Major categories which are added include Interstate discretionary, Interstate transfer discretionary, bridge discretionary and emergency relief. Several small Highway Trust Fund categories shall also be included.

Subsection (b) makes the provisions of subsection (a) effective October 1, 1986.

Subsection (c) provides authorizations for the minimum allocation for fiscal years 1987, 1988, 1989, and 1990.

*Conference substitute*

The Conference substitute adopts the provision of the House bill. The substitute also adopts the provision of the Senate Amendment which adds allocations to the calculation of the 85 percent minimum funds effective upon enactment for the fiscal year 1987 and thereafter. The minimum allocation calculation for fiscal years 1987 and 1988 will be in accord with the Senate amendment except that allocations for highway emergency relief under 23 U.S.C. 125 and allocation from the Interstate Construction Discretionary Fund under 23 U.S.C. 118(b)(2) will not be considered. The minimum allocation calculation for California in fiscal year 1989 will be based on the same method of calculations as in fiscal year 1988.

## NATIONAL BRIDGE INSPECTION PROGRAM

*House bill*

The bill amends chapter 1 of title 23, United States Code, to replace an outdated section and add a new section 151 (National Bridge Inspection Program). The Secretary, in consultation with

state highway departments and knowledgeable private organizations and individuals, is required to establish national bridge inspection standards for the proper safety inspection and evaluation of all highway bridges. The Secretary shall establish inspection standards that at a minimum specify the method by which inspections shall be carried out, establish a maximum time period between inspections, establish bridge inspector qualifications, require written bridge inspection reports and inventories for all highway bridges, and establish a national certification procedure for highway bridge inspectors. In cooperation with the state highway departments, the Secretary shall develop a training program to provide assistance to government highway bridge inspectors. The training program shall be revised periodically to take into account new and improved bridge inspection techniques. Federal-aid highway funds under section 104(a), section 307(a) and section 144 of title 23, United States Code, may be used to carry out the national bridge inspection program.

The National Society of Professional Engineers through its National Institute for Certification in Engineering Technologies (NICET) has in place six certification programs for highway engineering technicians that were developed in cooperation with FHWA and AASHTO. A new NICET certification program entitled, "Bridge Safety Inspection," which is in the final stages of development, could serve as a valuable foundation for public and private sector initiatives.

This NICET Bridge Safety Inspection certification is job task specific and nationally applicable with a significant written examination component that can be used to determine specific training needs.

The bill also provides two conforming amendments to chapter 1 of title 23, United States Code, to add section 151 to the analysis for chapter 1 of such title and to amend section 116 to shift requirements under the new bridge inspection program to this section.

#### *Senate amendment*

The Senate Report has language concerning bridge inspections as follows:

The National Society of Professional Engineers through its National Institute for Certification in Engineering Technologies (NICET) has in place six certification programs for highway engineering technicians that were developed in cooperation with FHWA and AASHTO. One of the six is a new certification program entitled "Bridge Safety Inspection." This NICET Bridge Safety Inspection certification is job task specific and nationally applicable with a written examination that can be used to determine specific training needs.

State highway agencies are encouraged to evaluate the NICET certification program and determine its usefulness in training and certifying State bridge inspectors. FHWA is also encouraged to review the adequacy of the NICET Bridge Safety Inspection course. States should continue

their emphasis on identifying deficient bridges and assuring effective inspection programs.

Again this year requests were submitted to establish legislative history making specific bridges eligible for discretionary bridge funds. Including specific bridges in legislative history has, in the past, created expectations beyond the funding capability of the discretionary bridge program. The selection criteria established under section 161 of the STAA of 1982 should be continued as the mechanism to select bridges for these discretionary funds. FHWA is directed to rely upon the criteria established by the Secretary in setting priorities.

*Conference substitute*

Adopts the House bill provision.

INCOME FROM RIGHTS-OF-WAY

*House bill*

This section provides that the net income a state receives after September 30, 1987, from the use, lease, or sale of right-of-way airspace acquired using Federal assistance from the Highway Trust Fund (other than the Mass Transit Account) shall be used for projects under chapter 1 of title 23, United States Code.

*Senate amendment*

This section provides that the net income a State receives from the use, lease, or sale of right-of-way airspace acquired as a result of a project under title 23 shall be used for projects under chapter 1 of title 23. Certain exceptions are provided. This section requires that the States obtain at least the fair market value for permitted non-highway uses of highway right-of-way airspace. This section also requires that any net revenues, after deducting the cost of sale or cost of issuing and maintaining the joint use agreements, obtained by a State or political subdivision for the use of the airspace of right-of-way of a Federal-aid project by non-highway facilities shall be applied to highway projects eligible under the provisions of title 23. The term "right-of-way airspace" would include space, both above and below ground. The charges and disposition of fees for utility use and occupancy of right-of-way will continue to be governed by 23 C.F.R. 645. The term "utility" includes publicly, privately, and cooperatively owned utilities. This section permits the Secretary to grant exceptions to these requirements for social, environmental, and economic mitigation purposes. This section is not intended to interfere with any court proceedings or consent decrees issued for I-95 and I-676 in Philadelphia.

*Conference substitute*

Adopts the Senate amendment provision except that charges are not required for highway and transit uses that could receive funding under Chapter 1 of Title 23. The conferees do not intend that this section interfere with any court proceedings or consent decrees issued for I-95 and I-676 in Philadelphia.

The conferees agree that the installation of fiber optics telecommunication cables within Interstate highway rights-of-way presents States with important economic development opportunities. While unlimited access to Interstate rights-of-way by every utility is not desirable, it appears that benefits might be able to be obtained by accommodating fiber optic cables without a negative effect on traffic or safety. Unless it can be demonstrated that installing of fiber optics facilities will have a negative effect upon traffic or safety, the Secretary should approve applications for longitudinal installation of fiber optics facilities.

#### BICYCLE PROJECT ELIGIBILITY

##### *House bill*

No provision.

##### *Senate amendment*

This section permits states to use Federal-aid highway funds apportioned or allocated for a highway substitute project for the purpose of designing and constructing bicycle facilities.

##### *Conference substitute*

Adopts the Senate amendment provision.

#### STRATEGIC HIGHWAY RESEARCH PROGRAM

##### *House bill*

The House bill amends section 307 of title 23, United States Code, to establish a strategic highway research program. The Secretary, in consultation with state highway and transportation officials, shall establish a program to carry out research development and technology transfer activities strategically important to the national highway transportation system. The Secretary shall make grants, enter into cooperative agreements, and make advance payments to carry out the strategic highway research program. Federal-aid highway funds are set aside for fiscal years 1987 through 1991, not to exceed  $\frac{1}{4}$  of one percent of the funds authorized for the Federal-aid highway systems, and the Interstate highway transfer program, the bridge replacement and rehabilitation program, the elimination of hazards of railroad-highway crossings under section 203 of the Highway Safety Act of 1973, and the elimination of hazards under section 152 of title 23, United States Code. Interstate construction and 4R funds set aside for the strategic highway research program are available on October 1 of the fiscal year preceding the fiscal year for which such sums are authorized. The strategic highway research program funds are available for the fiscal year in which they are made available and a period of three years following the fiscal year for which funds are made available.

##### *Senate amendment*

This section adds a provision for SHRP to title 23, United States Code. SHRP will be funded by deducting one-quarter of one percent from funds authorized for the programs specified in subsection

104(c) of title 23, United States Code. The Secretary will carry out SHRP in cooperation with state highway departments and will set standards for the use of the funds to conduct research, development and technology transfer activities determined to be strategically important to the national highway transportation system. The Secretary may provide grants to and enter into compensation agreements with the American Association of State Highway and Transportation Officials and the National Academy of Sciences to conduct appropriate portions of SHRP. Advance payments may be made under such agreements. No state matching share is required for SHRP and the funds will remain available for four years. This section also provides that the National Academy of Sciences will have the defenses of a federal agency in the case of any litigation which may result from the implementation of SHRP.

*Conference substitute*

Adopts the House provision with technical amendments and adds the Senate provision to provide for an annual report and to limit the liability of the National Academy of Sciences, with an amendment.

The Conference substitute provides that the activities undertaken by the National Academy of Sciences to carry out the SHRP are covered by the Federal Tort Claims Act. It would also make available the uniform procedures of the Act to handle any claims. The Conference substitute provides that payment of any award, compromise or settlement which exceeds the limits of liability coverage maintained by the Academy shall be made first from sums made available for the SHRP from the Highway Account of the Highway Trust Fund. The Secretary of Transportation is authorized to establish a reserve from amounts available for the SHRP to make payments resulting from litigation if the Secretary believes that a reserve is necessary.

It is expected that the Academy and the Department will agree upon specific insurance coverages to be maintained by the Academy, to the extent that such insurance coverage is reasonably available within the commercial insurance market, in connection with and as part of the cost of the SHRP program. Any liability in excess of or not covered by such insurance coverage shall not be a liability of the National Academy of Sciences, its employees, or other individuals appointed by the President of the National Academy of Sciences and acting on its behalf in connection with SHRP. To the extent that payments of awards, compromises or settlements exceed the limitations of such insurance coverage, the Secretary would make payments from SHRP funds. If such funds have been fully expended, then and only then would payments be made from the judgment fund administered by the Department of Justice.

HIGHWAY PLANNING AND RESEARCH

*House bill*

No provision.

*Senate amendment*

This section permits a State to use one and one-half percent of apportioned Interstate Highway Transfer funds for highway planning and research activities. Transfer funds that are allocated are not included.

*Conference substitute*

Adopts the Senate amendment provision.

## WILDFLOWERS

*House bill*

This section would require that not less than one-fourth of one percent of Federal-aid funds expended by a state in any fiscal year for landscaping be expended for the planting of native wildflower seeds and seedlings. The requirements of this section may be waived if wildflowers cannot be grown satisfactorily or planting areas are limited.

*Senate amendment*

This section requires that one-quarter percent of Federal-aid highway funds expended for landscaping on a project be for the planting of wildflowers or seedlings. The requirement can be waived if a state certifies that the planting of such wildflowers is not feasible because of conditions with respect to the particular project on which landscaping funds are expended. Public donations of wildflowers or seedlings are allowed.

*Conference amendment*

Adopts the Senate amendment provision.

## NATIONAL HIGHWAY INSTITUTE

*House bill*

No provision.

*Senate amendment*

This section modifies section 321 of title 23 to direct the Secretary to provide training at no cost to states and local governments for subject areas which are a Federal program responsibility and to allow the states to use Federal-aid funds to pay 75 percent of the cost of education and training purchased from any source including the National Highway Institute.

*Conference substitute*

Adopts the Senate provision with a technical amendment.

## USE OF REPORTS AS EVIDENCE

*House bill*

Similar to Senate amendment.

*Senate amendment*

This section amends title 23 to provide that no report, survey, schedule, list, or data compiled for the purpose of complying with any requirement of section 130, 144, and 152 of title 23, United States Code, or for developing any highway safety construction improvement project which may be implemented with Federal-aid highway funds shall be required to be admitted into evidence or used in any action for damages arising from matters mentioned or addressed in such documents.

*Conference substitute*

Adopts the Senate amendment provision.

## TECHNICAL AMENDMENTS

*House bill*

Subsection (a) of this section contains a series of purely technical amendments to the Surface Transportation Assistance Act of 1982 (STAA). Paragraph (1) corrects a reference to title 23 in the Surface Transportation Assistance Act of 1982. Paragraph (2) changes the second section 126 of the STAA (Bicycle Transportation) to section 126A to avoid having duplicative section numbers. Paragraph (3) strikes out "(a)" the first place it appears in section 133 of the STAA (Vehicle Weight, Length, and Width Limitations) as there is no subsection (b) to section 133. Paragraph (4) corrects the reading of section 163 of the STAA (Use of High Occupancy Vehicle Lanes). Paragraph (5) is a technical amendment to section 165 of the STAA. Paragraph (6) treats boat haulers and automobile carriers equally under section 411(d) of the STAA.

Subsection (b) contains a series of purely technical amendments to title 23, United States Code. Paragraph (1) updates the analysis for chapter 1 of title 23 relating to sections 127 (Vehicle Weight Limitations) and 146 (Carpool and Vanpool Projects). Paragraph (2) is a technical amendment to correct a phrase and properly reference the definition for a "forest road or trail" under section 101(a). Paragraph (3) strikes out a redundant provision of section 120(f) of title 23 providing a 100% Federal match for emergency relief projects on Federal lands highways. Paragraph (4) contains a change to the first sentence of section 122 of title 23 (Payments to States for bond retirement) to conform to a change in the same sentence made by the STAA. Paragraph (5) amends section 125 of title 23 (Emergency relief) to eliminate inappropriate references to a Federal-aid program structure contained in the Senate-passed version of the STAA which was dropped in conference. Paragraph (6) adds language to section 144 of title 23 (Bridge replacement and rehabilitation) restoring provisions inadvertently omitted to provide a normal 4-year period of availability for apportioned bridge funds with provision for reapportionment of funds not obligated within the period of availability. Paragraph (7) amends section 204(b) of title 23 (Federal lands highways program) to add mention of the Secretary of Transportation inadvertently omitted in the second sentence.

Subsection (c) amends section 104 of the Marine Protection, Research and Sanctuaries Act of 1972 (as added by section 424 of the

STAA) to add the phrase “to ——”, which was inadvertently omitted.

Subsection (d) would codify section 111 of the STAA (Vending machines) in title 23 and eliminate a cutoff date of October 1, 1983, inadvertently included in section 111 which imposes a time restriction on the placement of vending machines in rest and recreation areas on rights-of-way of the Interstate System.

Subsection (e) would amend Pub. L. 98-229 to permit the State of Maryland to transfer up to \$100 million of its Interstate construction funds to rehabilitate the Jones-Fall Expressway in Baltimore, subject to certain conditions, rather than exactly \$100 million as provided by existing law.

Subsection (f) is a technical amendment to exempt the construction of park roads or parkways from the application of section 303(c) of title 49 and section 138 of title 23, United States Code.

Subsection (g) repeals several outdated provisions of title 23, including section 211 (relating to timber access road hearings), 213 (relating to Rama Road), 219 (relating to safer off-system roads), and 322 (relating to demonstration project-rail crossings), and two other provisions of law, section 119 of the Federal-Aid Highway Amendments of 1974 (relating to bikeway demonstration program) and section 141 of the Federal-Aid Highway Act of 1978 (relating to bicycle program).

Subsection (h) updates references of the Federal-aid highway systems in section 123 of title 23, United States Code.

Subsection (i) permits the construction of a State Police Barracks in Massachusetts.

#### *Senate amendment*

This section makes needed technical and conforming amendments.

This section also conforms the provisions of the Uniform Minimum Drinking Age Act of 1984 (Pub. L. 98-363), as amended by the Budget Reconciliation Act for fiscal year 1986, to the changes made in Interstate and primary highway construction funding contained in the bill. The bill makes no changes to the Uniform Minimum Drinking Age Act and its intent to withhold a portion of Federal-aid highway assistance from those states which fail to adopt a legal minimum age of 21 by October 1, 1986, as specified in Federal regulations.

#### *Conference substitute*

Makes needed technical amendments.

Makes a technical change to the terminals of I-210 in Mobile, Alabama. The conferees expect that this may reduce the cost to complete this segment of the Interstate.

The Conferees expect that this alternative will result in a cost reduction in construction of the route. The Conferees also understand that construction of the spur route will essentially be in the location of the preferred alternative in the approved environmental impact statement.

## FOREST HIGHWAYS

*House bill*

No provision.

*Senate amendment*

This section provides that two-thirds of the Forest Highway funds are allocated according to the formula used prior to the STAA of 1982 and one-third is allocated to section 202(a) of title 23.

*Conference substitute*

Adopts the Senate amendment provision.

## REGULATION OF TOLLS

*House bill*

No provision.

*Senate amendment*

This section removes Federal regulation and review of toll increases on certain toll bridges. Toll increases on these deregulated facilities must be just and reasonable but will not be subject to review by DOT.

*Conference substitute*

Adopts the Senate amendment provision. This just and reasonable requirement is not intended to interfere with or in any way restrict existing authority granted to multi-modal transportation agencies, such as the Port Authority of New York and New Jersey, that operate bridges along with other facilities to use bridge toll revenues for non-bridge purposes or the pooling or combination of the revenues from all of their facilities.

## IMPLEMENTATION OF CERTAIN ORDERS

*House bill*

This section provides that in implementing any sequestration order issued by the President (pursuant to Pub. L. 99-177) which specifies a percentage reduction in funding for the Federal-aid highway, mass transit and highway safety programs, the Secretary of Transportation shall apply such percentage reduction equally to each highway, mass transit and highway safety program or project for which budget authority is provided by this Act or amendment, notwithstanding the identification in the program and financing schedule contained in Appendix to the Budget of the United States Government.

*Senate amendment*

No provision.

*Conference substitute*

Adopts House provision.

## COMBINED ROAD PLAN DEMONSTRATION PROGRAM

*House bill*

No provision.

*Senate amendment*

This section authorizes the Secretary to conduct a combined road demonstration program to permit up to ten states to participate in a block grant program for Federal-aid secondary, Federal-aid urban, and off-system, urban and secondary bridge projects.

This block grant program authorized in this section will help to demonstrate the feasibility of turning over greater responsibility to state officials for administering the highway program. The categories included in this initiative serve state and local highway and bridge needs and these needs can perhaps be met more effectively if greater flexibility is extended to the states.

In carrying out the block grant program, the Secretary may extend to state officials certain responsibilities, currently carried out by FHWA. However, all environmental requirements currently delegated to FHWA will continue to be the responsibility of FHWA.

The State of Rhode Island has expressed interest in the concept of an enhanced role for the states in administering the highway program, and it is appropriate that Rhode Island should be among these states given priority consideration for participation in the combined road demonstration program.

*Conference substitute*

Adopts the Senate provision for five states. The Secretary is given the authority to allow states to pool funds.

Local government should play a major role in testing the feasibility of this new approach to the distribution of Federal-aid highway and bridge funds. In formulating the demonstration program in each of the five states, state highway departments should consult and work very closely with local governments in determining how the block grant program will be administered and how the funds will be allocated or spent.

The conferees intend that Minnesota, Rhode Island, Virginia and New York be included in the five states selected for the demonstration program.

## PROJECT ELIGIBILITY

*House bill*

Subsection (a) provides that a project on the Interstate System in Boston, Massachusetts, for the depression of the Central Artery and construction of the Third Harbor Tunnel consisting of four lanes is deemed to be eligible for construction with Interstate construction funds. The costs to complete such project shall be included in the 1985 Interstate Cost Estimate and any other ICE submitted to the Congress by the Secretary.

Subsection (b) provides that prior to the apportionment of Interstate construction funds in fiscal year 1987, 1988, and 1989, the Governor of Massachusetts and the Secretary may mutually agree

on an obligation schedule for the project and transfer the balance of funds that would otherwise be apportioned to Massachusetts to Interstate construction discretionary fund.

*Senate amendment*

No provision.

*Conference substitute*

This section provides that work on the preferred alternative in a final environmental impact statement submitted to FHWA on September 30, 1983, found necessary for the completion of I-93 and I-90 for a four-lane tunnel to Logan Airport and for the north and south approaches to the depressed Central Artery may be approved for construction with funds available from Section 108(b) of the Federal-Aid Highway Act of 1956. The language also anticipates refinements to the design described in the final environmental impact statement that may prove to be necessary and appropriate as the project progresses to construction. The obligation of such funds is limited to the construction found necessary for a four-lane I-90 tunnel with access roads and ramps as appropriate and for the north and south approaches to the depressed I-93 facility as described in the final environmental impact statement. The eligible work includes the work north of Causeway Street including the Leverett Circle connections and all of the work south of High Street including the relocation of I-93 northbound; however, the HOV lanes, local streets and ramps, and the exact parameters of the Interstate participation on the Leverett Circle connections and I-93 northbound relocation will be determined by Interstate construction fund participation limits established under normal Federal-aid project procedures. The above cost limitations do not include the cost of the depressed central section between High and Causeway Streets.

PARK AND RIDE LOTS

*House bill*

This section authorizes Federal participation in the construction of four park and ride facilities and direct access connectors between such facilities and HOV lanes being constructed on Interstate 95 in the vicinity of Fort Lauderdale, Florida. Federal participation in the cost of the park and ride and related facilities would be limited to \$84 million, which is a reduction of about \$20 million in the estimated Federal cost of the facilities as reflected in the approved 1985 Interstate Cost Estimate. This reduced cost of \$84 million would be included in any further ICE. The State of Florida is authorized to use Interstate 4R funds to cover any cost of the facilities in excess of \$84 million.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House bill provision.

## PLANNING DESIGN AND CONSTRUCTION

*House bill*

This section provides that the State of Arkansas may use Interstate System funds apportioned to it for the planning, design and construction of U.S. 71 in Arkansas from I-40 to the Missouri line as a four-lane facility. Since Arkansas is one of several states to have received the minimum one-half of one percent of Interstate System authorizations provided by law, the effect of this provision is to place this project on an equal footing with Interstate 4R work in use of the State's apportionment.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House bill provision.

## TRANSFER OF INTERSTATE LANES

*House bill*

Subsection (a) provides that the costs included in the 1985 Interstate Cost Estimate for high occupancy vehicle (HOV) lanes on the Harbor Freeway in Los Angeles County, California, are to remain eligible for Interstate construction funds that the cost to complete such HOV lanes are to be included in any future Interstate Cost Estimate (ICE) unless such lanes are transferred under subsection (c).

Subsection (b) authorizes the transfer of amounts included in the Interstate Cost Estimate for HOV lanes on the Harbor Freeway to a substitute transit project for construction of a fixed guideway system on or adjacent to the Harbor Freeway.

Subsection (c) provides that upon the approval of any substitute transit project, funding for such fixed guideway project shall come from general revenues of the Treasury in a sum equal to the Federal share included in the latest ICE approved by Congress for the HOV lanes on the Harbor Freeway.

Subsection (d) extends the deadline of September 30, 1986, for substitute projects to be under construction or under contract for construction three years in the case of a transfer of the HOV lanes authorized under subsection (b). In order to comply with the required deadline extension, sufficient Federal funds must be available for the substitute transit project.

Subsection (e) requires the administration of the transfer of the HOV lanes on the Harbor Freeway under the provision of section 103(e)(4) of title 23, United States Code, except that the requirement of Secretarial approval of any withdrawals and substitute projects by September 30, 1983, do not apply, the prohibition against withdrawal of certain statutory designated segments do not apply, and the Federal Highway Administration is required to administer this section. The Federal share of the substitute project shall be as provided by section 120(c) of title 23, United States Code.

Subsection (f) defines the eligible Interstate lands subject to transfer under this section.

*Senate amendment*

Subsection (a) provides that on the joint request of the Governor of Oregon and the concerned local governments, the Secretary of Transportation may approve a substitute project for the construction of a light rail transit system. Such a rail system would be in lieu of construction of any eligible interstate bus lane or busway project, if such a substitute rail project is in or adjacent to the proposed right-of-way for such bus lanes.

Subsection (b) states that upon the approval of any such substitute transit project, the cost of the construction of the eligible interstate bus lanes for which the project is substituted shall not be eligible for funds authorized under section 1908(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs shall be available to the Secretary to incur obligations for the Federal share of the costs of the substitute project.

The language of subsection (c) requires that by September 30, 1989, any approved substitute transit project (for which the Secretary determines that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any substitute project is not under contract for construction or construction has not begun by that date, the Secretary shall withdraw approval of such project and no funds shall be appropriated for any such project.

Subsection (d)(1) provides that a substitute transit project approved under subsection (a) shall be considered a substitute transit project under the Federal-aid system statutory language, at section 103(e)(4) of title 23, United States Code. Subsection (d)(2) states that unobligated apportionments for the Interstate System in Oregon, shall, on the approval date of a substitute transit project under subsection (a), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total costs of all interstate routes in Oregon, as reflected in the latest cost estimate approved by Congress. Subsection (d)(3) requires that the Secretary shall administer the provisions of this section through the Federal Highway Administration.

Subsection (e) provides that for the purposes of this section, the term "eligible interstate lanes" means any bus lanes which are to be constructed on Interstate Route 205 in Oregon.

*Conference substitute*

Adopts the Senate amendment and adopts the House bill provision with a modification to the Federal matching requirement.

