

SURFACE TRANSPORTATION ASSISTANCE ACT OF 1978

OCTOBER 14, 1978.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 11733]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11733) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, 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:

That this Act may be cited as the "Surface Transportation Assistance Act of 1978".

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1978".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. (a) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1980," and all that follows down through the period at the end of the sentence and by inserting in lieu thereof the following: "the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1980,

the additional sum of \$3,500,000,000 for the fiscal year ending September 30, 1981, the additional sum of \$3,500,000,000 for the fiscal year ending September 30, 1982, the additional sum of \$3,200,000,000 for the fiscal year ending September 30, 1983, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1984, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1985, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1986, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1987, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1988, the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1989, and the additional sum of \$3,625,000,000 for the fiscal year ending September 30, 1990."

(b) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is further amended by adding at the end thereof the following: "Beginning with funds authorized to be appropriated for fiscal year 1980, no such funds shall be available for projects to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February, 1967."

AUTHORIZATION OF USE OF COST ESTIMATES FOR
APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1980, the sums authorized to be appropriated for such periods by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of Committee Print 95-49 of the Committee on Public Works and Transportation of the House of Representatives.

HIGHWAY AUTHORIZATION

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

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, \$1,550,000,000 for the fiscal year ending September 30, 1979, \$1,700,000,000 for the fiscal year ending September 30, 1980, \$1,800,000,000 for the fiscal year ending September 30, 1981, and \$1,500,000,000 for the fiscal year ending September 30, 1982. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, \$500,000,000 for the fiscal year ending September 30, 1979, \$550,000,000 for the fiscal year ending September 30, 1980, \$600,000,000 for the fiscal year ending September 30, 1981, and \$400,000,000 for the fiscal year ending September 30, 1982.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, \$800,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(3) For forest highways, out of the Highway Trust Fund, \$33,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(4) For public lands highways, out of the Highway Trust Fund, \$16,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(5) For forest development roads and trails, \$140,000,000, per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(6) For public lands development roads and trails, \$10,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(7) For park roads and trails, \$30,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(8) For parkways, \$45,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982. The entire cost of any parkway project on any Federal-aid system paid under the authorization contained in this paragraph shall be paid from the Highway Trust Fund.

(9) For Indian reservation roads and bridges, \$83,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, \$50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(11) For necessary administrative expenses in carrying out section 131 and section 136 of title 23, United States Code, \$1,500,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

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

(A) for the Virgin Islands, not to exceed \$5,000,000, per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(B) for Guam, not to exceed \$5,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(C) for American Samoa, not to exceed \$1,000,000 for fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

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

(13) For the Commonwealth of the Northern Mariana Islands, not to exceed \$1,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982. Sums authorized by this paragraph shall be expended

in the same manner as sums authorized to carry out section 215 of title 23, United States Code. Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) For the Northeast corridor demonstration program under section 322 of title 