PAYBACK

*House bill*

Under section 103(e)(7) of title 23, United States Code, in any case where the withdrawal of an Interstate route under section 103(e)(4) of title 23 occurred after November 6, 1978, the state under certain circumstances is required to pay back to the Federal

government an amount equivalent to the amount of Federal funds expended on the route for right-of-way acquisition. The amount paid back is then recredited to the unobligated balance of the state's Interstate construction apportionment.

With the withdrawal of I-478 in New York, commonly known as the Westway project, the State of New York zeroed out its costs to complete the Interstate System. Section 138 provides that any amounts repaid on account of I-478 expenditures are to be recredited to the state's primary apportionment, rather than its Interstate construction apportionment which the state by law would be prohibited from using and which eventually would lapse.

#### *Senate amendment*

The amendment adds a new section 103(e)(10)(A) to title 23 which permits states flexibility in crediting funds expended on withdrawn Interstate routes. Section 103(e)(7), of title 23, requires payback of the costs of construction items, materials, and right-of-way acquired for highway projects on segments withdrawn from the Interstate System on or after November 6, 1978, unless the state gives assurance acceptable to the Secretary that such items, materials and rights-of-way (i.e., property acquired for highway projects) have been or will be applied to a transportation project within ten years from the date of approval of withdrawal of the Interstate segment. Preliminary FHWA estimates indicate that \$94,097,583 in Federal funds were expended for such costs in connection with the construction of Westway (I-478).

The final rule on use and disposition of property previously acquired by States for withdrawn Interstate segments (effective May 30, 1986) specifies that in the event of such payback, an amount equivalent to the funds paid back will be credited to the repaying state's unobligated balance of the same class of fund which were used to acquire the property. This section enables a state to credit its payback to its unobligated balance of combined Interstate-primary and Interstate 4R and primary projects.

Under this section, New York shall fully repay the United States Treasury for the amount of Federal funds expended for the costs of construction items, materials and rights-of-way associated with the withdrawn Westway Project. Under the present rules, such action would result in a sizable increase in funds which would be available only for Interstate completion for New York. However, New York already has adequate funds to complete its remaining uncompleted portions of the Interstate System. This section provides the state with the flexibility to credit other accounts where funds can be better used.

#### *Conference substitute*

Adopts the House bill provision, except that New York shall not be required to pay back the funds to the extent not required by 23 U.S.C. 103(e)(7).

STATE ROUTE 400, GEORGIA

#### *House bill*

No provision.

*Senate amendment*

Makes special provision for a Federal-aid highway project on Route 400 in Atlanta, Georgia.

*Conference substitute*

Adopts the Senate amendment provision.

## EXEMPTION FROM RIGHT-OF-WAY RESTRICTION

*House bill*

This section authorizes the continued operation of a duty-free liquor store currently owned by Can-Am Warehouse Company, located in part on the right-of-way of Interstate Route 94 in Michigan and in the vicinity of the interchange of I-94 and Michigan State Route 25, in Port Huron area. Expansion and renovation of the Blue Water Bridge Plaza have brought the facility under the provisions of section 111 of title 23, United States Code, which prohibits certain commercial establishments on right-of-way on the Interstate System, creating the need for this amendment to permit continued operation of the facility. This provision does not affect any lease arrangement between the Can-Am Warehouse Company and the Michigan Department of Transportation. In addition, should the Can-Am Warehouse Company vacate the facility for any reason, this waiver of the provisions of section 111 of title 23 would stay vested with the specific building site for commercial purposes.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House bill provision.

## DONATION OF LANDS

*House bill*

This section provides that the value of any lands that are donated or dedicated to the State of California for the construction or relocation of State Route 73 between I-405 and I-5 in Orange County shall be credited toward the non-Federal share of such project. The remainder shall be credited to the non-Federal share of other projects in five California counties.

It is anticipated that the Route 73 realignment and extension may be constructed in phases. It is therefore the intent of the Committee that any excess credit accumulated as result of the donation of the right-of-way for initial phases of the project be applied to other projects in the region only after determination by the California Transportation Commission that the value of the right-of-way donation satisfies the non-Federal share of the full Route 73 project.

A project such as this one can have considerable impact on the municipalities benefitting from the transportation improvements provided. The Committee therefore believes that such municipalities, including certain cities located along the coast line, should have their views with respect to project alignment and design

taken into account through the environmental assessment process, consistent with the fundamental objectives of the highway project.

*Senate amendment*

The amendment allows 100 percent of a private contribution of right-of-way to be credited, according to its fair market value at the time of donation, to the state's matching share for the project if the donation is made to the state. A state would receive no credit for the excess of a donation which exceeded the state matching share for the project.

It also amends title 23 to provide that land may be donated in advance of the environmental and planning process for a prospective highway project. The donation will in no way affect the required planning process for the location and environmental review of the decision with respect to alignment. If during the alignment study and environmental analysis, the route for which the land was donated is determined not to be feasible, the donation of right-of-way would be cancelled and the land reverted in the grantor or successors in interest.

It amends title 42 to permit donations of right-of-way and financial contributions to a state or other political subdivision. The provision also encourages the promotion of such joint projects wherein private citizens and governmental entities participate in the cost of projects as consistent with Federal policy.

It also allows the fair market value of lands donated or dedicated to California for the relocation and construction of State Route 73 in Orange County from I-405 to I-5 to be credited to the state's matching share of the project and any excess value to be credited toward the state's share of the cost of any other Federal-aid project. Any recorded irrevocable offer of dedication for donation effective prior to the state's request for final reimbursement on the project shall be considered a part of the state right-of-way acquisition. The Federal-aid reimbursement may not exceed the actual cost to the state for the project.

*Conference substitute*

Adopts the Senate amendment without the amendment to title 42.

The conferees are concerned that utilization of this provision could in some instances result in the skewing of state programming decisions away from projects that might otherwise be constructed. While the private donation of right-of-way can result in reduced project costs, a worthwhile objective, such donation should not override the general public interest in determining the use of Federal assistance under this title.

The conferees encourage the Secretary to issue criteria for the states to use to help assure that the public interest is served in utilizing this provision.

SHIRLEY HIGHWAY TRAFFIC RESTRICTIONS

*House bill*

This provision continues the demonstration project authorized in Public Law 98-205, as it concerns Shirley Highway by continuing

the HOV restrictions from the hours of 6–9 a.m. Northbound, and 3:30–6:00 p.m., Southbound, Monday through Friday. Further, this provision mandates the use of these HOV lanes at all times by motorcycles.

*Senate amendment*

No similar provision.

*Conference substitute*

The House provision except that the mandate to use the HOV lanes at all times by motorcycles is omitted.

RAILROAD RELOCATION DEMONSTRATION PROGRAM

*House bill*

This section extends the authorizations for railroad-highway crossing demonstration projects for fiscal years 1987 through 1991 with "such sums as may be necessary." Also, there is made available out of the Highway Trust Fund (other than the Mass Transit Account) contract authority not to exceed \$5 million for fiscal year 1987, for acquisition of rights-of-way, construction of a temporary bypass, the initial construction to depress rail lines for the railroad relocation demonstration project in Carbondale, Illinois. The funds made available for this project shall remain available until expended and shall not be subject to any obligation ceiling.

*Senate amendment*

No provision.

*Conference substitute*

The substitute reduces the Federal share for projects under this program from 95% to the applicable Federal share for primary system projects, and authorizes to be appropriated \$15 million per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990 and 1991 for the program.

The Conference Report continues authorization of the Rail-Highway Demonstration Program without change to the projects' scope or design.

The conferees do not object to an administrative requirement that funds for these projects be obligated only in amounts adequate to complete independently useful segments. However, any such independently useful segment need not, in and of itself, include grade separation features as long as grade separation will be completed as part of the whole rail relocation project.

PROJECTS

*House bill*

Subsection (a) describes projects authorized under this section.

Paragraph (1) authorizes the demonstration of the manner in which design and construction of a highway project in Passaic County, New Jersey, can be accelerated using procedures adopted to carry out section 141 of the Federal-Aid Highway Act of 1976 and established pursuant to section 129 of the Surface Transporta-

tion Assistance Act of 1982. The Committee intends that this project be carried out on Route 21 in Passaic County, New Jersey. The final report on the project should explain the time savings, give a description of the procedures used to accelerate design and construction, indicate how the techniques differed from those used on the project authorized by section 141 of the Federal-Aid Highway Act of 1976, and provide an analysis of the costs and benefits of the accelerated completion.

The Committee intends and expects the project to be completed within a construction schedule which will result in cost and time savings. In order to insure the immediate construction of this badly-needed project, this project need not comply with Federal-aid highway project procedures which have been established administratively. Also, in order to accomplish the objectives of the demonstration project, all procedures and regulations not founded on statutory requirements are subject to waiver if considered to be in the public interest. In line with the Council on Environmental Quality (CEQ) guidelines and in an effort to streamline the environmental processing, a short and concise EIS shall be developed with the assistance of Federal Highway Administration environmental specialists.

Paragraph (2) authorizes a highway project in Brick Township, New Jersey, to demonstrate methods of improving traffic operations and reducing accidents at a high volume rotary intersection and a highway project on a route connecting to another rotary intersection in Wall Township, New Jersey.

Paragraph (3) authorizes a highway project on Route 219 in the vicinity of Johnstown, Pennsylvania, to demonstrate methods by which such project enhances highway safety and economic development in an area of high unemployment. Additional authorizations are provided under subsection (d).

Paragraph (4) authorizes a highway project to demonstrate the economic growth and development benefits of widening and improving traffic signalization of a heavily traveled segment of the Federal-aid urban system connecting a community college and a large commercial center in the City of Fort Smith, Arkansas.

Paragraph (5) authorizes a project to demonstrate the economic and safety benefits of constructing a grade separation between a railroad line and a highway at 21st Street in Moorhead, Minnesota, and of reconstructing two deteriorated segments of Route 2, where it passed through Fosston and Bagley, Minnesota.

Paragraph (6) authorizes a project to demonstrate methods of improving traffic flow on State Highway 22 between Interstate Route 75 and U.S. Route 127 in Northern Kentucky.

Paragraph (7) authorizes a demonstration project in the vicinity of the Ontario International Airport in San Bernadino County, California, to demonstrate methods of improving highway access to an airport projected to incur a substantial increase in traffic.

Paragraph (8) authorizes a project to allow for the comparison of various advanced delineation techniques to close a gap on Route 220, which runs between Altoona and Tyrone Borough in Blair County, Pennsylvania.

Paragraph (9) authorizes preliminary engineering, design, and initial right-of-way acquisition and relocation activities for 3-mile

extension of limited access highways connecting to the northern and southern termini of I-49 in Lafayette and Shreveport, Louisiana.

Paragraph (10) authorizes preliminary engineering and design of a highway project to demonstrate the most cost-effective method of improving Interstate access for passengers and cargo moving to and from the Port of Miami, Florida.

Paragraph (11)(A) authorizes preliminary engineering, design, right-of-way acquisition, relocation activities and initial construction in connection with a project to demonstrate methods of improving highway safety and accelerating reconstruction of a two-lane segment of U.S. 71 between its junction with I-40 and I-540 in the vicinity of Fort Smith, Arkansas, and the boundary between the States of Arkansas and Missouri as a four-lane facility.

Paragraph (11)(B) authorizes preliminary engineering, design, right-of-way acquisition, relocation activities and initial construction in connection with a project to demonstrate methods of improving highway safety and accelerating reconstruction of a two-lane segment of U.S. 71 between the boundary between the States of Arkansas and Missouri and the vicinity of Carthage, Missouri, as a four-lane facility.

Paragraph (12) authorizes a highway project in the vicinity of Sanford, Florida, to demonstrate methods of reducing costs and expediting construction of an interchange in the vicinity of Route 46A and an Interstate route by contracting with a private business to design and construct the project.

Paragraph (13) authorizes a project in the vicinity of San Jose and Santa Clara, California, to demonstrate a unified method of reducing traffic congestion where a highway intersects with two other highways in a railroad crossing in a one-quarter-mile segment.

Paragraph (14) authorizes a demonstration project in the vicinity of the C&O Canal in the District of Columbia for the purpose of substantially improving vehicle access at a major traffic generator without decreasing the efficiency of a Federal-aid primary highway. Georgetown University would dedicate at least 2.5 acres of land as a scenic easement.

Paragraph (15) authorizes a highway grade separation project on a route on the Federal-aid urban system in the vicinity of Compton, California to demonstrate methods of relieving traffic congestion and enhancing economic development.

Paragraph (16) authorizes a highway project to demonstrate methods by which construction of a grade separation for a railroad crossing of a primary highway, enhances urban redevelopment and the effectiveness of a planned transportation center in Modesto, California.

Paragraph (17) authorizes the Secretary to provide for preliminary engineering, design, utility relocation, land acquisition and initial construction in connection with a highway project for construction of two additional lanes on a two-lane, 106-mile highway on the Federal-aid primary system which begins in the vicinity of Columbia, Missouri, and ends in the vicinity of Lancaster, Missouri. This project will demonstrate methods of improving highway

safety, reducing traffic congestion and encouraging economic development.

Paragraph (18) authorizes a highway project to demonstrate the advantages of joint development and use of air rights in the construction of a deck over a depressed portion of I-93 in East Milton, Massachusetts.

Paragraph (19) authorizes a highway project in the vicinity of Fairhope and Foley, Alabama, to demonstrate methods of accelerating the widening of a high volume segment of a primary highway necessary for rapid evacuation of individuals during emergency weather conditions.

Paragraph (20) authorizes a highway project in Campbell County, Kentucky, to demonstrate the economic benefits of to a port facility, industrial complex, and foreign trade zone, and methods of enhancing highway safety, by reconstruction of a two-lane segment of Kentucky Route 9 connecting Interstate 75 with a port facility as a four-lane highway.

Paragraph (21) authorizes a highway project to demonstrate the safety benefits of providing additional and improved vehicular passing opportunities on, adding truck climbing lanes to, and straightening a 50-mile segment to Route 20, in Jo Daviess and Stephenson Counties, Illinois.

Paragraph (22) authorizes a highway project to eliminate an at-grade rail-highway crossing on Basin Street in Allentown, Pennsylvania, and to replace it with a separate crossing. Currently, 26 trains a day cross Basin Street, a major thoroughfare traveled by over 20,000 cars daily. The project shall be carried out in such a way as to reduce traffic delays for both rail and motor vehicle traffic and to minimize the impact on the surrounding urban environment.

Paragraph (23) authorizes a highway project to demonstrate methods of improving safety on Highway 86 in Riverside County, California, designated as a priority primary route.

Paragraph (24) authorizes improvements to Fuhrman Boulevard, as access road which parallels Lake Erie along the outer harbor in the City of Buffalo. This project is designed to demonstrate methods of stimulating the reuse of Buffalo's waterfront by construction of a new connector of Buffalo's central business district and will foster new regional recreational, residential and commercial development.

Paragraph (25) authorizes a highway project to replace a ramp which provides access to an industrial area in Cleveland, Ohio, to demonstrate the relationship between infrastructure improvement and economic vitality.

Paragraph (26) directs the Secretary to carry out a project for the construction of a bridge to cross the Tennessee River in Lauderdale and Colbert Counties, Alabama, in the vicinity of Patton Island between O'Neal Bridge and Wilson Dam, for the purpose of demonstrating methods of improving highway transportation and enhancing economic development.

Paragraph (27) authorizes a highway project to upgrade an east-west state route between Port Clinton and Toledo, Ohio, for the purpose of demonstrating methods of improving traffic flow between a recreational area and a metropolitan area.

Paragraph (28) authorizes three highway projects in Chicago, Illinois: (A) to rehabilitate a drawbridge over the north branch of the Chicago River and realign an adjacent intersection which will demonstrate the latest innovative bridge repair techniques on a bascule bridge; (B) to remove and replace an existing bridge on Lake Shore Drive in the Jackson Park Historic District and the Midway Plaisance with a new bridge in the same location and to widen the approach road to such bridge which will demonstrate the historic recreation of a national register bridge and replacement of a deteriorated bridge; and (C) to carry out a highway project between Chicago Avenue and Clayburn Avenue to divest a bridge over Goose Island which will demonstrate methods of reducing municipal and Federal burdens for rehabilitation and maintenance of a surplus highway facility.

Paragraph (29) directs the Secretary to carry out two highway projects for the widening and resurfacing of Northline Road and Ecorse Road in Wayne County, Michigan, to demonstrate the contributions which such improvements can provide in terms of safety and economic vitality in a depressed area characterized by both industrial and residential activity.

Paragraph (30) authorizes seven highway projects in Cook County, Illinois: (A) to carry out a highway project which demonstrates methods of utilizing a low cost alternative to reconstruction of a one-mile segment of an east-west road between Nagel and Oak Park Avenues, Chicago, Illinois, which is deficient due to soil conditions; (B) to construct three parking facilities adjacent to the Rock Island commuter rail lines in Southwest Chicago, Illinois, which will demonstrate the effectiveness of construction of parking facilities in relieving on street parking congestion and unsafe parking practices; (C) to carry out a highway project in Oak Lawn, Illinois, which demonstrates methods of improving highway safety by widening and resurfacing a four-lane major arterial with lane widths which are less than minimum state and Federal standards; (D) to carry out a highway project which demonstrates methods of improving highway safety and access to a segment of the Interstate System by reconstruction of a congested major arterial in Calumet Park and Blue Island, Illinois; (E) to construct the first level of a two level addition to an existing park and ride facility in the vicinity of Cumberland Station on the O'Hare Rapid Transit Line, Chicago, Illinois, which will demonstrate methods of reducing commuter traffic and traffic congestion and increasing utilization of available capacity on a rapid transit line; (F) to carry out a highway project to demonstrate the benefits of utilizing precast, prefabricated concrete structural segments in the reconstruction of an elevated road on Western Boulevard in the southwestern portion of Chicago, Illinois, in order to minimize traffic disruption during the reconstruction; and (G) to carry out a highway project for the construction of two park/ride lots at sites where future stations are to be located on the Southwest Rapid Transit Line in Chicago, Illinois, and to which buses now provide mass transit service. Such project shall be carried out before the beginning of service on such rapid transit line in order to demonstrate methods of facilitating the transfer of passengers between different modes of transportation and of establishing ridership before the opening of a rapid transit line.

Paragraph (31) authorizes a highway project on a north-south route on the Federal-aid primary system in Kansas City, Missouri, to demonstrate methods by which construction of the first and southern-most phase of a 5-phase highway project will facilitate construction of the full 5-phase project.

Paragraph (32) authorizes the upgrading of a two-lane primary highway in Kentucky, Route 461, as a major access highway to South Fork River and Recreation Area and to upgrade the existing traffic corridor which includes Interstate 75 and Route 27. This project will demonstrate methods of improving highway safety and traffic congestion problems and methods of improving access to a natural river and recreation area.

Paragraph (33) authorizes the construction of an interchange between a highway on the Interstate System, I-35, and a county highway in the vicinity of Pine City, Minnesota, to demonstrate methods of enhancing economic development and improving highway safety and traffic flow.

Paragraph (34) authorizes the reconstruction of a two-lane bridge across the Salinas River in Paso Robles, California, to demonstrate methods of enhancing highway safety and economic development.

Paragraph (35) authorizes the widening and renovation of the Sunrise Highway from Wheeler Road to Veterans Memorial Highway in the Town of Islip, Suffolk County, New York, to demonstrate techniques to accelerate upgrading of an existing highway to freeway standards with minimum disruption of traffic.

Paragraph (36) authorizes the construction of two highway projects in the State of Connecticut. The state shall use the latest construction techniques in reconstructing Old Turnpike Road in the vicinity of Southington and modify the horizontal and vertical alignment of Main Street south of Kent Center to demonstrate methods of solving safety and flooding problems.

Paragraph (37) authorizes a highway project to construct a bridge across the Toms River in the Township of Dover, New Jersey, to demonstrate methods of reducing traffic congestion on an existing bridge and facilitating the redevelopment of the central business district in the Township of Dover, New Jersey.

Paragraph (38) authorizes a highway project in Los Angeles County, California, to demonstrate methods of improving vehicular circulation related to the intermodal transportation of port related traffic and to alleviate congestion caused by increased port activities.

Paragraph (39) authorizes preliminary engineering and design for a highway project on the Southern Expressway in Allegheny County, Pennsylvania, to demonstrate methods of improving economic development and airport terminal placement.

Paragraph (40) authorizes a highway project in Steuben County, New York, to demonstrate the extent to which the economy of an industrialized high unemployment area can be improved by completion of key elements of a modern, grade-separated access controlled highway which serves the area.

Paragraph (41)(A) authorizes a highway project in Sonoma County, California, to demonstrate the extent to which traffic congestion is relieved by reconstruction of State Route 12 between Santa Rosa and Petaluma.

Paragraph (41)(B) authorizes the acquisition of right-of-way for the construction of high occupancy vehicle lanes adjacent to State Route 101 between San Rafael and Healdsburg, California, to demonstrate the extent to which traffic congestion is relieved on State Route 101.

Paragraph (42) authorizes the reconstruction of an access road to Voyageurs National Park, Minnesota, to demonstrate methods of enhancing use of a national park and reducing traffic congestion.

Paragraph (43) authorizes a highway project for replacing an existing functionally obsolete bridge across the Savannah River in Savannah, Georgia, with a modern, high-level structure to demonstrate methods of improving safety and the free flow of both vehicular and waterborne traffic, including traffic related to national defense.

Paragraph (44) authorizes a highway project to construct a two-lane highway between the Township of New Sewickly, Pennsylvania, and the Borough of Conway, Pennsylvania, to demonstrate methods of accommodating increasing truck traffic and improving highway safety.

Paragraph (45) authorizes a highway project to upgrade a 1.3 mile access road to the Johnstown Flood National Memorial in the vicinity of Croyle Township, Pennsylvania, to demonstrate methods of improving public access to a flood memorial.

Paragraph (46) authorizes a highway project in Lawrence, Massachusetts, for the construction of a service road which provides access between Massachusetts Avenue and Merrimack Street substantially along an alignment located between the Shawsheen River and an Interstate route to demonstrate methods of enhancing the benefits of an economic rehabilitation project under construction by construction of a service road.

Paragraph (47) authorizes four highway projects in Baton Rouge, Louisiana: (A) to demonstrate the benefits of reducing traffic in the immediate vicinity of a split-diamond interchange which connects an east-west highway on the Interstate System, two 4-lane highways not on the Interstate System, and a 2-lane highway not on the Interstate System by providing a direct exit lane from the Interstate System; (B) to demonstrate the benefits of reducing traffic congestion in the immediate vicinity of a convergence of an east-west highway and a north-south highway on the Interstate System by construction of an additional lane; (C) to study the most cost-effective methods of reducing traffic congestion in the immediate vicinity of (i) a diamond interchange which connects an east-west highway on the Interstate System and 4-lane highway not on the Interstate System, and (ii) a nearby intersection of such 4-lane highway and a 2-lane service road; (D) to demonstrate the efficacy of reducing traffic congestion and improving traffic flow in the immediate vicinity of a highway on the Interstate System to connect such highway to a metropolitan airport terminal access road by construction of a direct access off-ramp link.

Paragraph (48) authorizes a highway project in Minden, Louisiana, to demonstrate methods of enhancing economic development by construction of a frontage road which provides Minden, Louisiana, alternative access to a highway immediately connecting to a highway on the Interstate System.

Paragraph (49) authorizes a project for research, development and implementation of a computerized transportation management system to assist the City of Anaheim, California, and adjoining jurisdictions in managing highway traffic congestion caused in part by an Interstate route passing through an area of concentrated population and commercial development to demonstrate the usefulness of such a system in reducing traffic congestion.

Paragraph (50) authorizes a highway project connecting the Isle of Palms, South Carolina, to the mainland to demonstrate the reduction in traffic congestion, improved emergency preparedness, and increased accessibility to a sea island by construction of a high-level fixed span bridge over a high-volume intracoastal waterway segment.

Paragraph (51) authorizes a highway project to demonstrate methods of improving highway safety by making improvements to a road providing direct access from the Fort Campbell Military Reservation to the City of Clarksville, Tennessee.

Paragraph (52) authorizes a highway project to reconstruct and rehabilitate a highway between Shenandoah and Clarinda, Iowa, to demonstrate methods by which improved highway transportation in an economically depressed rural area will increase economic activity in the rural area.

Paragraph (53) authorizes a highway project to expand a highway which connects with an Interstate route in the vicinity of Oceanside, California, with another interstate route in the vicinity of Escondido, California, to demonstrate methods of reducing traffic congestion and accidents.

Paragraph (54) authorizes a highway project for preliminary engineering and design to construct a bypass highway to connect an east-west Interstate route in St. Charles County, Missouri, with the Interstate beltway around St. Louis, Missouri, to demonstrate methods of alleviating traffic congestion, especially commuter traffic congestion.

Paragraph (55) authorizes a highway project for construction of four grade separations on a four-lane bypass route in the vicinity of Jonesboro, Arkansas, to demonstrate methods of improving highway safety.

Paragraph (56) authorizes the construction of three highway projects in Illinois: (A) to reconstruct a segment of approximately 1.4 miles of a state route connecting to an Interstate route in the vicinity of Mt. Vernon, Illinois, to demonstrate methods of improving highway safety; (B) to upgrade a principal route through the village of Evansville, Illinois, to demonstrate methods of improving traffic flow; and (C) to improve a road leading to landmark in the vicinity of Alto Pass, Union County, Illinois, to demonstrate the methods of improving access to such a landmark and of enhancing tourism.

Paragraph (57) authorizes a highway project between Concord, California, and West Pittsburgh, California, to demonstrate methods of improving highway safety and traffic flow by lowering the grade of, realigning, and widening an existing highway on the Federal-aid primary system.

Paragraph (58) authorizes a highway project in Atlanta, Georgia, to demonstrate methods of improving highway safety and reducing

traffic accidents by reconstruction of a 3.8 mile segment of Peachtree Industrial Boulevard between Interstate Route I-285 and the fork of Georgia State Route 141 as a 6-lane controlled access freeway with one-way frontage roads in each direction.

Paragraph (59) authorizes a highway project to reconstruct a highway on the Federal-aid primary system between Open Fork Road and Road Fork of Big Creek Road in Pike County, Kentucky, to demonstrate methods of improving highway safety in a mountainous area.

Paragraph (60) authorizes a highway project to demonstrate the economic growth and development benefits of reconstructing a segment of road in Madison County, Illinois, which serves a high-growth industrial area.

Paragraph (61) authorizes a highway project to extend a highway on the Appalachian development highway system between River View in Erwin, Tennessee, and Sam's Gap on the North Carolina-Tennessee border to demonstrate methods of improving transportation in a mountainous area.

Paragraph (62) authorizes a highway project for the construction of a parkway connecting to an Interstate route, in accordance with the recommendations to the New River Parkway Authority, in the vicinity of New River, West Virginia, to demonstrate the benefits to recreation, tourism, and industrial, economic and community development.

Paragraph (63) authorizes a highway project for the construction of approximately 30 miles of a two-lane road on the Federal-aid primary system between Kittanning and Brookville, Pennsylvania, to demonstrate cost-effective methods of improving rural highways to accommodate wider and longer trucks.

Paragraph (64) authorizes preliminary engineering and design for the construction of a highway connecting Aurora-Hoyt Lakes and Silver Bay, Minnesota, to demonstrate methods of reducing traffic congestion in and around a recreational area.

Paragraph (65) authorizes preliminary engineering and design for the reconstruction of the Chelyan Bridge in Kanawha County, West Virginia, to demonstrate methods of improving traffic flow in a rural area.

Paragraph (66) authorizes the construction of a road on an east-west Federal-aid primary route which connects Manteo and Whalebone, North Carolina, and traverses Roanoke Sound to demonstrate methods of improving tourism, commercial enterprise, and water and highway transportation.

Paragraph (67) authorizes the construction of a controlled access freeway which connects Interstate Route I-55 in the vicinity of Lincoln, Illinois, and Interstate Route I-74 in the vicinity of Morton, Illinois, to demonstrate methods of improving highway safety and reducing traffic congestion.

Paragraph (68) authorizes the construction of an interchange which connects Interstate route I-80 and Sparks Boulevard in the city of Sparks, Nevada, to demonstrate methods of improving economic development and diversification, and eliminating traffic and highway safety hazards.

Paragraph (69) authorizes the Secretary to make a grant for construction of a ground access highway project to the Burbank-Glen-

dale-Pasadena airport, California, to the airport authority to demonstrate methods of coordinating construction of ground access to an airport and construction of terminal and parking facilities at such airport.

Paragraph (70) authorizes preliminary engineering and design for a highway project to increase the capacity of a tunnel in the vicinity of an airport serving El Segundo, California, to demonstrate methods of mitigating increased traffic congestion which is projected to result from completion of a segment of the Interstate System.

Paragraph (71) authorizes preliminary engineering and design, environmental analysis, and implementation of environmental mitigation measures for a highway project to demonstrate methods of improving access to, and alleviating congestion on the Nimitz Freeway and its access roads, including access roads from Oakland International Airport and Alameda Island, California.

Paragraph (72) authorizes the construction of a north-south limited access trafficway of approximately 4 miles in length which will connect an east-west Interstate route to a reservoir and a university research park to demonstrate methods of reducing traffic congestion and facilitating the usage by motorists on the Interstate System of recreational facilities.

Paragraph (73) authorizes a highway project to relocate and reconstruction a 3.5-mile segment of U.S. traffic route 119 from the vicinity of the Uniontown Bypass at Chadville, Pennsylvania, to Pennsylvania Legislative Route 26082 in the vicinity of Fairchance, Pennsylvania, to demonstrate methods of enhancing the development of a major industrial site.

Paragraph (74) authorizes the construction of an interchange on an Interstate route which will provide access to Chambersburg, Pennsylvania, to demonstrate improved access and traffic congestion relief in the area.

Paragraph (75) authorizes the construction of an overpass over Interstate 10 in the vicinity of Beaumont, Texas, which will relieve traffic congestion on I-10 and provide direct access between the central business district and the west section of the City.

Paragraph (76) authorizes a highway project for construction of an access road from County Road 413 in St. Louis County, Minnesota, to a recreational complex on the Bois Forte Chippewa Reservation to demonstrate methods of providing jobs and enhancing economic development in a severely and chronically depressed area.

Paragraph (77) authorizes site selection, environmental studies, design and engineering for replacement or expansion of a bridge connecting Gloucester County with York County and the cities of Newport News and Hampton, Virginia, for the purpose of demonstrating methods of facilitating the resolution of Federal intra-governmental conflicts.

Paragraph (78) authorizes a highway project in Arcola, Texas, to demonstrate methods by which construction of a grade separation project between the intersection of two highways, State Highway 6 and Farm-to-Market Road 521, and a railroad crossing Missouri Pacific Railroad, improves traffic flow and highway safety at the intersection of these two important hurricane evacuation routes.

Paragraph (79) authorizes the completion of the construction of a previously authorized railroad-highway relocation project in Hammond, Indiana, to demonstrate methods of eliminating railroad-highway grade crossings. The Secretary shall reimburse the City of Hammond, Indiana, for any non-Federal funds used to advance any part of the railroad highway relocation project prior to the receipt of Federal funds.

Paragraph (80) authorizes a project for the relocation of the terminus of the Lockport Expressway (I-990) two miles from its present location at North French Road and construct an interchange at its new terminus at Millersport Highway in Erie County, New York, to demonstrate methods of enhancing highway safety and reducing traffic congestion and delays at the terminus of an Interstate route.

Paragraph (81) authorizes the remaining design work for a highway project for construction of a grade separation on a route on the Federal-aid primary system in the vicinity of Tampa, Florida, to demonstrate methods of relieving motor vehicle congestion resulting from the transportation of freight to and from areas for the transshipment of waterborne commerce.

Subsection (b) requires the Secretary to furnish Congress reports on the projects carried out under this section.

Subsection (c) provides authorizations for the demonstration projects contained in section 146.

Subsection (d) authorizes an additional \$16 million in fiscal year 1987 through 1991 out of the general funds of the Treasury, to carry out the highway project on Route 219 in Johnstown, Pennsylvania, authorized by subsection (a)(3) to demonstrate methods of enhancing safety and economic development in areas of high unemployment.

Subsection (e) provides contract authority for the projects authorized in section 146 (except for subsection (d)) and also provides that the Federal share of project costs shall be 100 percent.

#### *Senate amendment*

No provision.

#### *Conference substitute*

The conference substitute establishes a combined Federal and State funding level for demonstration projects of \$356 million per year for five years with 50% (\$178 million) provided in new Federal funds outside the obligation limit, 30% (\$107 million) provided as reallocations of Federal funds provided from discretionary programs (with obligational authority reserved) and the remaining 20% (\$71 million) to be provided by state or local funds. Local governments cannot be required to contribute funds to the project. The projects include projects from both the House and Senate.

The provision also includes a guarantee for each state that it will receive at least  $\frac{1}{2}$  of 1% of the new funds provided.

The \$107 million is drawn down from the Interstate construction discretionary program, the Interstate 4R discretionary program, the Interstate transfer discretionary program, and the discretionary portion of the bridge program. Each discretionary program will provide funds on a pro rata basis. Funds drawn from the discretion-

ary programs would not be subject to the requirements of the discretionary programs, but would instead be subject to the requirements that are necessary for these projects.

The Secretary is required to provide a brief annual status report to Congress beginning in 1988 on all of the projects. The Secretary is also required to report to Congress after the completion of the projects in Passaic County, New Jersey, Altoona, Pennsylvania, and Arkansas-Missouri and the reports are to be funded from individual project authorizations.

Subsection (5) of Section 149 authorizes a grade separation (and related half-diamond interchange) construction project in Moorhead, Minnesota and a reconstruction project in the vicinities of Fosston and Bagley, Minnesota. Not less than  $\frac{3}{4}$ ths of the funds provided in this Act for the Section 149(5) projects shall be made available for the Moorhead grade separation project.

#### PRIORITY PROJECTS

##### *House bill*

No provision.

##### *Senate amendment*

This provision establishes that priority projects designated in the bill be funded from states' regular apportionments at the specific request of a state to the Secretary. No new Federal funds are authorized by this section. These priority projects must be on the Federal-aid system and must meet all the requirements of title 23. Additional flexibility is provided to states by permitting them to use any funding category with the applicable match to build such a designated priority project.

##### *Conference substitute*

The conferees adopted the Senate provision, except that Interstate construction and safety construction funds may not be used for designated priority projects; in addition, the concept was expanded to additional projects.

#### CUMBERLAND GAP NATIONAL HISTORICAL PARK, VIRGINIA

##### *House bill*

This section provides that parkway funds shall be available to upgrade from 2 lanes to 4 lanes a highway providing access to the Cumberland Gap National Historical Park in Virginia.

##### *Senate amendment*

The amendment is substantially the same as the House bill.

##### *Conference amendment*

Adopts the House bill provision with technical changes from the Senate amendment. The Cumberland Gap project is eligible for parkway funds under this provision. Funding is not, however, required.

## DELAWARE RIVER BRIDGES

*House bill*

This section incorporates the provisions of H.R. 4408, as introduced March 26, 1986, with changes to subsection (c). This section would allow the Delaware River Joint Toll Bridge Commission (Commission) to continue tolls on the existing Delaware Water Gap Bridge on I-80 and to impose tolls on the uncompleted bridge under construction on I-78. The section also would amend the Interstate Compact between the States of New Jersey and Pennsylvania to allow the Commission to use the tolls collected on its toll bridges for expenses of any of the bridges under its jurisdiction.

It is the Committee's intent that the provisions of this section be construed consistently with the interpretations in the letter of the Department of Transportation dated June 18, 1986. Most importantly, if there is any conflict between the language in the first four subsection and the language in the last subsection dealing with the changes to the Interstate Compact, the provisions in the first four subsections control.

Subsection (c) was revised from the language in H.R. 4408 to emphasize that nothing in the section is intended to give the Commission a special status under the General Bridge Act of 1906, the Act of August 21, 1935, and the General Bridge Act of 1046 (see generally, 33 United States Code Secs. 491-533). Specifically, 33 United States Code 526 provides that the Secretary of Transportation may prescribe "reasonable rates" for passage over bridges between states. As long as this provision applies generally to other Interstate bridges, it is the Committee's intent that it apply to the Commission's bridges as well. This subsection is not, however, intended to create a new or independent role of review and approval by any Federal agency. If the general review statutes were modified, this section should be read consistently with those other revisions.

*Senate amendment*

This section allows the Delaware River Joint Toll Bridge Commission to continue tolls on the existing Delaware Water Gap Bridge on I-80 and to impose tolls on the uncompleted bridge under construction on I-78. The section also amends the Interstate Compact between the State of New Jersey and the Commonwealth of Pennsylvania to allow the Commission to use the tolls collected on its toll bridges for expenses of any of the bridges under its jurisdiction.

The provisions of this section are to be construed consistently with the interpretations in the letter of the Department of Transportation dated July 21, 1986. The provisions in the first four subsections control if there is any conflict between the language in the first four subsections and the language in the last subsection regarding the changes to the Interstate Compact.

*Conference substitute*

Adopts a Delaware River Bridge provision using the House provision with the quoted material from the Senate amendment. The provisions are to be construed consistently with the Department of Transportation's letter.

PROHIBITION ON WIDENING CERTAIN ROUTES THROUGH HISTORIC  
DISTRICT

*House bill*

This section prohibits the use of Federal funds for a highway project in or near the historic district in Hudson, Ohio, unless approved by the village council of Hudson, Ohio.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House provision.

URBAN HIGH DENSITY PROGRAM

*House bill*

Authorizes an urban high density highway project in Indiana.

*Senate amendment*

No similar provision.

*Conference substitute*

House provision.

SIGNS IDENTIFYING FUNDING SOURCES

*House bill*

The bill requires states that erect signs on projects without direct Federal funding showing the source of funding to erect signs on all Federal-aid projects displaying the source and amounts of funds. The section is intended to require those states that have adopted innovative funding strategies using a mixture of funds to provide the public with a factual statement of the funding sources. It is not intended to require those states that do not have a practice of erecting signs at construction sites to begin such a practice.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House bill provision.

SALVAGE OPERATION

*House bill*

Title IV of the House bill provides that Massachusetts shall assist in salvaging the historic Great House in City Square, Charlestown, Massachusetts.

*Senate amendment*

No provision.

*Conference substitute*

Adopts the House bill provision.

RELEASE OF CONDITION RELATING TO CONVEYANCE OF A CERTAIN  
HIGHWAY

*House bill*

No provision.

*Senate bill*

Frees the State of Maryland from a requirement of section 146 of the Federal-Aid Highway Act of 1970.

*Conference substitute*

Adopts the Senate amendment provision.

MARYLAND INTERSTATE TRANSFER

*House bill*

The bill would amend Pub. L. 98-229 to permit the State of Maryland to transfer up to \$100 million of its Interstate construction funds to rehabilitate the Jones-Fall Expressway in Baltimore, subject to certain conditions, rather than exactly \$100 million as provided by existing law.

*Senate amendment*

No provision.

*Conference substitute*

Adopts the House bill provision.

BRIDGE FORMULA AND MOTOR VEHICLE STUDY

*House bill*

This section requires the Transportation Research Board of the National Academy of Sciences to submit to Congress a report on the effects of the bridge formula contained in section 127 of title 23, United States Code, specifying axle loading and axle spacings necessary to protect Interstate highway bridges within the overall gross vehicle weight prescribed by law. The report is to include assessment of costs and benefits of existing law as well as alternative means of achieving the same purposes, in terms of costs and benefits to business, governments and the general public. The Committee intends that the study focus particularly on the problems of compliance associated with short-wheelbase vehicles used for heavy hauling in such industries as construction and solid waste collection; this is a transportation activity in which configuration of longer vehicles with additional axles does not appear feasible in view of the need for vehicles to maneuver through relatively narrow streets. The study also should take into account the types, and their load-bearing characteristics, of most bridges found on the Interstate System. This provision does not modify either the bridge formula in existing law or the provision of section 127 grandfathering in all axle loadings on groups of two or more consecutive axles which states determine to have been lawful on the date of enactment of the Federal-Aid Highway Amendments of 1974.

*Senate amendment*

During hearings, witnesses expressed concerns about larger and heavier trucks. This section directs the Secretary to make arrangements with the Transportation Research Board of the National Research Council to conduct a study of the motor carrier industry.

Among the subjects for analysis are: existing grandfather clauses which allow for higher axle loads and gross vehicle weights; the current bridge formula and its relationship to trucks and existing bridges; special truck permits and the circumstances for which they are issued; appropriate treatment for motor vehicles unable to comply with the current bridge formula; and associated costs and benefits.

TRB shall consult with DOT, state highway and transportation agencies, the motor carrier industry, highway safety groups, and other interested parties throughout the course of the study and shall submit a final report to the Secretary, to be transmitted to the Senate Environment and Public Works Committee and the House Public Works and Transportation Committee of the Congress. A total of \$500,000 for fiscal year 1987 and the same amount for fiscal year 1988 is authorized to be appropriated out of the Highway Account of the Highway Trust Fund for the study. The final report is due no later than 30 months after enactment of this legislation.

*Conference substitute*

Adopts the Senate amendment provision.

## RAILROAD-HIGHWAY CROSSING NEEDS

*House bill*

Title II authorizes the Secretary, in consultation with the Association of American Railroads and the American Association of State Highway and Transportation Officials, to conduct a comprehensive study and investigation of national railroad-highway crossing improvement and maintenance needs. Not later than 30 months after the date of enactment, the Secretary shall submit a report to Congress on the results of the study along with recommendations on how those needs can best be addressed on a long-term and continuing basis in a cost effective manner.

*Senate amendment*

The most recent major assessment of rail-highway crossings needs was done in the early 1970's. A report was made to Congress at that time, leading in turn to passage of section 203 of the Highway Safety Act of 1973. Since then, there has been a large investment of Federal-aid highway funds to improve safety conditions at crossings.

The earlier study focused on crossing problems for both railroad and highway traffic. The major recommendation was for approximately 30,000 active warning devices to be installed. It is appropriate for a new study to be undertaken of developments in the last 20-25 years. In particular, the Committee is interested in an evaluation of the present program; a study of needs and of responsibilities, including those for maintenance, abandoned bridges, and Con-

Rail crossings; an analysis of driver behavior; and a review of the effectiveness of the rail-highway demonstration program. It is intended that the new, broader report address safety, mobility, and capacity issues as they relate to improvement and maintenance needs.

A total of \$600,000 out of the Highway Account of the Highway Trust Fund is authorized for the purpose of performing the study. The Secretary is directed to conduct the study and reporting findings to the Senate Environment and Public Works Committee and House Public Works and Transportation Committee of the Congress no later than 24 months after enactment of this legislation.

*Conference substitute*

Adopts the Senate amendment provision.

STUDY OF HIGHWAY BRIDGES WHICH CROSS RAIL LINES

*House bill*

This section requires the Secretary of Transportation to conduct a comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross Amtrak rail lines, principally in the Northeast corridor, and determine who is responsible for the repair and maintenance of the so-called "orphan" highway bridges. There are approximately 213 bridges for which neither Amtrak nor the states claim responsibility. Not later than two years after the date of enactment, the Secretary shall submit a report to Congress on the results of the study along with recommendations on how these needs can be addressed on a long-term and continuing basis in a cost-effective manner.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House provision.

PARKING FOR HANDICAPPED PERSONS

*House bill*

The Committee finds that handicapped motorists have experienced enormous difficulty in traveling among the states. Handicapped motorists who are allowed by law to use specially designated handicapped parking spaces in the state in which they reside are sometimes denied the same privilege in other states. The refusal of certain states to recognize the handicapped parking symbols of other states often results in large fines for handicapped motorists traveling outside of their state of residence.

The problems of non-reciprocity of handicapped parking symbols is particularly acute in states which experience a large influx of senior citizens in winter. Handicapped motorists who live near the border of a state also find it difficult to go to work, to the store, or to other places of business without serious difficulty. The Committee believes that if an individual is considered handicapped in one

state, the person should also be considered handicapped in any other state.

This section requires the Secretary of Transportation to study any problems encountered by handicapped persons in parking motor vehicles and whether or not each state should establish parking privileges for handicapped persons and grant to nonresidents of the state the same such parking privileges as are granted to residents. The Secretary is required to complete the study within 180 days of the enactment of this Act and report to Congress the results of the study on this matter.

If the Secretary determines that states should establish parking privileges for handicapped persons and grant to nonresidents of the state the same parking privileges as are granted to residents, the Secretary would be required to develop a model state law that would solve the deficiencies of current state handicapped parking laws.

In developing the uniform state law, the Secretary is required to consider the advantages of our commonly-found elements of handicapped parking laws which, if used in a uniform state law, would make it easier to ensure handicapped parking privileges reciprocity.

To encourage states to enact handicapped parking laws similar or identical to the uniform law drafted by the Secretary, the Secretary shall provide a copy of the uniform state law to each state and to Congress.

The Secretary shall annually report to Congress on the extent to which each state has adopted the proposed uniform state law. If state efforts to adopt the uniform state law are inadequate, the Committee may consider additional actions to resolve the inadequacies in state handicapped parking laws.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House provision.

BRIDGE MANAGEMENT STUDY

*House bill*

This section directs the Secretary to conduct an investigation and study to determine whether the states should be required to establish comprehensive bridge management programs to assist in the development of priorities for bridge improvements. With the capability to establish priorities and anticipate workload, a state can effectively plan and budget for its bridge program. The Secretary shall submit a report to Congress on the results of the bridge management study together with any recommendations, not later than 180 days after the date of enactment of this Act.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House provision.

## STATE MAINTENANCE PROGRAM STUDY

*House bill*

This section directs the Secretary to enter into appropriate arrangements with the National Academy of Sciences to conduct a complete investigation of the appropriateness of establishing minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems similar to those established for the Interstate System. The Secretary shall report to Congress the results of the investigation and study along with any recommendations, not later than 180 days after the date of the enactment of this Act.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House bill provision except that the report is due 18 months after arrangements are made with the National Academy of Sciences.

## FEASIBILITY STUDY OF USING HIGHWAY ELECTRIFICATION SYSTEMS

*House bill*

Since 1979, the Committee has followed the development work ongoing on Santa Barbara, California's Electric Bus Project. The Committee notes with approval the cooperation and funding that Santa Barbara, the California Department of Transportation (Caltrans), and UMTA have each provided this project, which to date has focused only on the transit application of roadway powered electrification.

In order to complement and build upon this existing program, this section directs the Secretary to participate in an effort coordinated by Caltrans to determine if a stronger automobile/highway orientation to this technology exists. Funding of \$2,910,000 is provided for this effort.

Given the significant local contribution provided to date by both Santa Barbara and the State of California, and, given the broad, national benefit of this research effort, the Committee directs the Secretary to refrain from any and all efforts aimed at either requiring additional local matching funds for the activities listed in subsection (a) or imposing any grant conditions other than those contained in subsection (b). While the Committee has chosen not to require a local match, it firmly believes that the funding authorized under subsection (c) will serve as a nucleus of funding for a larger, overall program attracting contributions from other public agencies and the private sector.

It is the Committee's intent that the activities funded under this section extend from highway electrification to the related technology of highway automation. In addition to the construction of test facilities and land acquisition, funds authorized under this section

may be used for engineering, design, development, testing, research, planning and economic studies.

Caltrans, as the designate recipient, will have lead responsibility on this effort. In making such a designation, the Committee assumes that Caltrans will collaborate with various other public and private sector representatives which have been participating in this development effort to date. The Committee expects Caltrans to take maximum advantage of this prior work, which continues under funding through the Santa Barbara project, by contracting with public and private agencies with expertise in these technologies for execution of the principal parts of this research and development effort. In view of current plans to utilize the Institute of Transportation Studies, University of California (UC/ITS), in developing the test facility and completing the Santa Barbara project, the Committee urges that collaboration with UC/ITS to be continued in execution of these efforts.

The Committee intends that the report on the results of this research effort called for under subsection (b)(2), include an examination of the long-term social and economic impact of highway electrification and automation technologies as applied on a large scale. Such an examination focusing on the Southern California region, prepared by the Southern California Association of Governments (SCAG), would be responsive to this requirement.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House provision with a requirement for a federal share not to exceed 65 percent.

**COST EFFECTIVENESS STUDY OF HIGHWAY UPGRADING**

*House bill*

This section authorizes \$1 million for a study to determine the cost-effectiveness of upgrading Route 219 in Pennsylvania and the 28-mile segment from Springville to Salamanca in New York to interstate standards, the feasibility of partial financing with toll revenues, of using reclaimed strip mining lands for the projects, and avoiding encroachment on sensitive environmental areas. The Secretary is directed to submit a report to Congress on the results of the study along with any recommendations within one year of the date of enactment.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the House provision with a reduced authorization of \$650,000 and a requirement for a Federal share not to exceed 65 percent.

## HIGHWAY FEASIBILITY STUDY

*House bill*

This section authorizes the Secretary to carry out a study of the feasibility and necessity for constructing to appropriate standards a proposed highway along a route from Shreveport, Louisiana, to Texarkana, Fort Smith, and Fayetteville, Arkansas, and Carthage and Kansas City, Missouri. The results of the study shall be submitted to Congress not later than one year after the date of enactment of this Act and the study shall update the previous feasibility study conducted under section 143(b) of the Federal-Aid Highway Act of 1973.

*Senate amendment*

Similar to the House bill.

*Conference substitute*

Adopts the provision with a Federal share of 65 percent.

## CALIFORNIA FEASIBILITY STUDY

*House bill*

This section directs the Secretary to study the feasibility and necessity of constructing a bypass highway around Sebastopol, California. The results of such study shall be submitted to Congress within 9 months and shall contain the Secretary's recommendations with respect to the location and design of such highway.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the provision with a Federal share of 65 percent.

## NEW YORK FEASIBILITY STUDY

*House bill*

This section directs the Secretary to study the feasibility and necessity of constructing a major inland highway route or alternative to New York Route 5 to connect Buffalo's central business district with the Southtowns. The Secretary is directed to submit a report to Congress on the results of the study along with any recommendations within one year of the date of enactment.

*Senate amendment*

No similar provision.

*Conference substitute*

Adopts the provision with a Federal share of 65 percent.

## EXPENDITURE OF FUNDS IN VIRGIN ISLANDS

*House bill*

This section would prohibit the expenditure of Federal highway funds under project agreements approved after January 1, 1986, for

the planning, design and construction of a highway in Charlotte Amalie, Virgin Islands, extending eastward from the Windward Passage Hotel paralleling the existing waterfront and requiring extensive landfill along the waterfront.

Subsection (b) requires the Secretary, in cooperation with the Virgin Island Department of Public Works, to review existing studies to determine the most feasible alternatives to the construction of the highway and report to Congress within 180 days on the results of the review.

*Senate amendment*

No similar provision.

*Conference substitute*

The substitute provides for a Virgin Islands Feasibility Study.

FERRY BOAT SERVICE

*House bill*

Authorizes a ferry boat service study to study the feasibility of service on the Missouri River between Springfield, South Dakota, and Niobrara, Nebraska.

*Senate amendment*

Substantially the same as the House bill.

*Conference substitute*

Adopts the House provision with a Federal share of 65 percent.

REVIEW OF REPORTS ON UNITED STATES ROUTE 13 RELIEF ROUTE

*House bill*

No provision.

*Senate amendment*

The amendment asks the Board of Engineers for Rivers and Harbors of the United States Army Corps of Engineers to review reports to determine how best to modify a canal project to accommodate a structure to align the United States Route 13 Relief Route.

*Conference substitute*

Adopts the Senate amendment provision.

USE OF ROCK SALT ON HIGHWAYS

*House bill*

No provision.

*Senate amendment*

The amendment states that it is the sense of the Congress that States and local governments should consider the full costs of the rock salt they use and not just the immediate cost.

*Conference substitute*

Adopts the Senate amendment provision without the findings.

Further development of de-icers as alternatives to rock salt would be a valuable research activity under the Strategic Highway Research Program.

The conferees are aware of a preventative measure which should reduce the cost of replacing and rehabilitating the Nation's bridges and thereby increase their safety. Cathodic protection has proven to be the only technique that can stop corrosion in salt-contaminated bridge decks, regardless of the chloride content of the concrete. We understand that the Federal Highway Administration believes cathodic protection to be a valuable weapon in the battle against bridge deck deterioration and strongly recommend consideration given to the use of cathodic protection for both safety and economic reasons.

#### HIGHWAY DESIGNATION

##### *House bill*

The bill designates a portion of Oklahoma State Route 99 as "United States Highway 377".

##### *Senate amendment*

No provision.

##### *Conference substitute*

The Conferees agree that Oklahoma State Route 99 should be named "United States Highway 377".

#### BRIDGE NAMING

##### *House bill*

This section requires that the bridge crossing the Mississippi River on I-80 near Le Clare, Iowa, be designated as the "Fred Schwengel Bridge." Any reference to the bridge in law, map, regulation, document or record of the United States shall be referenced as the "Fred Schwengel Bridge."

##### *Senate amendment*

No similar provision.

##### *Conference substitute*

The conferees ask that the State of Iowa name the bridge "the Fred Schwengel Bridge".

#### 55 M.P.H. SPEED LIMIT LAW

##### *House bill*

See section 203 of House bill (Title II).

##### *Senate amendment*

The Senate amendment allowing the states the authority to raise the speed limit from 55 mph to 65 mph on rural Interstate routes outside of urbanized areas of 50,000 population or more is described in the Statements of Managers Under Title II.

*Conference substitute*

Agrees that the House will vote on the Senate provision. The provision would be voted separately by the Senate if the House approves it.

## HIGHWAY BEAUTIFICATION

*House bill*

The Bill retains the just compensation requirements of existing law. States may fund this from a ¼% draw down on their I-4R and primary allocation. Section 122 would change the penalty for non-compliance of the Highway Beautification statues by making the penalty a mandatory 5 to 10%, as opposed to 10% in current law, which the Secretary could waive.

The House bill further requires states to have the capability to inventory and identify unlawful signs every year. It would also prohibit vegetation removal on highway right-of-way for the purpose of improving sign visibility, except under conditions specified by the Secretary of Transportation.

The House version establishes a freeze on the number of signs allowed in commercial and industrial areas along Interstates and primary roads. It does allow for a company or owner of a billboard if he forgoes just compensation to petition the state to construct another sign should a non-conforming sign be removed. The freeze would begin July 1, 1987. Additionally, it requires the expeditious removal of illegal signs and non-conforming signs for which compensation has been paid. That is for illegal signs, the day after they become illegal, or October 1, 1988, whichever is later, and for those entitled to compensation, 90 days after compensation is made.

Finally, the House provision would prevent the modification of a sign to improve its visibility or extend its useful life, while allowing the performance of routine maintenance, and prevents a situation where a state pays for a billboard, and the owner uses the salvage material to build another billboard.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

## TITLE II—HIGHWAY SAFETY ACT OF 1986

## SHORT TITLE

*House bill*

This section provides that this title may be cited as the "Highway Safety Act of 1986."

*Senate amendment*

No comparable provision.

*Conference substitute*

House provision.

## HIGHWAY SAFETY

*House bill*

This section provides authorizations for appropriations out of the Highway Trust Fund for highway safety activities administered by the National Highway Traffic Safety Administration.

Subsection (a)(3) provides authorizations for carrying out the highway safety programs under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, in the amount of \$123 million annually for FY 1988-1991.

Subsection (a)(4) provides authorizations for carrying out section 403 of title 23, United States Code, by the National Highway Traffic Safety Administration, in the amount of \$33 million annually for FY 1987-1991.

Subsection (b) provides authorizations for carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, in the amount of \$123 million for FY 1987; requires the obligation of not less than \$20 million or such authorizations for the purpose of enforcing the national maximum speed limit; and extends until September 30, 1987 the requirement that each State spend not less than 8 percent of the amount apportioned to it, for programs concerning the use of child restraint systems in motor vehicles.

Subsection (c)(1) requires the obligation of not less than \$20 million annually out of the funds authorized for section 402 of title 23, United States Code, for FY 1988-1991, for the purpose of enforcing the national maximum speed limit.

Subsection (c)(2) requires each State to expend not less than 2 percent of the amount apportioned to it under section 402 of title 23, United States Code, for FY 1988-1991, for programs to encourage the use of safety belts by occupants of motor vehicles.

Subsection (d) limits the obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, to \$126,000,000 for each of fiscal years 1987-1991, and the obligations for highway safety programs carried out by the Federal Highway Administration under such section to \$10 million for each of fiscal years 1987-1991.

*Senate bill*

There are no provisions comparable to the House authorizations for programs administered by the National Highway Traffic Safety Administration.

*Conference substitute*

House provision, except that authorizations for section 402 programs administered by the National Highway Traffic Safety Administration are increased to \$126 million annually. Obligation ceilings are reduced to \$121 million for fiscal year 1987 but remain at \$126 million for each of the fiscal years 1988-1991.

## COMMERCIAL MOTOR VEHICLE SAFETY GRANTS

*House bill*

This section extends the authorizations contained in section 404 of the Surface Transportation Assistance Act of 1982 and creates contract authority for one-year grants to the States for the development or implementation of programs to enforce commercial motor vehicle safety laws and regulations. The section provides authorizations for appropriations out of the Highway Trust Fund in the amount of \$50 million per fiscal year for each of fiscal years 1987-1991. Such funds are available for obligation in the year for which authorized and the three succeeding fiscal years.

*Senate amendment*

No comparable provision.

*Conference substitute*

No comparable provision.

## 55 MPH SPEED LIMIT

*House bill*

Subsection (a)(1) amends section 154(f) of title 23, United States Code, to establish a weighted formula for determining the compliance of the states with the national maximum speed limit. The formula assigns a weight to the percentage of vehicles in a state travelling in three speed ranges—above 55 but not above 60 mph, above 60 but not above 65 mph, and above 65 mph. It further distinguishes between limited access highways and other 55 mph highways by assigning a higher weight to the percentages of vehicles exceeding 55 mph on the other highways. The compliance score for a state is determined by adding the weighted value for limited access highways to the weighted value for other highways and dividing by 100.

The subsection further provides that if a State's compliance score exceeds 625, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of title 23 in an aggregate amount of not less than 2.5 percent but not more than 5 percent of the amount to be apportioned for the following fiscal year, and not less than 5 percent but not more than 10 percent in the case of subsequent fiscal years.

The subsection further amends section 154(f) to define "55 mph highway" to include any undivided highway with a speed limit of 50 mph on the Federal-aid primary system in a State in which the statutory State maximum speed limit is 50 mph.

Subsection (3) provides that the amendments to section 154(f) apply with respect to compliance data collected after September 30, 1985, and reductions in apportionments based on such data.

Subsection (4) provides that in the case of any State for which apportionments are or have been withheld on the basis of data collected before the effective date of the amendments, the Secretary shall make the apportionment if data collected during the first fiscal year after the amendments are in effect show that the State

is in compliance with section 154(f). The subsection further provides that the program shall be administered through the National Highway Traffic Safety Administration and that the amendments shall take effect not later than October 1, 1987.

*Senate amendment*

This section amends section 154(a) of title 23 by permitting a maximum speed limit of 65 mph on those portions of the Interstate System located outside urbanized areas of fifty thousand population or more. The maximum speed limit permitted on all other highways remains at 55 mph.

*Conference substitute*

The Senate amendment will be subject to a separate vote in the House. If the Senate amendment carries in the House, it will then be subject to a separate vote in the Senate. If it passes the Senate, it will be added to the conference report on H.R. 2.

ALCOHOL TRAFFIC SAFETY PROGRAMS

*House bill*

This section amends the eligibility requirements for an alcohol traffic safety grant under section 408 of title 23, United States Code, to permit states which do not meet the full criteria for basic grants to obtain modified basic grants under certain circumstances.

Subsection (a) adds two new subsections to section 408(e). Under new subsection (4), a State which is unable to suspend licenses with sufficient promptness would be eligible for a modified grant if the Secretary determines that the State is suspending licenses within 120 days of the citation and is making reasonable progress in further reducing the time before suspension. Under new subsection (5), a State which does not in all cases suspend a driver's license for intoxication, and which would therefore not qualify for a basic grant, may receive a modified grant if the Secretary determines that the State permits such drivers to retain their licenses only upon a showing of hardship, only to the degree necessary to relieve the hardship, and only in numbers not exceeding 20 percent of first offenders and 15 percent of repeat offenders.

Subsection (b) limits the amount of such modified grant to 20 percent of the amount apportioned to an eligible State for Fiscal Year 1983 under section 402 of title 23, United States Code.

Subsection (c) provides that the sums authorized for the Alcohol Traffic Safety Program shall be available until expended.

Subsection (d) provides for a series of conforming amendments.

Subsection (e) provides for a demonstration of certain drug and alcohol testing technology.

*Senate amendment*

No comparable provision.

*Conference substitute*

House provision, except subsections (a) and (b) are deleted, corresponding changes are made in subsection (d) conforming amendments, and subsection (e) is amended to authorize testing of igni-

tion interlock devices to assess their potential for preventing drug and alcohol related deaths. The substitute also allows a state to receive a section 408 grant in five years, instead of three years in current law.

#### SCHOOL BUS SAFETY MEASURES

This section directs the Secretary to commission the National Academy of Sciences to conduct a study to determine the most effective means of protecting children who are transported in school buses and to report its findings and recommendations to the Secretary and to the Congress.

Five million dollars is authorized to be set aside, at the Secretary's discretion, for each of fiscal years 1989, 1990, and 1991 for grants to States that implement the school bus safety measures found by the Secretary, upon review of the Academy's findings and recommendations, to be the most effective in protecting the safety of children in or around school buses.

##### *Senate amendment*

No comparable provision.

##### *Conference substitute*

House provision.

#### STANDARDS FOR SPLASH AND SPRAY SUPPRESSION DEVICES

##### *House bill*

This section amends section 404 of the Surface Transportation Assistance Act of 1982 by providing that the Secretary shall not issue regulations on the performance and installation of splash and spray suppressant devices until the Secretary determines, after testing, that available technology can substantially improve the visibility of drivers and that the standards will protect the public from an unreasonable risk of death or injury caused by splash and spray from trucks.

The section also requires that the Secretary determine that there exist three or more unaffiliated manufacturers of devices meeting the standards to be established.

##### *Senate amendment*

No comparable provision.

##### *Conference substitute*

Modified House provision.

#### NATIONAL DRIVER REGISTER AMENDMENTS

##### *House bill*

Subsection (a) of this section provides for a twelve-month extension for the Secretary to promulgate procedures for the orderly transition from the currently used recordkeeping system of motor vehicle driving records of individuals to the National Driver Register system. The Secretary is required to publish a notice of a pro-

posed rulemaking six months prior to promulgation of the final rule.

Subsection (b) amends section 207 of the National Driver Register Act of 1982. It extends the implementation of the pilot test program by twelve months, requires the pilot program to be in operation within sixteen months after the pilot states are selected, and requires a report to the Congress on the pilot test program within six months after the end of the program. The final report on the program, documenting the extent and level of participation in the Register and reporting on its effectiveness, shall be submitted not later than three years after the establishment of a fully electronic Register system.

*Senate amendment*

No comparable provision.

*Conference substitute*

No comparable provision.

HIGHWAY SAFETY PROGRAM AMENDMENTS

*House bill*

This section amends section 402 of title 23, United States Code, in several respects. Subsection (a) changes "standards" to "guidelines" to allow more flexibility in State highway safety programs.

Subsection (b) deletes a provision for the waiver of standards.

Subsection (c) deletes paragraph (b)(1)(D), thereby eliminating the requirement that a State have a comprehensive driver training program as a condition for a grant under section 402.

Subsection (d) amends subsection (j) to direct the Secretary, through rulemaking and in consultation with the States, to determine those programs most effective in reducing accidents, injuries, and deaths. Only those programs meeting the criteria established under the rulemaking would be eligible to receive Federal funds under the section.

*Senate amendment*

No comparable provision.

*Conference substitute.*

House provision.

HIGHWAY SAFETY EDUCATION AND INFORMATION

*House bill*

This section amends section 209 of the Highway Safety Act of 1978 to direct the Secretary to conduct a national media campaign to inform the public of techniques, methods, and practices to reduce the number and severity of highway accidents. The Secretary is to begin this campaign not later than 180 days after the submission of reports on the pilot projects carried out under subsection (b) of section 209.

The section further provides that funds authorized by section 209 are not subject to obligation limitations and that such funds may

not be used for any program conducted as part of the implementation of Federal Motor Vehicle Safety Standard No. 208.

*Senate amendment*

No comparable provision.

*Conference substitute.*

House provision.

OLDER DRIVER STUDY

*House bill*

This section directs the Secretary to commission the National Academy of Sciences to conduct a comprehensive study and investigation of problems which may lessen the safety and mobility of older drivers and to examine means of addressing these problems. The Academy is to report its findings to the Secretary and the Congress not later than 24 months after the date of enactment of the Act.

Subsection (d) directs the Secretary to develop a pilot program of highway safety improvements to enhance the safety and mobility of older drivers, and instructs the Secretary to encourage the States to carry out the pilot program with highway safety improvement funds. The Secretary shall report to Congress on the effectiveness of such program not later than three years after the date of enactment of the Act.

*Senate amendment*

No comparable provision.

*Conference substitute.*

House provision.

RECISSION OF CONTRACT AUTHORITY

*House bill*

This section provides that effective October 1, 1986, \$148 million of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982 is rescinded. This rescission does not reduce the balance in the Airport and Airway Trust Fund.

*Senate amendment*

No comparable provision.

*Conference substitute.*

House provision.

TITLE III—FEDERAL MASS TRANSPORTATION ACT OF 1987

SHORT TITLE

*House bill*

This section provides that this title may be cited as the "Federal Mass Transportation Act of 1987".

*Senate amendment*

This section states that the Act may be cited as the "Urban Mass Transportation Authorization Act of 1987".

*Conference substitute*

Substitute provides that the Act may be cited as the "Federal Mass Transportation Act of 1987".

## AUTHORIZATIONS

*House bill*

Section 320 would provide authorizations through fiscal year 1991 to carry out various provisions of the Urban Mass Transportation Act. In addition, this section would provide limitations on the available contract authority for specific activities within the section 3 discretionary grant program as well as limitations on section 8 planning activities, section 16(b) activities to meet the special transportation needs of elderly and handicapped persons, and section 4(i) activities to implement innovative methods and techniques.

Section 320(a) would provide authorizations from the general fund, to carry out sections 9 and 18, of \$2,100 million for fiscal year 1987, \$2,150 million for fiscal year 1988, \$2,200 million for fiscal year 1989, \$2,250 million for fiscal year 1990, and \$2,300 million for fiscal year 1991.

For fiscal year 1987, section 320(b) would make available a minimum of \$100,000,000 for section 3 bus and bus-related activities; \$405,000,000 for section 3 rail modernization projects; \$405,000,000 for section 3 new start and extension projects; \$100,000,000 for general section 3 activities; \$45,000,000 for section 8 planning activities; and a total of \$35,000,000 for section 16(b) and section 4(i) activities. For each of the fiscal years 1988, 1989, 1990 and 1991, section 320(b) would make available a minimum of \$170,000,000 for section 3 bus and bus-related activities; \$680,000,000 for section 3 rail modernization projects; \$680,000,000 for section 3 new start and extension projects; \$170,000,000 for general section 3 activities; \$50,000,000 for section 8 planning activities; and a total of \$40,000,000 for section 16(b) and section 4(i) activities. These authorizations would be funded from the Mass Transit Account of the Highway Trust Fund. It is the Committee's intent that the amount of contract authority provided for the authorizations contained in this subsection not exceed the amounts specified for each fiscal year.

Section 320(c) would stipulate that funds made available from the Mass Transit Account would remain available until expended. It would also stipulate that the maximum amount of contract authority obligated by the Secretary from the Mass Transit Account, except for obligations under sections 9A and 11(b), cannot exceed \$995 million for FY 1987 and \$1,795 million for each of the fiscal years 1988, 1989, 1990 and 1991. The maximum limitation set forth in section 320(c) would exceed the minimum level set forth in section 320(b) by \$5,000,000 in each fiscal year 1988, 1989, 1990 and 1991. The difference between the amounts would enable the Secretary to draw down on current unobligated balances.

For research, training and administration, section 320(d) would authorize from the general fund \$50 million for each fiscal year 1987, 1988, 1989, 1990 and 1991.

Sections 320(e) and (f) provide technical and conforming amendments.

#### *Senate amendment*

Section 402 would amend section 21 of the UMT Act to provide authorizations through fiscal year 1990 to carry out various provisions of the UMT Act. This section would continue current Federal support for public transportation by freezing urban mass transit funding essentially at fiscal year 1987 levels through fiscal year 1990.

Authorizations for fiscal year 1988 through 1990 would be \$14.3 million per year below the amounts appropriated for the current fiscal year. This section would also create a new "blending" mechanism to make resources in the Mass Transit Account of the Highway Trust Fund available for both discretionary and formula grants. Under existing law, the Section 3 discretionary capital grant program is funded solely out of gas tax revenues, and the Section 9 formula grant program is funded solely out of general revenues.

This section would provide authorization for the Section 9 discretionary grant and Section 18 rural transit programs at an annual total of \$2 billion for fiscal years 1987 through 1990. It would authorize use of \$1.0025 billion from the Mass Transit Account in fiscal year 1987 for the Section 3 discretionary grant program and \$1 billion in each of fiscal years 1988 through 1990. In addition, the section would authorize use of the Mass Transit Account funds up to the lesser of (1) \$2.5 million or (2) the actual gas tax revenue in excess of \$1 billion—allocating 70 percent to the Section 9 formula grant program and 30 percent to the Section 3 discretionary grant program. It further provides that this 70/30 allocation would be waived if appropriations of general revenues for Sections 9 and 18 should fall below \$2 billion, in which case 100 percent would go to Sections 9 and 18 until the \$2 billion level is reached.

The section also would authorize the Interstate Transfer-transit program at \$200 million annually for fiscal years 1987 through 1990. It would authorize such sums as may be necessary for fiscal year 1987 and \$50 million in each of fiscal years 1988 through 1990 to carry out the purposes of Sections 6, 10, 11(a), 12(a), and 20 of the Urban Mass Transportation Act of 1964. Section 402(a) would require that the Secretary allocate to each State an amount equal to at least 80 percent of the estimated tax payments attributable to highway users in the State paid into the Mass Transit Account in the latest fiscal year for which data are available. This minimum allocation provision would not apply to any State that receives one dollar or more from the Highway Trust Fund for every dollar in receipts to the Highway Trust Fund attributable to that State nor to any State that receives one dollar or more in overall Federal spending for every dollar in Federal receipts collected that are attributable to that State.

Section 403 would establish an allocation of Section 3 discretionary grants among three major categories in a ratio that reflects

recent practice: (1) rail modernization—45 percent, (2) new starts—40 percent, and (3) bus projects—15 percent. Past appropriations acts have specified allocations of Section 3 funding among these categories and the Department of Transportation has in effect apportioned available funds similarly. By including this allocation in law, the Committee intends to provide communities with useful guidance on funding levels that are likely to be available for particular types of projects. The Committee also intends to ensure that no one category of projects commands a disproportionate share of Section 3 resources.

Section 410 provides that gas tax funds allocated to Section 9 will be available for capital grants only but will otherwise be available under the same terms and conditions as other Section 9 funds.

### *Conference substitute*

The substitute provides contract authorization levels for the Mass Transit Account of the Highway Trust Fund of \$1.096 for fiscal year 1987, \$1.2 billion for fiscal year 1988, \$1.25 billion for fiscal years 1989, \$1.3 billion for fiscal year 1990, and \$1.4 billion for fiscal year 1991.

Of those amounts, the following amounts would be authorized in each fiscal year for various programs: \$45 million for the section 8 planning program, \$35 million for sections 4(i) and 16(b), and \$5 million for University Transportation Centers.

These amounts are authorized "off the top" of the section 3 program. The remaining section 3 discretionary program authorization is allocated forty percent for the new starts program, forty percent for rail modernization, ten percent for bus needs, and ten percent to be allocated on a discretionary basis.

The Conferees view with some concern efforts to restrict eligibility for certain transit systems to receive section 3 rail modernization and new start funds. The Conferees clarify that recipients of section 3 funds may be eligible for all section 3 categories and require UMTA not to change rail modernization eligibility policy for two years.

Mass Transit Account authorizations above \$1 billion would be made available half to the section 3 discretionary program (using the same percentages for the four categories discussed above) and half to a new section 9B formula program.

General Fund authorizations for the formula programs are \$2 billion in fiscal year 1987, and \$2.1 billion in each fiscal year, 1988 through 1991. In addition, \$50 million in General Fund authorizations are authorized in each of fiscal years 1988 through 1991 for sections 6, 10, 11(a), 12(a), 18(h), and 20, of which ten percent shall be available for section 18(h). There are authorized to be appropriated for such programs not to exceed such sums as may be appropriated for fiscal year 1987.

For substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there are authorized to be appropriated from the General Fund \$200 million for each of the fiscal years 1987 through 1991.

## LETTERS OF INTENT; MULTI-YEAR CONTRACTS

*House bill*

Section 302(a) would amend section 3(a)(4) of the UMT Act to provide multi-year contract authority for certain long-term projects. The existing "letter of intent" concept would be deleted and replaced by a "multi-year contract" concept, but the procedural process would remain essentially the same as under current law. Thirty days advance notice of any such contract to the Committee on Public Works and Transportation of the House and the Committee on Banking, Housing, and Urban affairs of the Senate would continue to be required. Moreover, as under existing law, the amount stipulated in a multi-year contract to carry out a fixed guideway project must be sufficient to complete an operable segment. As under current law, an operable segment for the purpose of this section may be greater or lesser than a minimal operable segment defined in a project Environmental Impact Statement drafted pursuant to the National Environmental Policy Act. Should additional funds become available for a project, it may be committed as an addition to an operable segment. In addition, the amounts that may be made subject to a multi-year contract by the Secretary under this section for projects authorized by section 21(a)(2)(C)(i), (ii), (iii) or (iv) cannot exceed the total available authorizations made available therein, less an amount reasonably estimated by the Secretary to be necessary for grants under section 3 which are not covered by multi-year contracts or letters of intent which have been entered into before October 1, 1986. Other commitments for funding which have been made prior to May 9, 1984, contingent upon subsequent, and as of that date, unmet preconditions, shall not be considered as committing funds when the Secretary determines under this section the amounts available for multi-year contracts.

The significant change under this section is that the Secretary would be able to enter into multi-year contracts that would obligate funds for fiscal year 1987, subject to the requirements specified herein and the obligation limitation contained in section 320(c), and take the first step in obligating funds from future year authorizations, subject to further Congressional review and approval, and subject to the amount so specified under section 320(b) for each fiscal year. Obligation of funds for fiscal year 1988 and future fiscal years is subject to annual Congressional review and approval of the Secretary's actions under section 303. Such a contract shall not be subject to any future availability of funds (except for the limitation relating to the amounts necessary to cover projects other than those covered by multi-year contracts, approved allocations under section 303 for fiscal year 1987 and subsequent fiscal years, the anti-deficiency provision in the Transit Account of the Highway Trust Fund, or any obligation limitation other than as set forth in section 21(a)(2)(F)).

In years other than FY 1987, funds are not available to finance grants and loans until the process provided for under section 3(i)(3) is completed with the enactment of a public law. Annually, it is the clear intent of the Committee regarding multi-year contracts that

funds can be obligated for a fiscal year only to the extent authorized for such fiscal year.

Section 302(b) provides for a series of conforming amendments to section 3(a) of the Urban Mass Transportation Act.

Section 302(c) would provide that this section shall take effect October 1, 1986, and shall not affect any letter of intent issued before that date.

*Senate amendment*

No provision.

*Conference substitute*

Has no provision on multi-year contracts. Section 302 makes a technical change to section 3(a)(4), revising outmoded language about the appropriations process. This change is necessary because the section 3 discretionary program no longer is funded from General Fund appropriations, but is funded through authorizing legislation from the Mass Transit Account of the Highway Trust Fund.

ANNUAL CONGRESSIONAL APPROVAL

*House bill*

Section 303 provides for an annual process that, except for FY 1987, must be undertaken before certain funds authorized by section 3 of the UMT Act may be made available. Within 30 days of enactment, and by January 20 of each year thereafter, the Secretary shall submit to the House Committee on Public Works and Transportation and the Senate Committee on Banking, Housing, and Urban Affairs a proposal recommending the amount under section 21(a)(2)(C)(iv) that should be made available for use and bus-related activities, rail modernization, and the construction and extension of fixed guideway systems. Included in this transmittal shall be recommendations on amounts to be distributed among applicants for rail modernizations and fixed guideway construction and extension projects. The Secretary's transmittal must reflect any multi-year contracts entered into under section 3(a)(4) of the UMT Act and, for new starts and extensions, must be consistent with criteria established by section 305.

No funds may be made available under section 3 unless Congress acts upon, and the President approves, legislation relating to the Secretary's proposal. The legislation may allocate funds in a manner identical to that recommended by the Secretary, or may revise in any manner the distribution which was submitted.

Upon approval by law of the funding allocation passed by Congress, the Secretary shall make the legislated amounts available for the fiscal year approved and in a manner consistent with such law.

*Senate amendment*

No provision.

*Conference substitute*

Conference substitute does not require congressional approval of section 3 funding plans, but does require the Secretary to submit

overall funding plans for the new starts, rail modernization, bus, and discretionary categories to Congress on an annual basis together with a more detailed plan for new starts and system extensions which reflects outstanding and planned letters of intent and full funding contracts.

#### ADVANCE CONSTRUCTION

##### *House bill*

Section 304 would provide advance construction approval authority to the construction under sections 3 and 9 of the UMT Act and section 103(e)(4) of title 23, United States Code. This would be similar to the advance construction authority now available under the Federal highway program. Currently, applicants for UMTA capital assistance cannot be reimbursed by the Department for costs incurred on a project before the project is approved by the Secretary or before the Secretary permits the recipient to incur costs.

Section 304(a) would amend section 3 of the UMT Act to permit applicants to be reimbursed for the Federal share of costs incurred locally on a project if the Secretary approves the project before costs are incurred and the project complies with all relevant Federal requirements. In addition, eligible costs may include interest earned and payable on local bonds if the proceeds of such issuances were applied to the project. To be eligible for reimbursement, such interest costs may not exceed the excess of the cost of the project at the time Federal reimbursement is sought over the project's actual costs.

Under section 304(a), the Secretary's advance construction approval does not mean that Federal funds must eventually be applied against the project. Rather, it means that local costs incurred remain eligible for Federal reimbursement if the Secretary decides to fund the project.

Section 304(b) would provide similar advance construction approval authority to the Secretary for the section 9 formula grant program. Under this section, the recipient must first have obligated all of its section 9 apportioned funds before it may seek advance construction approval for capital projects. In addition, the Secretary may grant construction approval only if an authorization is in effect for the future fiscal year at issue, and the advance construction authority granted may not exceed the recipient's expected apportionment under that future fiscal year. Costs eligible for reimbursement under the section include bond interest costs incurred in connection with the project, subject to the same limitations applicable under section 3 provisions.

##### *Senate amendment*

No provision.

##### *Conference substitute*

Same as the House provision.

## NEW FIXED GUIDEWAY CRITERIA

*House bill*

Section 305 amends section 3 of the UMT Act by adding a new subsection (k) relating to new fixed guideway or new extension projects.

Requests for Federal funding for new fixed guideway projects—or new extensions to existing systems—will be subject to careful evaluation by the Secretary and the Congress. Because it is expected that requests for funding of such projects will greatly surpass amounts available, it is essential that reasonable criteria be utilized to evaluate which of the projects are most deserving of Federal investment. Once determined, those projects should receive funding. Those new fixed guideways or extensions which are recommended for funding should be those, based on the results of alternative analysis and preliminary engineering, which best contribute to the achievement of program goals, are cost-effective relative to other projects, and are supported by an acceptable degree of financial commitment from sources other than the UMT Act, including evidence of stable and dependable funding sources to construct, maintain and operate the proposed project, together with the remainder of the transit system in the urbanized area.

In determining a project's transportation cost-effectiveness, effectiveness measures should include but need not be limited to both the potential to attract new transit riders and the potential for reducing the travel time of existing riders. Moreover, a project's cost should include reasonable estimates of operating and maintenance costs in addition to total capital expenditures. Cost-effectiveness should be measured with respect to a future base condition. That base condition should correspond to the optional utilization of existing transit and highway facilities through reasonable and practical low-cost transit service, traffic engineering and other improvements.

The Committee believes that the project evaluation process should encourage maximum contributions from State and local as well as private sources. The Committee believes that the utilization of benefit assessment districts should be encouraged by these criteria, as such districts provide an assured base on private capital. The Committee also acknowledges the benefits of incorporating existing infrastructure as a technique of reducing costs and improving the cost-effectiveness of section 3 capital investments.

The Committee recognizes that a project is developed essentially in five sequential phases: system planning, alternatives analysis, preliminary engineering, final design and construction. With respect to commitments of section 3 funds, a project should be reviewed under the new starts criteria and may be selected for advancement at the conclusion of alternative analysis. The Committee expects that a low-rated project will not be advanced into preliminary engineering through a commitment of Section 3 funds, although preliminary engineering may be carried out with Section 9, or other funds at local discretion. All projects will be reviewed and rated according to the criteria at the completion of preliminary engineering. A decision to allow an agency to proceed with preliminary engineering does not indicate any commitment by the Federal

Government with respect to construction. It is possible that an area may spend Federal funds or other funds for preliminary engineering and yet not be chosen for a final funding commitment due to their low rating compared to other projects or the limited availability of funding.

The Committee directs UMTA not to approve multi-year contracts or grants for fixed guideway projects when the Federal share of a project would exceed the uncommitted balance under the new start portion of the discretionary program. The uncommitted balance is considered that amount of funding current authorized, less existing letters of intent, full-funding contracts, multi-year contracts and grant obligations. Any such commitment which has been predicated upon some subsequent and as yet unmet conditions shall not be considered as a commitment of funds when determining the amounts available for grant or multi-year contract purposes. At such time as the recipient has come into compliance with the preconditions, the commitment should be honored by UMTA when practicable.

With respect to the degree of non-Federal financing, the Committee recognizes that a number of cities will be competing for a limited amount of funding. Thus, the willingness of an area to request a smaller share of the cost of a project under this section may be taken into consideration. In addition, to differentiate among closely competing projects, the Department should consider factors relating to an area's ability to have stable and reliable sources of funds to maintain and operate the proposed system once it is built.

The guidelines developed by the Secretary should directly take into account the economic development effects of the project and the opportunity for joint development of project components, a concept the Committee believes Federal policy should encourage. They should also take into account other factors, such as the degree of community and local government support, participation of disadvantaged business enterprises, and other specific program and related social goals.

*Senate amendment*

No provision.

*Conference substitute*

Same as the House provision except that certain projects would not be subject to the provision. Specifically, any project that is at the preliminary engineering, final design, or construction stage as of January 1, 1987, as well as those covered by a letter of intent or full funding contract as of the date of enactment of this Act would not be subject to this provision.

AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SUBSTITUTION  
PROGRAM

*House bill*

Section 306 would provide authorization levels for the Interstate transfer-transit program. Once funds under this program are appropriated, an action which is required for this non-contract authority program, half are made available on the basis of a formula

and half are available at the discretion of the Secretary. The formula funds may be made available only after Congress has approved the Interstate substitute cost estimate. This section would extend the program for fiscal years 1987, 1988, 1989, 1990 and 1991, and authorizes appropriations of "such sums as may be necessary" in order to accommodate funding level changes that may occur with respect to future decisions to withdraw an Interstate route and state changes in the divisions of funds between substitute highway and transit projects.

*Senate bill*

Section 402(a) would provide authorizations for this program from the General Fund at a level of \$200,000,000 annually for fiscal years 1987 through 1990.

*Conference substitute*

Substitute is same as the Senate provision but through fiscal year 1991.

RATES FOR ELDERLY AND HANDICAPPED PERSONS

*House bill*

Section 307 would permit New York City to continue to use its preferential fare system for elderly and handicapped persons which incorporates a free return ride upon payment of a generally applicable full fare in lieu of complying with the half-fare requirement in section 5(m) of the UMT Act, provided such system is available for use by all elderly and handicapped persons after 120 days after enactment.

*Senate amendment*

No provision.

*Conference substitute*

No provision. The Conferees recognize that the New York Metropolitan Transportation Authority has adopted a procedure whereby all holders of Medicare cards are eligible for reduced fares. Moreover, the Conferees understand that UMTA's Chief Counsel has ruled that the New York procedure whereby eligible riders pay a round-trip fare equal to the normal one-way fare at their point of entry satisfies the half-fare requirement. In light of this, no legislation is necessary.

FINANCIAL PLANNING

*House bill*

Section 308 amends Section 8(a) of the UMT Act by providing that the local planning process shall include an analysis and development of long-term financial plans for regional urban mass transit improvements and the revenue available from current and potential sources to implement such improvements.

*Senate amendment*

No provision.

*Conference substitute*

Adopts the House provision.

## 4 (h) (1) REPORTS

*House bill*

No provision.

*Senate bill*

Section 404 would require that various progress reports under section 4(h)(1) of the Urban Mass Transportation Act be submitted 30 days after the end of the quarter covered by the report instead of 20 days after the start of such quarter. The section would clarify that each report is to be submitted to the Committee on Public Works and Transportation and the Appropriations Committee of the House of Representatives as well as to the Committee on Banking, Housing and Urban Affairs, and the Committee on Appropriations of the Senate. The section would require the Secretary to submit a new report on the execution of grant contracts and Letters of Credit or other reimbursement authority for sums obligated for each State, designated recipient and applicant.

*Conference substitute*

Adopts the Senate provision with clarifying amendments. It is the intent of the Conferees that the report will be made for the quarter that has just closed.

## BLOCK GRANT PROGRAM AMENDMENTS

*House bill*

Section 309(a) provides for added flexibility in the UMTA grant submittal and approval process, consistent with the original intent of the Section 9 program to facilitate the flow of formula funds. Specific language is added to section 9(e) which explicitly allows for the approval of grants for a partial program of projects.

The Committee recognizes that various types of transit capital projects as well as operating assistance projects may not necessarily be developed and finalized for submission simultaneously in a single grant request. The Committee wishes to ensure that funding for projects that are otherwise ready to proceed will not be delayed because another project contained in the required program of projects may not be ready for approval.

Section 309(b) permits the use of the additional amounts above the fiscal year 1985 levels of revenues generated from the sale of advertising and concessions by mass transportation properties to be credited toward the non-federal share for capital or operating assistance. Each recipient of funds under Section 9 shall submit an annual report to the Secretary on the revenues derived from the sale of advertising and concessions.

Section 309(c) permits small urbanized areas with populations of two hundred thousand or less to use capital assistance funds apportioned under section 9 for operating assistance. In other words, no operating assistance cap would be applicable to these areas. This

new flexibility for small urbanized areas is effective in fiscal years beginning after September 30, 1986.

Section 309(d) would extend through fiscal year 1991 the provision authorized under section 9(1) of the UMT Act, which permits section 9 recipients to trade-in 3 dollars of that portion of their section 9 apportionment that can only be used for capital expenses for 2 dollars of operating assistance.

Section 309(d)(1) would amend section 9(1) to restrict the ability of a recipient to use the trade-in provision in any fiscal year in which it receives a section 3 discretionary capital grant. Under section 309(d)(1), a recipient which receives a section 3 grant could only carry out a section 9(1) transfer if the section 3 grant was for emergency repairs, made pursuant to a letter of intent or full funding contract which predates the enactment of section 309(d)(1), or is for a project which has a high priority on the plan prepared by the Secretary for allocation of section 3 funds in the year the transfer occurs. Section 309(d)(1) provides further that any recipient of funds which carried out such a transfer of funds in fiscal year 1983, and which received Federal assistance under section 1139(b) of the Omnibus Budget Reconciliation Act of 1981, which provided transition assistance for operators of commuter rail operations previously provided by the Consolidated Rail Corporation, shall continue to be eligible to transfer under this section. Such a recipient would be restricted in the percentage of the total available section 3 funds it may receive in any year in which it utilizes the transfer, to the percentage it received in fiscal year 1983.

Section 309(d)(2) would extend the transfer option through fiscal year 1991 and amend the existing requirement for recipients which avail themselves of the trade-in provision to certify that they will not need to use and will not use capital assistance for operating assistance in fiscal year 1985. Under section 309(d)(2) recipients would certify that they would not need to use capital assistance for operating assistance after fiscal year 1991.

Section 309(d)(3) would limit the uses of the discretionary funds that the Secretary receives as a result of the trade-in provision to capital bus and bus-related activities.

Similarly, section 309(d)(4) would amend section 3(a) of the UMT Act to restrict a recipient's ability to receive a section 3 grant in a fiscal year in which it carries out a transfer under section 9(1). If a recipient has carried out a section 9(1) transfer, it could only receive a section 3 grant for emergency repairs, made pursuant to a letter of intent or full funding contract which predates the enactment of section 309(d)(4), or for a project which has a high priority on the plan prepared by the Secretary for allocation of section 3 funds in the year the transfer occurs. Any recipient which utilizes the transfer and remains eligible for section 3 funding in the same year for a project which the secretary deems to be of high priority, must agree that the Federal share of the project for which section 3 funding is received shall be reduced by the amount of capital assistance transferred under section 309 of this Act.

Section 309(e) expands the flexibility of the program by allowing a governor to transfer amounts appropriated for urbanized areas of less than 200,000, to any urbanized or non-urbanized area in the State upon approval of responsible local elected officials and public-

ly owned operators of mass transportation services in each area to which the funding was originally appropriated. However, this subsection permits a transfer without the approval of such officials and operators if no approvable grant application is pending within 90 days of the time such amounts would lapse.

Section 309(f) includes a requirement that formal notice of the apportionment of section 9 and section 18 formula funds be published by UMTA not later than 10 days following the start of each fiscal year, subject to the enactment of appropriations. The new timing requirement is being included to provide UMTA grantees with as much notice as is possible regarding funding levels in order to facilitate budgeting and programming, and, ultimately, to improve the flow of UMTA funds.

Section 309(g) and (h) provide technical and conforming amendments.

### *Senate amendment*

Sections 405, 406, 407, 408, 409, and 411 of the Senate bill would make additional changes to the Section 9 block grant program.

Section 405 would permit Section 9 formula grant funds to be used for leasing arrangements if the leasing alternative is more cost-effective than acquisition or construction. The section would direct the Secretary of Transportation to publish regulations governing the use of such funds for leasing in the Federal Register within 60 days of enactment and to issue such regulations within 120 days of enactment.

Section 406 would expand the coverage of the term "associated capital maintenance items" under Section 9 for rolling stock by: (1) adding tires and tubes to the definition of items covered, (2) reducing the minimum value of associated capital maintenance items from one percent under existing law to one-half of one percent of current fair market value of the bus or transit vehicle for which the items are to be used, and (3) including any project for the reconstruction (either by a grantee directly or by contract) of any equipment and materials that would after reconstruction otherwise qualify as an "associated capital maintenance item". Equipment and materials eligible under this section include such items as: tires and tubes for vehicles, evaporator units on rail coaches, freon compressors, motor alternators, double-ended blowers, fan gear units on locomotives, air compressors on certain locomotives, blower motors, and coupler-draft gears. The section would set the Section 9 matching ratio for capital grants at 80 percent Federal share and 20 percent non-Federal share, but allows transit grantees to increase the non-Federal match if they desire.

Section 407 would affect urbanized areas that had received assistance under the Section 18 rural transit program but, as a result of the 1980 Census, now receive assistance under the Section 9 formula grant program for cities with populations above 50,000. Such urbanized areas would be able to use their Federal transit assistance for operating assistance at the level they used for operating assistance in fiscal year 1985.

Section 408 would require that any reallocation of lapsed funds shall occur within 30 days after the end of the fiscal year in which they lapse. Under existing law, Section 9 funds are available to the

recipient in the year they are apportioned and for three additional years after which they lapse.

Section 409 would require the Secretary of Transportation to apportion funds for the Section 9 formula program within 10 days of enactment of the appropriations act that provides the funds. It would require the Secretary to publish the apportionments, including the individual apportionments for each urbanized area with a population of 50,000 or more, and the amounts attributable to each State of a multi-state urbanized area.

Section 411 would require each recipient of a formula grant to certify within two years after the funds are made available that the funds will be obligated within the four-year period of availability. If that certification is not made, the funds will become eligible for reallocation in the third year.

#### *Conference substitute*

Substitute adopts subsections (a) and (b) of the House provision. The Conferees reached a compromise on the level of operating assistance for urbanized areas that became urbanized areas since the 1980 census. Any such area may use for operating assistance up to two-thirds of its section 9 apportionment during the first full year it received funds under section 9. The cap applicable to other urbanized areas of less than 200,000 in population shall be increased by a one-time adjustment for inflation of 32.2 percent effective October 1, 1987. Beginning on October 1, 1988, the operating assistance cap for both newly urbanized areas and the other areas of less than 200,000 in population shall be increased by the percentage increase in the latest available calendar year Consumer Price Index. Any such increase shall be based on a level of operating assistance that does not include the 32.2 percent lump sum adjustment. Further, the substitute follows the House provision that deletes the requirement that the Governor cannot transfer funds to an area of more than 300,000 in population. The substitute also adopts the portion of subsection (e) of the House provision that allows the Governor to use any remaining unobligated funds of the State's apportionment anywhere in the State regardless of the size of the recipient's area, and without the consultation with the areas that otherwise is required, if the period of availability under subsection (o) of the funds proposed to be transferred will end within 90 days. Subsection (e), date of apportionment, adopts the House approach of requiring the Secretary to publish apportionments of appropriated funds within 10 days of the date of appropriation or of October 1, whichever is later. The substitute also requires that the apportionments published by the Secretary include amounts attributable to each urbanized area above fifty thousand in population as well as the amount attributable to each State of a multistate urbanized area. Subsection (f) of the substitute is the same as subsection 309(g) of the House bill. Finally, the substitute deletes the three for two trade-in provision at section 9(1).

The substitute also adopts a number of the Senate provisions, as explained further in the "Bus Remanufacturing and Overhauling of Rolling Stock" section.

## UNIVERSITY TRANSPORTATION CENTERS

*House bill*

Section 310 would create contract authority to fund the university transportation centers program authorized under section 11(b) of the Urban Mass Transportation Act. For each fiscal year from fiscal year 1987 through fiscal year 1991, section 310 would provide \$5,000,000 from the Mass Transit Account of the Highway Trust Fund and \$5,000,000 from the Highway Trust Fund other than from the Mass Transit Account. These amounts would not be subject to any obligation limitations.

Section 310 also amends section 11(b) to provide more explicit criteria which a recipient of funds must meet. Further, it establishes a national advisory council to coordinate research carried out by grant recipients, to disseminate results of the research, to act as a clearing-house between grant recipients and the transportation industry, and to review and evaluate programs carried out by grant recipients.

*Senate amendment*

No provision.

*Conference substitute*

The Conference substitute is the same as section 310 of the House bill, except that the substitute specifies that the industry representatives of the National Advisory Council must include private providers of public transportation. It is the intent of the Conferencees that the research activities should take into consideration the proportion of funding provided from the transit and highway programs.

## SOLE SOURCE PROCUREMENTS

*House bill*

Section 311 is intended to enhance the ability of section 9 grant recipients to operate in an efficient manner by permitting the procurement of associated capital maintenance items by contracting directly with the original manufacturer or supplier of the item to be replaced without prior Secretarial approval if the recipient first certifies to the Secretary that the manufacturer or supplier is the only source of the item, and that the price is no higher than that paid for such item by like customers.

*Senate amendment*

No provision.

*Conference substitute*

Substitute provision is the same as the House provision.

## RULEMAKING

*House bill*

No provision.

*Senate amendment*

Section 412 would require the Secretary of Transportation to prepare an annual agenda listing all rulemaking activities that are proposed for the following twelve-month period. It requires that the agenda be (1) submitted to the House Committee on Public Works and Transportation, the House Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs and the Senate Committee on Appropriations and (2) simultaneously published in the *Federal Register*. This section requires that, with the exception of emergency rules, the Secretary shall give interested parties at least 60 days to comment on proposed rules before they go into effect. The Secretary is exempted from providing the 60 day comment period only if the Secretary finds for good cause that the rule is of a routine nature, is a matter of insignificant impact, or is required by emergency. An emergency rule would take immediate effect but expire after 120 days.

*Conference substitute*

The substitute modifies the Senate provision by requiring the Secretary to publish the required rulemaking agenda as part of the Secretary's Semi-Annual Rulemaking Agenda. The period to be covered by the agenda is twelve months. Also, the substitute amends the definition of rule to clarify that the provision is only meant to cover major statements of policy, not routine managerial and program issues. The Conferees do not intend that the Secretary publish all of the Urban Mass Transportation Administration grant application circulars as rules, nor do they intend the provision to preclude the Secretary from issuing legal opinions or letters of interpretation in response to inquiries from Members of Congress or the public.

## PROCUREMENT OF ENGINEERING AND DESIGN SERVICE

*House bill*

Section 312 brings procurement of engineering and design services for mass transit projects into conformity with Title IX of the Federal Property and Administrative Services Act of 1949, which requires qualifications-based selection of these services when they are procured by Federal agencies for any project except grant-in-aid projects, as they are not direct Federal procurements. Under the new section, the Federal selection procedures or equivalent State qualifications-based selection requirements for selecting firms for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, or related services, shall apply to such contracts awarded or administered by recipients of funds authorized by this Act.

*Senate amendment*

Section 413 would amend section 12(b) of the Urban Mass Transportation Act of 1964 to require recipients of UMTA assistance to award contracts for engineering and design services on a qualifications-based system rather than a low-bid system. The provision would permit procedures similar to those presently required under

Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent State requirement. The provision would not apply to the extent that a State adopts or has adopted by statute a formal procedure for procuring such services.

*Conference substitute*

Same as the Senate provision.

LIMITATIONS REGARDING SOUTH AFRICA

*House bill*

Section 313 amends section 12(b) of the Urban Mass Transportation Act of 1964, relating to limitations on contract awards. This amendment will allow for the establishment of limitations on the awarding of contracts concerning South Africa under specific conditions.

*Senate amendment*

No provision.

*Conference substitute*

No provision.

BUS REMANUFACTURING AND OVERHAULING OF ROLLING STOCK

*House bill*

Section 314(a) amends the definition of construction in section 12(c) of the UMT Act to make clear that a bus remanufacturing project which extends the economic life of a bus eight years or more is eligible for capital assistance under the UMT Act.

Section 314(a) also amends the definition of construction in section 12(c) of the UMT Act to clarify that overhauls of transit rolling stock are eligible for capital assistance under the UMT Act, including the section 3 and section 9 programs, even though the overhauls do not extend the useful life of the rolling stock.

Section 314(b) expands the coverage of "associated capital maintenance items" under section 9 for rolling stock by reducing the minimum value of related equipment and materials from 1 percent to ½ percent of the current fair market value of the rolling stock for which the equipment and materials are to be used. The definition is also expanded to include a project for the reconstruction (by the grant recipient's employers or by contract) of any equipment and materials that would otherwise qualify as an "associated capital maintenance item" after construction.

Section 314(c) would mandate an 80 percent Federal match for any capital project carried out under section 9.

Section 314(d) brings the maintenance requirements of section 3 into line with the stronger mandatory maintenance requirements of section 9.

Section 314(e) provides technical and conforming amendments.

*Senate amendment*

Section 406, discussed above, has provisions similar to the House bill on bus remanufacturing and bus overhaul, as well as on the expansion of "associated capital maintenance items."

Section 414 would include within the definition of "construction", which is contained in Section 12(c) of the Urban Mass Transportation Act of 1944, (1) bus remanufacturing projects discretion. That is, recipients of section 9 funds may contribute amounts in excess of the normal non-Federal share. The Conferees direct the Secretary to issue criteria for urbanized areas to use so that poorer areas of an urbanized area do not lose projects because wealthier areas are willing to provide a higher local match to obtain funds. An urbanized area may establish uniform guidelines for excess match, according to the merit of the project, but the guidelines should not discriminate against areas. Subsection (e) is the same as subsection 314(d) of the House bill. Subsection (f) is the same subsection 314(e)(2) of the House bill.

## LIMITATION ON PRIVATE ENTERPRISE PARTICIPATION

*House bill*

Section 315 clarifies that the UMT Act is not to be interpreted in a manner to allow the Secretary to impose specific requirements on grant recipients and transit service providers respecting levels of competitive bidding or private enterprise participation they must achieve in the provision of mass transit services and functions. This section also clarifies that the UMT Act shall not be construed in a manner to infringe on the rights of recipients to determine the extent and amount of mass transit services and functions to be carried out by private enterprise. Local decision makers and not the Secretary shall decide who the service or function provider will be and the extent and amount of mass transit services and functions that will be carried out by the private sector. While grant applicants are expected to involve the private sector in the development of their programs and projects, the Committee believes such decisions are best made at the State and local level and should not be influenced or determined by specific Federal requirements.

The Committee intends that the private sector will retain the opportunity that continues in force under sections 3, 8, and 9 of the UMT Act to participate "to the maximum extent feasible."

*Senate amendment*

No provision.

*Conference substitute*

The Conferees believe the House provision is unnecessary given the actions the Urban Mass Transportation Administration has taken since this issue first arose. The Conferees continue to believe that UMTA does not have the authority to require specific levels of private enterprise participation as a condition of receiving grant assistance.

## BUS TESTING FACILITY

*House bill*

The Committee believes that when Federal funds are used in the procurement of a bus, the bus model should have first been tested to ensure that it will be able to withstand the rigors of transit service.

Only new model buses must be tested. A new model bus is meant to mean the first ten buses off the production line that are built for delivery to a U.S. transit authority and: (1) are of a new design that has not been used in transit service before, or (2) a modified bus, i.e., one which has been used in transit service in the U.S., but is now being produced with a distinctly different component or components.

The Committee believes that a bus testing facility shall be established by renovating a facility in Altoona, Pennsylvania which was constructed, in part with Federal funds, to train rail personnel.

The Secretary shall enter into a contract with a qualified person to operate and maintain the facility. The person operating the facility will collect fees to operate and maintain the facility with the Secretary approving the rates charged.

The Urban Mass Transportation Administration shall establish guidelines for the facility using the Urban Mass Transportation Administration report "UMTA-IT-06-0219-09-1-First Article Transit Bus Testing Plan" as their guideline.

*Senate amendment*

No provision.

*Conference substitute*

Substitute is same as the House provision. Such guidelines shall be promulgated through the formal Federal regulatory process. It is the intent of the Conferees that the affected transit industry groups and representatives participate in the development of the final guidelines and program to be employed in the required testing performed at the facility.

## AUDITS OF BUS PURCHASES

*House bill*

This section would amend section 12 to require an independent pre-award and post delivery audit for any grant for the purchase of transit rolling stock use to carry passengers in revenue service to assure compliance with Federal motor vehicle safety standards, Buy American requirements, and adherence to bid specifications requirements.

In providing for independent pre-award audit of a vehicle's compliance with safety requirements, Buy American and bid specifications, it is the Committee's intent that rolling stock produced for other transit agencies and records of transactions involving that rolling stock be sufficient for these audits.

*Senate amendment*

No provision.

*Conference substitute*

Substitute is the same as the House provision, except that the reference to the Administrator is changed to the Secretary to conform with other sections of the bill. It is the intent of the Conferees that any paperwork requirements imposed by this provision will not create a significant cost burden.

## PROTECTION OF PRIVATE CONTRACTING RIGHTS

*House bill*

Section 318 of the House bill is a clarifying amendment to section 13(c) of the UMT Act. It provides that the labor protection arrangements under section 13(c) may not restrict or limit the rights of the recipient of UMTA assistance to enter into a contract or other arrangements for the provision of mass transportation services by private entities.

*Senate amendment*

No provision.

*Conference substitute*

The Conference substitute makes no change in existing law. The Conferees intend to monitor closely the activities of the DOT/DOL task force reviewing section 13(c) issues.

## RURAL TRANSPORTATION EQUITY

*House bill*

No provision.

*Senate amendment*

Section 415 would prohibit a State administering a section 18 operating assistance program from limiting the level or extent of use of the Federal share for the payment of operating expenses except as provided in section 18.

*Conference substitute*

Substitute adopts modified Senate provision.

## FEDERAL SHARE FOR ELDERLY AND HANDICAPPED PROJECTS

*House bill*

The Committee continues to believe that recipients should be encouraged to provide service that is accessible to the elderly and the handicapped. This section provides for a 95 percent Federal share for those capital projects funded with Federal assistance under Sections 3, 9, or 18, which are not required by Federal law.

*Senate amendment*

No provision.

*Conference substitute*

Substitute adopts House provision.

## PROJECT MANAGEMENT OVERSIGHT

*House bill*

Section 321 authorizes up to one-half of one percent of the annual authorizations for section 3 discretionary programs, section 9 and section 18 formula funds, and funds appropriated to construct major public transportation projects substituted for Interstate segments pursuant to section 103(e)(4) of title 23, United States Code, to be made available to UMTA to contract directly with independent consultants to provide construction management oversight on project construction.

This section would allow the Secretary to use grant program funds to contract directly for construction management oversight on these major capital projects. Such contracts could be for individual projects or for groups of projects, as the Secretary deems appropriate. They would be funded out of a set-aside of funds made available under the Act, with a 100-percent Federal share. In addition to having a direct reporting relationship with the consultant performing construction management oversight as under the current arrangement, UMTA would have a direct contractual relationship with the consultant. This should allay fears that the construction management oversight process may be compromised by involving the recipient.

*Senate amendment*

Section 416 would create mechanisms which will improve the management of major capital projects and strengthen the Department of Transportation's ability to monitor those projects.

Subsection (a) would permit the Secretary of Transportation to use up to one-half of one percent of the funds made available for major capital projects in each fiscal year to contract for project management oversight services. The Secretary would pay 100 percent of the cost of carrying out such contracts. Each grant recipient would be required to give the Secretary and the management oversight contractor reasonable access to its construction sites and records.

Subsection (b) would require, as a condition of Federal financial assistance for major capital projects, that each grant recipient prepare and implement a project management plan.

Subsection (c) provides that, as required in each case by the Secretary, a project management plan shall specify (1) an adequate staff organization for the grant recipient, (2) a budget for the project management organization, (3) a construction schedule, (4) a document control and recordkeeping system, (5) a change order control procedure, (6) organizational and skill requirements for the construction phase, (7) a quality control system, (8) materials testing policies and procedure, (9) internal plan implementation and reporting requirements, (10) criteria and procedures for testing the operational system, (11) periodic updates of the plan, and (12) the grant recipient's commitment to submit to the Secretary monthly reports on the project budget and schedule.

Subsection (d) would require the Secretary to publish and submit for the review of the House Committee on Public Works and Transportation and the Senate Committee on Banking, Housing, and

Urban Affairs proposed regulations to carry out this Section within 60 days after the date of enactment. Such regulations would be promulgated in final form not later than 120 days after enactment of this Section. The regulations would, at a minimum, define the term "major capital project" and require oversight to begin during a project's preliminary engineering stage unless the Secretary finds it more appropriate to initiate oversight at another state.

Subsection (e) would require the Secretary to approve a project management plan within 60 days of its submittal unless the Secretary informs the recipient that a longer time is needed. If a plan is disapproved, the Secretary would be required to inform the grant recipient of the reasons for disapproval.

*Conference substitute*

Substitute adopts House language for authority to use funds for Project Management Oversight, except that it adds projects under the National Capital Transportation Act of 1969, as under the Senate bill. The substitute also adopts the House language regarding Federal share. The rest of the substitute is the same as subsections (a)(2) through (e) of the Senate provision.

CRIME PREVENTION AND SECURITY

*House bill*

No provision.

*Senate amendment*

Section 417 would authorize the Secretary of Transportation to make capital grants to public mass transit systems for equipment and facilities related to crime prevention and security. Such grants would be permitted where law enforcement responsibilities are vested in a local public body other than the grant recipient.

*Conference substitute*

Substitute is the same as the Senate provision.

ADDITIONAL AMOUNT FOR SUBSTITUTE TRANSIT PROJECT COST TO COMPLETE ESTIMATE

*House bill*

Section 107(c) would add \$100 million to the unfunded balance of the Interstate Transfer-transit Program as a one-time adjustment to the cost estimate for completing that program. This provision does not authorize additional appropriations for the program.

*Senate bill*

Section 418 would require the Secretary of Transportation to make a one-time adjustment in the cost-to-complete estimate for the Interstate Transfer-transit Program to offset inflation in the 1982 through 1990 period. Since 1982, the inflation adjustment for the program has been capped. The inflation adjustment would add \$100 million to the cost-to-complete estimate, which would be distributed pro-rata among all users of the program. The provision

would not change annual authorizations for the Interstate Transfer-transit Program.

*Conference substitute*

A modified version of the Senate provision is included under Title I of the surface transportation reauthorization.

BICYCLE FACILITIES

*House bill*

Section 322 provides for a 90 percent Federal share for those transit projects funded under Section 4, 9, or 18 of the UMT Act which are used to provide access for bicycles to mass transit facilities, provide shelters and parking facilities for bicycles in or around mass transit facilities, or to install racks or other equipment for transporting bicycles on mass transit vehicles.

*Senate amendment*

No provision.

*Conference substitute*

Substitute is the same as the House provision.

TRANSIT TECHNICAL AMENDMENTS

*House bill*

Section 323 would make several technical amendments to the Urban Mass Transportation Act and the Surface Transportation Assistance Act of 1982.

Section 323(a)(1) would correct a typographical error by substituting "approval" for "approach" in section 5(h)(1) of the UMT Act.

Section 323(a)(2) would correct another typographical error by substituting "section" for "action" in section 5(j)(1) of the UMT Act.

Section 323(a)(3) extends a provision applicable to section 5 funds to section 9 funds.

Section 323(a)(4) would correct section 9(l)(3) of the UMT Act by substituting "1984" for "1983", and thereby removing a requirement for the Secretary to consider a non-existent apportionment under section 9.

Section 323(a)(5) would redesignate a second section 16(c) in the UMT Act as section 16(d).

Section 323(a)(6) would remove an unnecessary "; and" in section 17(d) of the UMT Act.

Finally, section 323(b) would remove an unnecessary "(a)" in section 303 in the Surface Transportation Assistance Act of 1982.

*Senate amendment*

No provision.

*Conference substitute*

Substitute is the same as the House provision, except that paragraph (4) is deleted.

## LOS ANGELES METRO RAIL PROJECT

*House bill*

This section would direct the Secretary to enter into a multi-year contract with the Southern California Rapid Transit District for funding to completion the Minimum Operable Segment-1, and to complete the locally preferred Minimum Operable Segment-2 alternative of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project. The contract shall include at least \$110 million in fiscal year 1987 and at least \$190 million in each of fiscal years 1988, 1989, 1990 and 1991. It is the Committee's intent that this section, in and of itself, does not provide contract authority in excess of the amounts specified in section 320(b), and further, that effective for fiscal year 1988, the obligation of funds in any fiscal year is contingent upon their approval each year under section 303 of this Act.

*Senate amendment*

Section 419 would require the Secretary of Transportation, after publication in the Federal Register of an approved supplemental environmental impact statement, prepared in accordance with the National Environmental Policy Act, to enter into a contract to complete the first two segments of the San Fernando Valley to Downtown Los Angeles Metro Rail Project.

*Conference substitute*

Requires the Secretary of Transportation to begin preparation of a supplemental environmental impact statement necessary as a result of alignment changes within the Minimal Operable Segment-2 (MOS-2) portion of the Downtown Los Angeles to San Fernando Valley Metro Rail Project (Metro Rail). A procedure is instituted with the intent that the environmental process be completed within five months from the date of enactment, leading within 30 days to an amendment of the existing full funding contract for Metro Rail. The amended contract will establish a Federal share for MOS-1 of \$605.3 million, an increase of \$203.6 million above the existing contract, and establish a Federal share of MOS-2 of \$667 million.

The amended contract provides that the Federal share of the cost of Metro Rail be paid by the Secretary out of amounts provided for Section 3 that are available for the construction of new fixed guideway systems and extensions to fixed guideway systems in amounts not to exceed \$107.9 million in FY '87, \$300 million for fiscal years 1987 and 1988, \$490 million for fiscal years 1987, 1988, and 1989, \$680 million for the fiscal years 1987, 1988, 1989, and 1990, and \$870,000 for fiscal years 1987, 1988, 1989, 1990, and 1991. These amounts are cumulative over the years so that any shortfall in funds made available in a fiscal year may result in additional funds being made available, up to the cumulative amount specified, in subsequent years.

Upon enactment of the legislation, the Southern California Rapid Transit District (SCRTD), or its successor agency, may construct any portion of MOS-1, in accordance with Section 3(1) of the UMT Act, pertaining to advance construction. If the SCRTD elects to pro-

ceed in this manner, they are assured of being reimbursed an amount up to \$203 million plus interest, as provided for in Section 3(1) except that they need not apply to the Secretary, the Secretarial approval is not required.

The amended contract shall also provide that SCRTRD may elect to construct MOS-2 under the general terms of Section 3(1) except that they need not apply to the Secretary nor receive Secretarial approval before carrying out such construction.

If the SCRTRD proceeds under Section 3(1), which may be done without application to or approval of the Secretary, they shall be reimbursed with Section 3 funds, not later than September 30, 1992, a total of \$467.1 million plus interest, less amounts received in fiscal years 1988, 1989 and 1990. Not later than September 30, 1993, they shall be reimbursed a total of \$622.1 million plus interest, less amounts received in fiscal years 1988-1991, and not later than September 30, 1994, they shall be reimbursed a total of \$762.1 million plus interest, less amounts received in fiscal years 1988-1991.

If the Secretary does not publish a notice of completion of a supplemental environmental impact statement on or before September 30, 1988, each date in the preceding paragraph will be delayed one year. For each subsequent full year that the notice is delayed, each date will be delayed an additional year.

#### TRANSIT BRIDGE LANES PROJECT

##### *House bill*

This section would direct the Secretary to enter into a multi-year contract with the Mississippi River Bridge Authority of the Louisiana Department of Transportation and Development for funding to completion transit lanes on the Greater New Orleans Bridge No. 2. The contract shall include \$18,750,000 in fiscal year 1988. It is the Committee's intent that this section, in and of itself, does not provide contract authority in excess of the amounts specified in section 320(b), and further, that effective for fiscal year 1988, the obligation of funds is contingent upon their approval under Section 303 of this Act.

##### *Senate amendment*

No provision.

##### *Conference substitute*

No provision. The Conferees urge the Administrator of the Urban Mass Transportation Administration to provide funding to the Mississippi River Bridge Authority of the Louisiana Department of Transportation and Development in the amount of \$18.75 million in fiscal year 1988 to assist with completion of construction of the mass transit lanes on the Greater New Orleans Bridge Number 2. The Conferees note that UMTA has provided funds for transit lane construction on the Greater New Orleans Bridge Number 2 previously. Additional funds, however, have not been provided by UMTA for several years for transit lane construction on the bridge.

The Conferees call on the Administrator of UMTA to work with and cooperate with the Mississippi River Bridge Authority of the Louisiana Department of Transportation and Development in making the funds available to assist with completion of bridge transit lane construction.

The Conferees also urge that any funding provided for the Greater New Orleans Bridge Number 2 transit lane construction project not prejudice other applications for transit projects in Louisiana and the Greater New Orleans area which are pending or approved or which the Administrator of UMTA has committed to fund but has not yet released the funds.

INCREASED OPERATING ASSISTANCE DURING CONSTRUCTION OF  
INTERSTATE PROJECT

*House bill*

Section 326 allows the Fort Lauderdale and Miami, Florida, urbanized areas to exceed the amount of the Section 9 apportionments which they would otherwise be entitled to use for operating assistance by a total of \$4.4 million annually during those fiscal years in which onsite construction is being carried out on I-95 in Dade, Broward and Palm Beach Counties. This increased operating assistance may only be used to operate commuter rail service, the need for which will be enhanced during periods of construction on the Interstate segment.

*Senate amendment*

No provision.

*Conference substitute*

Substitute is the same as the House provision, except applicability of the provision is limited to fiscal years in which major construction is being carried out on I-95.

FEASIBILITY STUDY

*House bill*

This section authorizes the Secretary to make a grant to study the feasibility of constructing and operating an electric trolley bus line using technology being developed for the Santa Barbara transit system.

*Senate amendment*

No provision.

*Conference substitute*

Substitute is the same as the House provision.

FEASIBILITY STUDY—ABANDONED TROLLEY SERVICE

*House bill*

This section directs the Secretary to conduct a study, in cooperation with the City of Philadelphia, on the feasibility of restoring light rail trolley service to corridors on which that service had previously been provided but subsequently abandoned. The feasibility

study shall be completed within one year from the date of enactment.

*Senate bill*

No provision.

*Conference substitute*

Substitute is the same as the House provision.

COMPREHENSIVE TRANSIT PLAN

*House bill*

This section directs the Secretary, in cooperation with the Virgin Islands Department of Public Works, to analyze and study the mass transit needs of the Virgin Islands and develop a comprehensive mass transit plan which is to be transmitted to the Congress not later than one year after date of enactment of the Act.

*Senate bill*

No provision.

*Conference substitute*

Substitute is the same as the House provision.

BAY AREA RAPID TRANSIT STUDY

*House bill*

No provision.

*Senate amendment*

Section 420 would require the Secretary of Transportation, in cooperation with the San Francisco Bay Area Rapid Transit District, to study financing alternatives for the rail system extensions identified in the regional transportation plan. The study would have to be completed within one year of the date of enactment of this section.

*Conference substitute*

Substitute is the same as the Senate provision.

TRANSFER OF SECTION 9 FUNDS

*House bill*

No provision.

*Senate amendment*

Section 421 would permit the Governor of Nevada to transfer up to \$10 million of unused Section 9 and 9A apportionments to Santa Clara County, California after consultation with all urbanized areas in Nevada.

*Conference substitute*

Substitute adopts Senate provision. The Conferees believe that any funds received by the appropriate Nevada authorities as part of the transfer will be used for transportation purposes.

## BUS SERVICE DETERIORATION

*House bill*

No provision.

*Senate amendment*

Section 422 recognizes the loss of bus service between small communities and congressional intent to address the problem.

*Conference substitute*

Substitute is the same as the Senate provision.

## TACTILE MOBILITY AIDS

*House bill*

No provision.

*Senate bill*

Section 423 would direct the Secretary of Transportation to conduct a study of the feasibility of developing and implementing standards for the use of tactile mobility aids in mass transit projects. Use of such aids would facilitate the safe access to and use of federally funded transit facilities and equipment by visually impaired and legally blind persons.

*Conference substitute*

Substitute is the same as the Senate provision.

## RURAL TRANSIT ASSISTANCE PROGRAM

*House bill*

No provision.

*Senate amendment*

Section 424 would authorize the establishment of a Rural Transit Assistance Program. The provision is necessary to ensure that the Urban Mass Transportation Administration has the necessary enabling legislation to implement a broad and flexible program of assistance to rural transit systems as envisioned by the Appropriations Committee when it funded RTAP in fiscal year 1987. Section 424 would authorize continued funding for the program begun by the Appropriations Committee and would authorize UMTA to make grants and to enter into direct contracts with independent contractors and others for the purpose of implementing this program.

*Conference substitute*

Substitute is the same as the Senate provision, except that it changes the source of funding from section 4(i) of the Act to section 21 in fiscal year 1988 and thereafter. The substitute makes a related technical change under the heading "Removal of Limitation on the Source of Funding for Innovative Management Grants." This change conforms to the change in funding for the section 4(i) program.

BUS CARRIER CERTIFICATES FOR RECIPIENTS OF GOVERNMENTAL  
ASSISTANCE

*House bill*

Section 330 amends subsections 10922(c) (1) and (3) of Title 49, United States Code. The intent is to clarify entry policy for interstate motor carriers of passengers.

Subsection 330(a) amends subsection 10922(c)(1) by revising that subsection so as to clarify the entry tests to be used by the Interstate Commerce Commission (Commission) for interstate motor carriers of passengers. The tests are set forth in subparagraphs (A) through (D) of section 10922(c)(1).

Section 10922(c)(1)(A) establishes the entry test for regular route operations for persons (as defined in title 49), including private recipients of governmental assistance (as defined in subsection 10922(c)(1)(F)(ii)). The entry test is that the person or private recipients must be fit and that issuance of the certificate is consistent with the public interest.

Section 10922(c)(1)(B)(i) establishes the entry test for charter and special operations for private recipients of governmental assistance. The test is identical to the test in subsection (c)(1)(A).

Section 10922(c)(1)(B)(ii) establishes the entry test for charter and special operations for persons other than private recipients of governmental assistance. The test is fitness, only. The burden of proof for fitness is upon the applicant.

Section 10922(c)(1)(C) establishes the entry test for charter and special operations for public recipients of governmental assistance (as defined in section 10922(c)(1)(F)(i)). There are two entry tests. One is for interstate service within the area in which mass transportation services are provided. Here, the test is fitness only. The burden of proof for fitness is on the applicant. The second test is for interstate service beyond the area in which mass transportation services are provided. The second test is a two-prong test. First, the applicant must be fit, willing and able. And second there must not be any persons who are providing or who are willing and able to provide the service sought to be performed by the public recipient. The new test for public recipients of governmental assistance is meant to preclude them from acquiring interstate charter rights beyond the areas in which they provide mass transportation services. Under the new test, they will be able to secure charter authority only if no person or private recipient is providing the service or is willing and able to provide the proposed service. In almost every circumstance, this will preclude the public recipient from securing new interstate charter authority. This provision in no way alters any requirements imposed upon a public recipient by the Urban Mass Transportation Act or any regulations issued pursuant thereto.

Section 10922(c)(1)(D) establishes the entry test for public recipients of governmental assistance for regular route authority. The test is fitness and that issuance of the certificate is consistent with the public interest. The burden of proof for fitness is on the applicant. The burden of proof on the public interest test is on the person objecting to the issuance of the certificate.

Section 10922(c)(1)(E) defines a public recipient as a person. This is done to assure that where States and municipalities operate or seek to operate a bus service they are covered by the necessary provisions of Title 49. Although it is clear that most public boards and public corporations are subject to the pertinent provision of Title 49, there is some question as to whether States or subdivisions thereof are. This is meant to resolve the issue.

It should be noted here that subsection 12(f) of the Urban Mass Transportation Act provides a process whereby a State or subdivision thereof may be granted an exemption from regulation by the Interstate Commerce Commission for mass transportation services. The new entry provisions do not change the availability of that exemption.

Section 10922(c)(1)(F) denies private recipients and public recipients of governmental assistance.

Section 330(b) amends section 10922(c)(3) of title 49, United States Code. It does so in two ways. First, it adds a new subparagraph (E) to section 10922(c)(3). Subparagraph (E) requires the Commission to consider a new criterion in reaching a determination of public interest. This criterion is the amount and extent of governmental financial assistance that has been given or will be given to the applicant for the purchase or operation of buses. It is, of course, only relevant where a public interest determination is required to be made by the Commission, and its major use will be where an applicant is a private recipient of governmental assistance.

The new provision simply adds another factor to the public interest criteria which must be considered by the Commission in conjunction with other public interest criteria already mandated.

Subsection (b) also adds language that pertains solely to applications by public recipients of governmental financial assistance for interstate regular route service pursuant to new subparagraph (D) of section 10922(c)(1). This permits the Commission to consider the status of a protestant in this type of application proceeding. It is meant to afford such protestants extra consideration where a public recipient's proposed operation will competitively infringe upon the existing operations of a person or private recipient of governmental assistance. Here again, it is only one factor for consideration, and it, in and of itself, should not be determinative of the outcome of the application proceeding.

Subsection (c) is a conforming amendment.

*Senate amendment*

No provision.

*Conference substitute*

Substitute adopts House provision.

UTILIZATION REQUIREMENT FOR CERTIFICATES AUTHORIZING  
INTERSTATE BUS OPERATIONS

*House bill*

Section 331 amends section 10922(c)(2) of title 49, United States Code. This amendment requires that a condition be attached to all certificates that are issued by the Interstate Commerce Commis-

sion (Commission) which authorize intrastate regular route bus operations. The condition limits the authority of the bus carrier to provide intrastate service on only those routes over which the bus carrier is conducting interstate operations.

The Bus Regulatory Reform Act of 1982 conferred authority upon the Commission to issue intrastate operation rights for regular route service to interstate bus carriers, provided the service was to be provided on the bus carrier's authorized interstate regular routes. The purpose of conferring that authority upon the Commission was to eliminate State "closed door" policies and to prevent any reimposition of those policies. The "closed door" policy imposed costly restrictions upon the carriers and impaired service to bus patrons. Plainly, it was not in the public interest.

The power conferred upon the Commission is limited, that is, the Commission may not grant intrastate operating authority where there is no interstate nexus. Consequently, it can only be used to allow intrastate operations on an interstate route on which the carriers have or will have authority to provide interstate service. Moreover, the interstate service must be a substantial bona fide interstate service and it must involve actual service in more than one State.

Thus, it should now be clear to the Commission that its authority to grant intrastate operating rights is restricted to those situations where the bus carrier has or intends to provide substantial interstate service. Where a carrier has already acquired intrastate authority, it must be conducting actual interstate service on the route. Any carrier that does not provide interstate service on the route in question should not be able to retain the Commission-conferred intrastate authority, but it should be required to obtain the intrastate authority from the appropriate State.

The Commission in determining whether or not the new condition is met must find that there is in fact substantial interstate service on the route; however, the interstate and intrastate service need not be identical nor must they be provided in the same vehicle. Finally, there must be actual interstate service in more than one State.

The preemptive authority in the Bus Regulatory Reform Act was given to the Commission so as to eliminate existing wasteful restrictions imposed upon the carriers and the public. If a carrier desires to provide any interstate service on a route, it must seek that authority from the appropriate State. If a carrier is providing only intrastate service on a route, it must hold the requisite authority from the State in which the route in question is located.

Finally, the Committee with this amendment intends to clarify the intent of section 10922(c)(2) as enacted. The Commission does have the power to grant intrastate authority and it should continue to do so, but it should do so only where it is consistent with Congressional intent. Moreover, it should be noted that section 10922(c)(2)(F) of existing law provides that intrastate transportation authorized by issuance of a certificate by the Commission shall remain subject to the jurisdiction of the Commission; thus, any proceedings involving the clarifying condition imposed herein shall be subject to the jurisdiction of the Commission.

*Senate bill*

No provision.

*Conference substitute*

Substitute adopts House provision.

## BUY AMERICA

*House bill*

Section 130(b) of the House bill would increase the domestic content requirement for rolling stock purchased with Federal funds under the UMT Act from the current 50 percent to 85 percent. In addition, the project cost price differential exception would be increased from its current 10 percent to 25 percent.

*Senate amendment*

No provision.

*Conference substitute*

The substitute phases in an increase in the domestic content requirement for buses and rail rolling stock. It would rise from the current 50 percent to 55 percent for contracts entered into on or after October 1, 1989, and to 60 percent for contracts entered into on or after October 1, 1991. Any company that has met the existing Buy America requirement (or its successors in interest or assigns) would be exempted from the increases for all contracts entered into before April 1, 1992.

The substitute also adds the term "subcomponents" to the Buy America provision and increases the project cost price differential exception to 25%. Bids outstanding as of the date of enactment of the bill would be exempt from these changes.

By including the term subcomponents, the conferees intend that major components, systems, or assemblies of buses and rail rolling stock be counted towards meeting the Buy America domestic content standard if the components, systems, or assemblies themselves would meet the domestic content requirement. For the grandfathered companies, for example, this would mean that U.S. sourced subcomponents will be deemed to be 100% U.S. content for Buy American purposes if they are 50% or higher domestic content by value.

The conferees also intend that American subcomponents incorporated into foreign components should be counted towards meeting the domestic content requirement. For example, a domestic lighting system incorporated into a car shell abroad, which is then brought to the U.S. for final assembly, should be considered as domestic content for Buy American purposes.

Major components, systems, or assemblies of buses include, but are not limited to, items such as engines, transmissions, front axle assemblies, rear axle assemblies, drive shaft assemblies, front suspension assemblies, rear suspension assemblies, air compressor and pneumatic systems, generator/alternator and electrical systems, steering system assemblies, front and rear air brake assemblies, air conditioning compressor assemblies, air conditioning evaporator/condenser assemblies, heating systems, passenger seats, driver's

seat assemblies, window assemblies, entrance and exit door assemblies, door control systems, destination sign assemblies, interior lighting assemblies, front and rear end cap assemblies, front and rear bumper assemblies, specialty steel (structural steel tubing, etc.), aluminum extrusions, aluminum, steel or fiberglass exterior panels, and interior trim, flooring, and floor coverings.

Major components, systems, or assemblies of rail rolling stock include, but are not limited to, items such as car shells, main transformers, pantographs, traction motors, propulsion gear boxes, interior linings, acceleration and braking resistors, propulsion controls, low voltage auxiliary power supplies, air conditioning equipment, air brake compressors, brake controls, foundation brake equipment, articulation assemblies, train control systems, window assemblies, communication equipment, lighting, seating, doors, door actuators and controls, couplers and draft gear, trucks, journal bearings, axles, diagnostic equipment, and third rail pick-up equipment.

In the case of both rail cars and buses, the conferees intend to cover only subcomponents that are one step removed from the major components, systems, or assemblies, such as those listed above, and which are clearly recognized as primary subcomponents in the industry.

In developing the concept of including subcomponents in Buy America requirements, the conferees found that the terms subcomponents, systems, and subsystems are used interchangeably throughout the industry.

#### TITLE IV—UNIFORM RELOCATION ACT AMENDMENTS OF 1987

##### SHORT TITLE

###### *House bill*

Provides this title may be cited as the “Uniform Relocation Act Amendments of 1987.”

###### *Senate amendment*

Provides that this Act may be cited as the “Uniform Relocation Act Amendments of 1987.”

###### *Conference substitute*

House provision.

##### DEFINITIONS

###### *402(a)*

###### *House bill*

Eliminates references in the definition of a Federal agency to the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency. These entities are included in the new definition of “State Agency”, as having power of eminent domain. The definition is also amended to include any person with the Federal power of eminent domain.

*Senate amendment*

Eliminates reference to the Act to the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency. These entities are included in the new definition of "State Agency", as having power of eminent domain.

*Conference substitute*

Same as House provision.

402(b)

*House bill*

Adds to the definition of "State Agency" any entity that has State power of eminent domain. This brings under the Act the displacing activities of private development corporations and public utilities where displacement occurs as a result of a Federally-funded program or project.

*Senate amendment*

Substitutes a new definition of "State Agency" as any entity that has State power of eminent domain.

*Conference substitute*

Same as House provision.

402(c)

*House bill*

Limits the applicability of the Act by defining the term "Federal financial assistance" to exclude programs involving a mortgage interest subsidy to a person which is used to purchase a private residence.

*Senate amendment*

Limits the applicability of the Act by defining the term "Federal financial assistance" to exclude programs involving a mortgage interest subsidy to a person.

*Conference substitute*

Same as House provision. It is the intent of the Conferees, for example, that the term "Federal financial assistance" would not include a subsidy provided through a secondary market purchase of mortgages, such as GNMA "Tandem" program, where the effect of the subsidy is to provide a below-market mortgage interest rate to an individual for the purchase of a private residence.

402(d)

*House bill*

Amends the definition of a "displaced person" to include certain persons, businesses and farm operations displaced by activities other than acquisition—namely rehabilitation, demolition and other displacing activities prescribed by the Lead Agency, which would entitle such persons to major benefits under the Act.

*Senate amendment*

Similar to the House bill, except that persons displaced by demolition of rehabilitation activities other than acquisition would be entitled only to moving expenses and advisory services. Persons displaced by other non-acquisition activities determined by the displacing agency would be entitled to moving expenses and such other benefits under the Act the displacing agency prescribes. The definition also covers the displacement of utility facilities, such as transmission lines, from public property.

*Conference substitute*

Same as House bill with a technical change to retain existing coverage inadvertently omitted by both bills.

The Conferees intend that the lead agency regulation define permanent displacement as a direct result of an activity subject to the Act. In certain cases where a property owner voluntarily agrees to sell his or her property and moves from the property in connection with the sale, the move should not be considered to be permanent displacement as a direct result of the project and that person should not be eligible for relocation assistance under the Act. For example, such cases may include a person selling property to an entity that does not have the authority to acquire that property under the power of eminent domain. Another example is the sale of property to a Federal or State agency in response to a public invitation or solicitation for offers by an agency which makes it clear that it will not purchase the property unless a mutually satisfactory agreement between the two parties can be reached. Of course, the permanent displacement of a bonafide tenant in connection with any of the aforementioned activities is subject to the Act.

## COMPARABLE REPLACEMENT DWELLING

## 402(e)

*House bill*

“Comparable replacement dwelling” means any dwelling that is decent, safe and sanitary; adequate in size to accommodate the occupants; functionally equivalent and substantially the same as the acquired dwelling with respect to the number of rooms and living space; within the financial means of the displaced person; in an area not subject to unreasonable adverse conditions; and in a location generally not less desirable than the displaced person’s dwelling with respect to public utilities, facilities, services and the displaced person’s place of employment.

*Senate amendment*

Same as the House provision, except the Senate amendment would require that the replacement dwelling be functionally similar to the acquired dwelling and adequate in size to accommodate the occupants (rather than functionally equivalent and substantially the same as the acquired dwelling with respect to number of rooms and living space).

*Conference substitute*

Same as the House bill, except for the rigid requirement that every replacement dwelling must contain the same number of rooms and living space.

The Conferees intend that the term "functionally equivalent" as applied to a comparable replacement dwelling mean a replacement living unit which, when compared with the acquired dwelling, performs the same function, provides the same utility, possesses like amenities and is capable of contributing to a comparable style of living. This entitlement requires that the principal features of the acquired dwelling be present in the replacement dwelling, if the displaced person so chooses. For example, if the acquired dwelling includes two "extra" bedrooms, which are used as a guest room and study, the comparable replacement dwelling must also contain rooms to serve a similar purpose at the displaced person's election.

At the same time, the Conferees recognize that strict and absolute adherence to an exhaustive, detailed, feature-by-feature comparison can result in rigidities. These can constitute a substantial administrative burden and can lead to excessive cost if the law requires—or is interpreted as requiring—the replacement dwelling to possess every feature of the acquired dwelling as an absolute minimum. It is quite possible that the only available replacement unit having those features would have others in addition which would represent a bonus in terms of extra amenities not present in the acquired dwelling.

The Conferees intend therefore that determinations of functional equivalency, which inevitably must be made on a case-by-case basis, be calculated with sufficient flexibility to permit trade-offs in comparison of features so that the consequences of the more mechanistic approach followed under existing law may be avoided. For example, if the acquired dwelling was built in an era when pantries were standard features and a similar dwelling is not available in a given market today, a replacement dwelling with ample kitchen cupboards should be acceptable. Insulated and heat space in a large garage might well prove an adequate substitute for basement workshop space. A dining area can often substitute for a separate dining room. Under some circumstances, attic space could substitute for basement space for storage purposes, and vice versa. The displacing agency should have reasonable discretion to take into account these and similar trade-offs between features in determining overall comparability between acquired and replacement dwellings.

This does not mean, however, that the agencies should attempt to interject subjective judgments based on the current use of all principal features of the acquired dwelling. Functional equivalency is a more objective standard, reflecting the range of purposes for which the various features of a dwelling may physically be used.

In addition to the aforementioned, the Conferees can conceive of only a limited number of circumstances in which the replacement dwelling would provide fewer rooms and less living space than the acquired dwelling. Such could arise in cases involving the requirement, in both existing law and in this legislation, that the replacement dwelling be "decent, safe and sanitary." This requires that a

person moved from substandard housing be more than made whole as a result of the displacement and in fact be relocated into better housing than the acquired dwelling. Functional equivalency does not mean that a person displaced from a run-down dwelling with a large number of large rooms but failing to meet the test of decent, safe and sanitary, would necessarily receive the same number of rooms and amount of space in a replacement dwelling meeting that test. Such might result in excessive cost. At the same time, the Conferees would point out that the statute also preserves the requirement that decent, safe and sanitary dwellings be "adequate to accommodate" the displaced persons.

#### DISPLACING AGENCY

402(e)

##### *House bill*

"Displacing agency" includes Federal and state agencies with the power of eminent domain. The definition also covers projects advanced by private parties without the power of eminent domain if the project is undertaken pursuant to a Federal or Federally-assisted program or project and results in a person's permanent displacement.

##### *Senate amendment*

Same effect as House provision with stylistic differences.

##### *Conference substitute*

Same as House provision.

#### LEAD AGENCY

402(e)

##### *House bill*

The Department of Transportation is the agency designated to promulgate uniform rules implementing the Act that every Federal agency must follow.

##### *Senate amendment*

The lead agency would be designated by the President.

##### *Conference substitute*

Same as the House provision.

#### APPRAISAL

402(e)

##### *House bill*

"Appraisal" is defined to mean a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of value of an adequately described property as to a certain date, supported by relevant market information.

*Senate amendment*

Same as House bill.

*Conference substitute*

Same as House bill and Senate amendment.

## BUSINESS

101(?)*(D)**House bill*

Corrects a technical oversight to insure that all displaced businesses, to include outdoor advertising displays, may receive the additional moving or relocation benefits authorized by this bill under section 202 of the Act.

*Senate amendment*

No comparable provision.

*Conference substitute*

House bill.

## CERTIFICATION

*House bill*

Allows heads of Federal agencies to discharge their responsibilities under the Act by accepting a certification from a state agency that it will perform such responsibilities in accordance with State laws, regulations, directives and standards which will accomplish the purpose and effect of the Act and regulations issued thereunder. Prior to accepting a certification, the Federal agency must provide interested parties with an opportunity for public review and comment and consult with interested local governments. Further, the head of the lead agency, in coordination with the other Federal agencies whose programs are subject to the Act, is required to monitor and review the enforcement and compliance of any state agency certification accepted under this section and to report to Congress thereon on a biennial basis.

Paragraph (4) authorizes the Federal agency to withdraw its approval of the state certification, in whole or in part, if the state agency fails to comply with its certification or state law.

*Senate amendment*

Similar to the House provision, except the Senate amendment contains (1) two certification provisions—one for relocation requirements, another for property acquisition requirements; (2) a provision to require certification of state laws only that will achieve the policies and objectives of the Act and the purpose and effect of certain provisions; and (3) a provision limiting Federal sanctions to total withdrawal of a certificate for a state's failure to comply with its certification or state law.

*Conference substitute*

Reflects a compromise between the House and Senate provisions. Adopts the technical approach of the House with respect to including one certification provision applying to the entire Act, instead of the Senate's approach of having separate provision covering the first two titles and title III. Requires that state laws achieve the purpose and effect of the Act, particularly with respect to the definition of a displaced person, the categories of assistance required, and the levels of assistance provided to such persons in such categories. Adopts the House provision permitting the head of a Federal agency to withdraw a certification in whole or in part for a state's failure to comply with its certification or state law.

## FINDINGS AND POLICY

*House bill*

Provisions of existing law which establish the Act's policy to provide for fair and equitable treatment for persons displaced as a result of Federal or Federally-assisted programs or projects so that they don't suffer disproportionate injuries or hardship is retained essentially unchanged. The bill adds a subsection of congressional findings declaring that displacement can be caused by a number of activities, including rehabilitation, demolition, code enforcement as well as acquisition; that relocation policies must assure fair, uniform and equitable treatment by Federal, state and local agencies of all affected persons and assure equal treatment of persons in essentially similar circumstances; and that minimizing the adverse impact displacements have on businesses is essential to maintaining the social and economic wellbeing of communities. The bill includes additional policy statements promoting minimization of waste, fraud and mismanagement and a reduction in unnecessary administrative costs borne by states and state agencies. Also, the bill intends that activities under the Act to improve the conditions of the poor be coordinated with existing housing programs.

*Senate amendment*

Similar to the House bill.

*Conference substitute*

Same as the House bill with the addition of a new provision specifically requiring that the Act be administered in a manner consistent with fair housing requirements and applicable civil rights laws. The Conferees want to stress, however, that this provision should not be interpreted as a requirement that an agency provide a person a larger payment than is necessary to enable relocation to a comparable replacement dwelling.

## MOVING AND RELATED EXPENSES

*House bill*

The House bill makes four changes in section 202. First, the bill adds a new provision to provide additional compensation for reasonable expenses, up to \$10,000, necessary to reestablish a farm operation, non-profit organization or small business at its new site.

Second, the bill eliminates the specific fixed moving costs schedule for tenants and homeowners (up to \$300 moving cost, \$200 dislocation allowance to cover incidental moving expenses) which could be chosen in lieu of actual documented moving expenses, and substitutes an unspecified moving expense and dislocation allowance to be determined according to a schedule established by the lead agency.

Third, the bill raises the \$10,000 ceiling in existing law on the amount a displaced business, non-profit organization or farm operation may receive in lieu of itemized expenses for moving and other expenses (property loss and searching expenses) to \$20,000, and the minimum amount is lowered from \$2,500 to \$1,000.

Finally, the bill deletes the requirement that the amount paid in lieu of itemized expenses under this section must be equal to the average annual net earning of a business or farm operation in favor of criteria to be established in lead agency regulations subject to the same limits. Also eliminated is the prohibition against payment if relocation can occur without loss of patronage or if they are part of an enterprise having at least one other business establishment not being acquired.

#### *Senate amendment*

Same as the House bill, except farm operations are excluded from the new \$10,000 relocation benefit under subsection (a), and persons whose sole business is renting displacement property to others would not qualify for a payment under subsection (c). In addition, the Senate amendment authorizes the head of a displacing agency, under certain conditions, to provide a payment to a utility whose transmission lines are displaced from property under the ownership or control of a public agency.

#### *Conference substitute*

The Conference substitute adopts the House bill and the Senate amendment with respect to identical provisions, the House provision that includes farm operations under the new \$10,000 relocation benefit, a modified Senate provision denying eligibility to a person whose sole business at the displacement dwelling is the rental of the property to others, and a modified Senate provision authorizing payments to utilities displaced from public property.

Section 202(d) resolves House concerns with the utility relocation language of S. 387, which it was feared would produce non-uniform and potentially excessive relocation payments. S. 387 would have permitted state law or contracts to determine the amount of such substitute payments in the majority of cases. In contrast, the Conference language gives discretion to the agency head, acting under uniform regulations. The managers expressly intend that the adopted language not be construed to supersede 23 U.S.C. 123 or any other Federal law.

The managers recognize that the Federal Highway Administration's long term experience under 23 U.S.C. 123 has resulted in the development of utility reimbursement practices and procedures which are considered to result in reasonable and fair payment for utility relocation costs. It is envisioned that these sound business practices will be utilized by the lead agency in developing regula-

tions under this section and will be used as a guide in establishing eligible costs, credits, payment standards, and liabilities of the parties under this section.

The managers intend the term "extraordinary relocation costs" to distinguish financial responsibility for the non-routine displacements caused by Federally-assisted programs or projects from the traditional obligation of the utility to pay the reasonably predictable local expenses of its occupancy of rights-of-way. The disruptions produced by the typical Federally-assisted program are massive and unexpected when compared with utility relocations to accommodate re-routing or widening of streets or other such recurring local events.

The result is that utilities would continue to pay those ordinary relocation costs within their reasonable contemplation as occupants of local rights-of-way while being reimbursed, at the discretion of the displacing agency, for extraordinary expenses incurred in making way for Federally-assisted programs. The managers believe, however, that relocation costs for such programs should not be deemed extraordinary if reimbursement of them is expressly forbidden by State statute or if the parties explicitly and knowingly have agreed by contract that the utility will bear those costs itself. Of course, a state's costs would not come under consideration unless incurred in accordance with state law.

Under section 202(d)(1)(B), a precondition to eligibility for reimbursement is that the utility have a "franchise or similar agreement" covering its use of the public property, easement or right-of-way from which it is being displaced. The managers do not intend to exclude utilities operating in states, such as California, that provide by statute what amounts to a master franchise for certain types of utilities.

Where a utility facility as described by this section is located on other than public right-of-way and qualifies as a "displaced person," it is envisioned that the utility relocation payment procedures established by the lead agency would be similar to those established under this section.

#### REPLACEMENT HOUSING FOR HOMEOWNERS

##### *House bill*

Raises the ceiling on relocation payments for comparable replacement housing from \$15,000 to \$22,500 and changes the formula to be used to compute the mortgage interest differential payment. The provision would also require that the displaced person purchase and occupy a new dwelling within one year after final payment for the acquired dwelling or the date on which he was provided referrals to replacement housing, whichever is later.

##### *Senate amendment*

Same as the House bill, except the displaced person would be entitled to a payment for a "suitable replacement dwelling."

##### *Conference substitute*

House bill with a technical correction.

## REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

*House bill*

Increases the current \$4,000 payment ceiling to \$6,000 for comparable rental units and maintains the period of rental subsidy at four years. In addition, the bill explicitly requires that a payment to a low-income displaced person take into account that person's income. Further, the displacing agency may make a rental subsidy available in monthly installment payments. Finally, the bill eliminates the requirements to match any amount of rental subsidy over \$2,000 applied to a downpayment on a replacement dwelling and restricts the amount of the payment to what an owner occupant could have received if he had qualified as a displaced homeowner under section 203.

*Senate amendment*

Same as the House bill, except it increases the current \$4,000 payment ceiling to \$4,500 for displaced persons whose incomes are above 50 percent of the median income for the area, eliminates the ceiling for displaced persons whose incomes fall below this standard, but reduce the period of rental subsidy from four years to three years. (Also, see Senate amendment under "PAYMENTS UNDER OTHER LAWS".)

*Conference substitute*

With respect to identical provisions, adopts the House bill and the Senate amendment with a technical change. The substitute compromise increases the payment ceiling from \$4,000 to \$5,250 but reduces the period of rental subsidy from 4 to 3½ years.

## RELOCATION PLANNING, ASSISTANCE COORDINATION AND ADVISORY SERVICES

*House bill*

Requires the displacing agency to prepare a relocation analysis at an early stage in the planning of a program or project in order to recognize and resolve problems associated with displacement. The relocation plan should be designed to minimize the adverse impacts on displaced persons as well as to expedite program or project advancement and completion.

Existing law is amended to include farm operations among the businesses for which information on alternative locations must be provided; to require that an agency provide a displaced person with a reasonable opportunity to relocate to a comparable replacement dwelling except in the case of a disaster or emergency; and to provide technical assistance to persons applying for assistance under other Federal or state programs.

Subsection (e) would require that when two or more Federal agencies are providing assistance to a geographically or functionally related activity, the agencies agree on a cognizant agency whose procedures will apply to such activities. If the agencies cannot agree, then the lead agency shall designate a cognizant agency.

Subsection (f) authorizes advisory services for re-renters excluded from the definition of a "displaced person" under section 101(6).

*Senate amendment*

Contains provisions similar or identical to the House bill, except it contains no provision comparable to the House relocation planning provision or the provision authorizing advisory services for renters excluded from the definition of a "displaced person." The Senate amendment also contains provisions requiring the Secretary of Housing and Urban Development to assign high priority for assistance to displaced persons who receive public housing assistance instead of a cash payment under the Act.

*Conference substitute*

Same as the House bill and the Senate amendment with respect to identical provisions; same as the House bill with respect to other provisions, except for a modified relocation planning provision which requires that programs or projects be planned in a manner that recognizes relocation problems at an early stage in the planning of those programs or projects and provides for their resolution so that adverse impacts on displaced persons are minimized and the programs or projects are expedited.

## LAST RESORT HOUSING

*House bill*

The bill amends 206(a) to require that the lead agency shall promulgate a regulation to the effect that this section may not be used to exceed the new payment ceilings under sections 203 and 204, except on a case-by-case basis, for good cause.

The bill retains essentially unchanged the assurance that a person shall not be required to move from his dwelling unless comparable replacement housing is available to that person.

*Senate amendment*

Similar to the House bill, except that it does not retain assurances in existing law that a person should not be required to move from his dwelling unless comparable replacement housing is available. In addition, the Senate amendment would allow a displacing agency to satisfy the requirement to provide replacement housing under this section by making available other assistance such as a Section 8 housing certificate.

*Conference substitute*

Same as the House bill.

## ASSURANCES

*House bill*

Section 210 of existing law, which prohibits Federal payments for a project unless the recipient provides adequate assurances of compliance with the Act, is amended to conform to the use of the newly defined term "displacing agency."

*Senate amendment*

Repeals section 210 and substitutes certification language (see CERTIFICATION).

*Conference substitute*

Same as the House bill.

## FEDERAL SHARE OF COSTS

*House bill*

Section 211(a) is amended to delete outdated language establishing coverage under the Act for projects undertaken before July 1972. "State Agency" is amended to read "displacing agency" to conform with the amendment made under 101(11).

Section 211(b) is an amendment to expand the present prohibition on duplication of compensation occurring when a displaced person receives payments under state law which serve essentially the same purpose as those provided under the Act.

*Senate amendment*

Same effect as the House provision with stylistic differences.

*Conference substitute*

House provision with one technical change and one substantive change.

The Conferees extended the coverage of the duplication provision to Federal payments since payments under other Federal programs also may duplicate payments under the Uniform Act. For example, under the Department of Health and Human Services' block grant for low-income energy assistance, a payment could be made for increased utility costs at a replacement dwelling. Those same increased utility costs, under certain circumstances, could be compensated as a part of a replacement housing payment under the Uniform Act. If both payments were made without adjustment the government would pay twice for the same increase in utility costs. This would provide the displaced person with a windfall not intended by the Conference agreement.

The Federal Emergency Management Agency's Flood Insurance program provides another example. If flood damage and displacement occurred at a site, duplicate Federal payments might result as follows: A major flood severely damages numerous homes in a small community. It is determined that rebuilding many of these homes is impractical and uneconomic and that acquisition of the homes and permanent relocation of their residents is necessary. For a variety of reasons, including the fact that many affected homeowners have no flood insurance, FEMA has adopted a policy for this project of valuating the flood damaged homes at their pre-flood fair market value.

A typical house with a pre-flood value of \$50,000 suffers \$25,000 in damage. However, this homeowner has FEMA flood insurance. He applies to FEMA and collects \$25,000 as a flood insurance payment. FEMA then acquires his house for \$50,000 and relocates him. He has now received \$75,000 plus moving and relocation benefits from the government for a house where fair market value before the flood was \$50,000, a \$25,000 overpayment. In such a situation, the Conferees believe the \$50,000 acquisition payment duplicates the flood insurance payment in the amount of \$25,000 and that only \$25,000 should be paid under the Uniform Act for acquisition.

## DUTIES OF LEAD AGENCY

*House bill*

Requires the lead agency to: (1) issue uniform, government-wide regulations for use by all Federal agencies in administering the Act; (2) coordinate, with the assistance of other Federal agencies, relocation activities under Title II of the Act with Federal and Federally-assisted housing programs; (3) monitor, in coordination with other Federal agencies, the implementation and enforcement of the Act, and report to Congress on any major issues or problems associated with the Act; and (4) perform other duties that pertain to the purposes of the Act.

The bill retains with some modification a feature of existing law authorizing an appeals procedure for a person aggrieved by a determination as to his eligibility, the amount of a payment, or other factors under this Act.

*Senate amendment*

Similar to the House bill, except for the following: (1) the President would designate the lead agency; (2) the Tennessee Valley Authority would not have to follow lead agency rules promulgated to carry out property acquisition requirements of Title III of the Act; and (3) the amendment repeals provisions of existing law authorizing the promulgation of regulations to assure (i) fair, reasonable and uniform payments and assistance, (ii) prompt payments, and, in hardship cases, advance payments, and (iii) the establishment of an appeals procedure for persons aggrieved by a determination under the Act.

*Conference substitute*

House provision with a technical change and the Senate provision on the Tennessee Valley Authority.

## PAYMENTS UNDER OTHER LAWS

*House bill*

Provides that a relocation payment received under this Act shall count in determining a person's eligibility under any Federal law providing low-income housing assistance.

*Senate amendment*

Any person eligible for a relocation payment under section 204 may elect to receive in lieu thereof low-income housing assistance if such person is otherwise eligible for such assistance. Failure to accept low-income housing assistance would be considered when evaluating the person's eligibility for low-income housing assistance during the three years following acceptance of a relocation payment.

*Conference substitute*

House provision.

## TRANSFER OF SURPLUS PROPERTY

*House bill*

Provides that the amount to be paid to GSA by a state after it disposes of surplus property transferred to the state by the Federal Government for the purpose of providing replacement housing required by this Title will reflect only the net amounts received for such property, rather than all amounts as is currently the case.

*Senate amendment*

Same as House bill.

*Conference substitute*

Same as House bill and Senate amendment.

## REPEALS

*House bill*

Sections 214, 217, and 219 of the Act are repealed.

*Senate amendment*

Sections 214, 215, 217, and 219 of the Act are repealed.

*Conference substitute*

House provision is adopted. Retains authority for a Federal agency to make loans to non-profit organizations for planning relocation assistance activities.

## REAL PROPERTY ACQUISITION

*House bill*

Incorporates a new provision under section 301(2) requiring the head of the lead agency to promulgate procedures under which acquiring agencies may forego an appraisal for acquisition or the donation of low-value property.

Further amends section 301 to define an uneconomic remnant of property as one with little or no value or utility to the owner which is left after the partial acquisition of his property for a Federal or Federally-assisted project. The bill maintains the requirement that the head of the agency offer to acquire such an uneconomic remnant so that the owner or occupant would be eligible for the full benefits under the Act.

Adds a new paragraph (10) to section 301, to allow donations under the Act.

*Senate amendment*

Similar to the House provision.

*Conference substitute*

House provision.

## ASSURANCES

*House bill*

Makes a conforming amendment to section 305 substituting the terms “acquiring agency” for the term “State Agency”. An “acquiring agency” is defined as an agency with state eminent domain authority and a state agency or person who does not have such authority to the extent provided by the lead agency by regulation.

*Senate amendment*

Repeals section 305 and substitutes certification language.

*Conference substitute*

House provision.

## EFFECTIVE DATE

*House bill*

Section 209 of the Act regarding the duties of the lead agency takes effect on the date of enactment of this Act, and the remainder of the Act takes effect 24 months from the date of enactment.

*Senate amendment*

Similar to the House bill, except the certification provision may take effect sooner than 24 months from the date of enactment when a state makes provision under state law.

*Conference substitute*

Similar to the House bill and Senate amendment, except that all provisions (other than section 209) take effect as provided in the lead agency regulations, but no later than two years after the date of enactment of this Act.

## TITLE V—HIGHWAY REVENUE PROVISIONS

## A. HIGHWAY EXCISE TAXES

1. *Extension of taxes**Present law*

Excise taxes are imposed on gasoline and special motor fuels (9 cents per gallon), diesel fuel (15 cents per gallon), trucks and truck trailers (12 percent of retail price), heavy tires (graduated rates for highway tires over 40 pounds), and heavy vehicles (graduated rates for highway vehicles over 55,000 pounds gross vehicle weight, “GVW”). These highway excise taxes are scheduled to expire after September 30, 1988.

(Revenues from these highway excise taxes are transferred to the Highway Trust Fund, as indicated in B., below.)

*House bill*

The House bill extends the current highway excise taxes for five years, through September 30, 1993.

*Senate amendment*

The Senate amendment extends the current highway excise taxes for four years, through September 30, 1992.

*Conference agreement*

The conference agreement follows the House bill

*2. Extension of exemptions*

## a. General

*Present law*

Exemptions are provided from the highway excise taxes for articles used by State and local governments and by tax-exempt educational organizations, and for exported articles. Also, exemptions are provided from the fuels taxes for fuels used on a farm for farming purposes, for off-highway business use (other than boating and non-commercial aviation use, which are subject to special trust fund taxes), and for fuels used in certain intercity buses. These exemptions are scheduled to expire after September 30, 1988 (when the taxes expire).

There is also a partial exemption (4 cents per gallon) for fuels used by qualified taxicabs, which expires after September 30, 1988.

*House bill*

The House bill extends the general exemptions from the highway excise taxes for five years, through September 30, 1993. The partial exemption for taxicab fuels is not extended.

*Senate amendment*

The Senate amendment extends the general exemptions from the highway excise taxes for four years, through September 30, 1992. The partial exemption for taxicab fuels is not extended.

*Conference agreement*

The conference agreement follows the House bill.

## b. Fuels containing alcohol

*Present law*

Motor fuels containing at least 10 percent alcohol ("gasohol") receive a 6-cents-per-gallon exemption from the 9-cents-per-gallon taxes on gasoline and special motor fuels and from the 15-cents-per-gallon tax on diesel fuel. These exemptions are scheduled to expire after December 31, 1992.

*House bill*

The House bill extends the gasohol exemptions through September 30, 1993.

*Senate amendment*

The Senate amendment retains the present-law fuels tax exemptions for gasohol fuels through December 31, 1992.

*Conference agreement*

The conference agreement follows the House bill.

### 3. Application of retail truck excise tax to leased trucks and trailers

*Present law*

The 12-percent retail excise tax applies to trucks with gross vehicle weight (GVW) over 33,000 pounds and to truck trailers over 26,000 pounds. GVW generally is the maximum loaded weight at which the taxable vehicle is capable of operating.

The excise tax on trucks and trailers was changed from a manufacturers tax to a retail tax (12 percent) on April 1, 1983. In April 1983, Treasury adopted temporary regulations providing, in the case of certain long-term leases, that the tax was to be imposed at the time the initial lease was entered into (i.e., the lease was to be treated as the first retail sale).

In September 1985, Treasury amended its regulations to provide that, in the case of leased vehicles, the tax would be imposed on the earlier sale by the manufacturer to the lessor (Treas. Reg. sec. 145.4052-1(a)(1)).

*House bill*

Heavy vehicles sold to lessors to be leased for a period of one year or more generally are treated as though sold to retail dealers, with tax being imposed when the initial lease is entered into. In the case of long-term leases, the tax is determined under a special presumptive retail sales price rule provided in the House bill.

If tax is imposed on the sale to the lessor, and the vehicle is later leased (pursuant to a long-term lease) or sold within one year of the sale to the lessor, a "backup" tax is imposed at the regular 12-percent rate.

The provision is effective on the date of enactment.

*Senate amendment*

No provision.

*Conference agreement*

The conference agreement follows the House bill with several modifications and clarifications.

#### *Extension of presumptive retail sales price rule to all sales on which manufacturers collect tax*

The conference agreement extends the special presumptive retail sales price rule provided under the House bill for sales to long-term lessors to all sales on which manufacturers or importers collect the truck and trailer retail excise tax. Thus, unless the purchaser of the taxable vehicle certifies (in a manner prescribed by the Secretary) that the purchased vehicle is to be resold or leased pursuant to a long-term lease, manufacturers and importers will be required to collect tax determined by applying the 12-percent rate to a presumptive retail sales price, rather than to their actual price. Similarly, the special presumptive retail sales price rule will apply to

all vehicles leased directly by truck and trailer manufacturers or importers.

As part of this extension, the special back up tax contained in the House bill is deleted since there is no potential for payment of tax on a lower tax base through leases or direct transactions with manufacturers or importers of taxable vehicles.

*Clarifications of presumptive retail sales price rule*

The House bill provides that Treasury is to establish a presumptive mark-up which is then to be applied to the taxable price of a vehicle. This presumptive mark-up is to reflect the mark-up for articles "of the type involved." The conferees recognize that different articles customarily may involve different profit margins. For example, a fuel tanker trailer may produce a higher profit margin than a box-trailer for handling other types of freight. The conferees intend that, in establishing presumptive mark-ups, Treasury examine the appropriateness of establishing different rates to reflect actual profit margins for different categories of taxable vehicles rather than, e.g., establishing a single presumptive mark-up for all taxable trailers.

As provided in the House bill, the presumptive retail sales price rule is not to apply in situations identified in Treasury Department regulations where such a presumptive price is unnecessary to carry out the purpose of imposing tax based upon a retail, as opposed to wholesale or otherwise discounted, price. The conferees understand that certain sales of taxable vehicles are accomplished through the use of finance leases which reflect true retail sales prices. For example, a retail dealer may sell a taxable vehicle to a financing company who then leases the vehicle to the dealer, with the dealer entering into another lease with the ultimate user of the vehicle. The conferees do not intend that the Treasury Department apply the new presumptive retail sales price rule to such transactions if the lessor/seller establishes that the price to the ultimate user of the vehicle represents an arm's-length retail sales price.

The conferees further are aware that the retail excise tax on trucks and trailers does not apply to the cost of tires (not including a rim or base) sold as part of a taxable vehicle. A separate excise tax is imposed on tires for heavy vehicles. The conference agreement, by adopting the definition of price contained in the present excise tax rules, continues the exclusion from the tax base of costs attributable to tires subject to that separate tax.

*Clarification of six-month anti-avoidance rule*

Present law includes a special rule under which tax is imposed on parts and accessories, other than replacements, installed on a taxable vehicle not later than six months after a vehicle is first placed in service. The conferees wish to emphasize that, as under present law, when tax is collected by a manufacturer or importer and the taxable vehicle subsequently is leased or re-sold, the six-month period ends on the date six months after the property is placed in service by a lessee or purchaser. All improvements prior to that date are taken into account for purposes of applying the tax.

*No inference for other purposes*

The conference agreement provides that a sale is taxable as a first retail sale only if it is neither (1) for resale nor (2) for leasing pursuant to a long-term lease. The conferees, in amending the definition of first retail sale, do not intend any inference for purposes other than the retail truck and trailer excise tax (e.g., depreciation or various State law rules) as to the appropriate treatment of such long-term leases.

*Effective date*

The conference agreement provides that these amendments to the retail excise tax on trucks and trailers are effective on the first day of the first calendar quarter beginning more than 90 days after enactment.

## 4. Application of heavy vehicle use tax to foreign truck operators

*Present law*

An annual use tax applies to highway motor vehicles having a gross vehicle weight (GVW) of more than 55,000 pounds, and using the public roads for 5,000 miles or more during a taxable period (July 1-June 30). For vehicles 55,000-75,000 pounds GVW, the tax is \$100 per year, plus \$22 per 1,000 pounds over 55,000 pounds; the tax is \$550 per year for vehicles over 75,000 pounds.

As a result of agreements between certain U.S. States and Canadian provinces, most Canadian trucks are not required to register under the laws of U.S. States. Thus, operators of these trucks are not liable for the use tax. Treasury Regulations (beginning July 1, 1985) have exempted Canadian trucks from provinces having agreements providing for proportional registration of their trucks in U.S. States from the use tax (Treas. Reg. sec. 41-4481(a)(2)).

The Tax Reform Act of 1984 requires a Department of Transportation study, in consultation with the Treasury Department, to determine the impact of the use tax on trans-border trucking operations. The report is due by October 1, 1987.

*House bill*

No provision.

*Senate amendment*

Trucks with base registration in Canada or Mexico are to be subject to the heavy vehicle use tax in the same manner as domestically based trucks, whether or not the foreign trucks are required to be registered in a U.S. State. If proof of payment of the use tax is not made, such trucks may be denied entry into the U.S.

This provision is effective on July 1, 1987.

*Conference agreement*

The conference agreement follows the Senate amendment, with a modification providing that the rate of tax imposed on Canadian and Mexican trucks shall be 75 percent of the rate applicable to U.S. trucks. The conferees are aware that the Department of Transportation study on trans-border trucking operations will be

completed in the near future, and expect that Congress will duly consider the recommendations in that study when it becomes available.

#### 5. Determination of gross vehicle weight of certain trucks and trailers

##### *Present law*

IRS has ruled that additions by retail dealers of readily attachable parts (such as tires and axles) that reduce GVW below the taxable weight thresholds (see item 3, above) are ignored in determining tax liability for such vehicles sold after September 30, 1986 (Rev. Rul. 85-196 and Rev. Rul. 86-43).

##### *House bill*

Rev. Rul. 85-196 and 86-43 are not to apply in determining GVW for first retail sales of trucks and trailers acquired in inventory by a retail dealer before January 1, 1986, continuously held in such dealer's inventory through September 30, 1986, and sold by such dealer after September 30, 1986.

The provision is effective on the date of enactment.

##### *Senate amendment*

No provision.

##### *Conference agreement*

The conference agreement follows the House bill.

#### *B. Highway Trust Fund*

#### 1. Transfer of Highway Excise Tax Revenues to the Trust Fund

##### *Present law*

Revenues equivalent to the current highway excise taxes (see A.1., above) are transferred (appropriated) to the Highway Trust Fund for amounts received from these taxes through September 30, 1988. (Amounts received attributable to pre-October 1, 1988 highway excise tax liabilities are to be transferred to the Trust Fund through June 30, 1989.)

##### *House bill*

The House bill extends the transfer of highway excise tax revenues to the Highway Trust fund for five years.

##### *Senate amendment*

The Senate amendment extends the transfer of highway excise tax revenues to the Highway Trust Fund for four years.

##### *Conference agreement*

The conference agreement follows the House bill.

## 2. Expenditures From the Trust Fund

### a. Extension of expenditure authority

#### *Present law*

Amounts in the Highway Trust Fund are available, as provided by appropriation Acts, for making expenditures authorized by law through September 30, 1988, for Federal-aid highway programs and certain mass transit programs.

#### *House bill*

The House bill extends the Highway Trust Fund expenditure authority for five years (through September 30, 1993).

#### *Senate amendment*

The Senate Extends the Highway Trust Fund expenditure authority for four years (through September 30, 1992).

#### *Conference agreement*

The conference agreement updates the Highway Trust Fund expenditure purposes to reflect the 1987 Act, and follows the House bill.

### b. Authorized expenditures

#### *Present law*

Expenditures are authorized from the Highway Trust Fund for (1) the Federal-aid highway programs (from the Highway Account) under the Surface Transportation Assistance Act of 1982 or for purposes for which expenditures were authorized by certain prior Acts and (2) capital expenditures (from the Mass Transit Account) in accordance with section 21(a)(2) of the Urban Mass Transportation Act of 1964.

In the past, amounts authorized to be spent for billboard removal and university transportation research centers have been from general funds.

#### *House bill*

The House bill authorizes expenditures from the Highway Trust Fund to include the expenditure purposes under the 1987 Act as passed by the House, which includes billboard removal costs (costs \$5 million per year) and certain university transportation research centers (\$5 million per year from the Highway Account and \$5 million per year from the Mass Transit Account).

#### *Senate amendment*

The Senate amendment also updates the Highway Trust Fund expenditure purposes to reflect the 1987 Act under the Senate amendment (which does not include billboard removal or transportation research centers).

#### *Conference agreement*

The conference agreement updates the Highway Trust fund expenditure purposes to reflect the 1987 Act, and follows the Senate

amendment with respect to billboard removal and the House bill with respect to transportation research centers.

For consideration of all provisions except Title V of the House bill and Title II of the Senate amendment:

JAMES J. HOWARD,  
GLENN M. ANDERSON,  
ROBERT A. ROE,  
JOHN PAUL HAMMERSCHMIDT,  
BUD SHUSTER,

As exclusive conferees on Title V of the House bill and Title II of the Senate amendment:

DAN ROSTENKOWSKI,  
J.J. PICKLE,  
ED JENKINS,  
FRANK J. GUARINI,  
ROBERT T. MATSUI,  
BERYL ANTHONY, Jr.,  
RONNIE G. FLIPPO,  
JOHN J. DUNCAN,  
BILL FRENZEL,  
DICK SCHULZE,  
WM. THOMAS,

*Managers on the Part of the House.*

From the Committee on Environment and Public Works, for Title I of the Senate amendment and Title I of H.R. 2, and for sec. 203, 55-mph speed limit; sec. 202(a)(1), bridge replacement and rehabilitation programs authorizations; (a)(2), elimination of hazards authorization; (a)(5), FHWA highway safety construction authorization; (a)(6), FHWA highway safety research and development authorization; sec. 202(d), obligation ceiling for highway safety programs; sec. 207, use of certain reports as evidence; sec. 208, emergency call boxes; sec. 209, railroad-highway crossings, authorization; and sec. 213, railroad highway crossing needs:

D.P. MOYNIHAN,  
QUENTIN N. BURDICK,  
GEORGE MITCHELL,  
JOHN BREAUX,  
ROBERT T. STAFFORD,  
STEVE SYMMS,  
JOHN H. CHAFEE,

From the Committee on Finance, for Title II of the Senate amendment and Title V of H.R. 2, extending the Highway Trust Fund:

LLOYD BENTSEN,  
SPARK M. MATSUNAGA,  
D.P. MOYNIHAN,  
BOB DOLE,  
BILL ROTH,

From the Committee on Banking, Housing, and Urban Affairs, for provisions dealing with urban mass transportation (including Title IV of the Senate amendment, the

Urban Mass Transportation Authorization Act of 1987,  
and Title III of H.R. 2):

BILL PROXMIRE,  
ALAN CRANSTON,  
DON RIEGLE,  
ALAN J. DIXON,  
JOHN HEINZ,  
ALFONSE D'AMATO,

From the Committee on Commerce, Science, and Transportation, for provisions dealing with highway safety (including Title II of H.R. 2, except for sec. 202(a)(1), bridge replacement and rehabilitation programs authorizations, (a)(2) elimination of hazards authorization, (a)(5) FHWA highway safety construction authorization, (a)(6) FHWA highway safety research and development authorization; sec. 207, use of certain reports as evidence; sec. 208, emergency call boxes; sec. 209, railroad-highway crossings authorization; and sec. 213, railroad-highway crossing needs):

FRITZ HOLLINGS,  
ALBERT GORE, Jr.,  
JOHN C. DANFORTH,

From the Committee on Governmental Affairs, for provisions dealing with the Uniform Relocation Act:

JIM SASSER,  
CARL LEVIN,  
JOHN HEINZ,

*Managers on the Part of the Senate.*

○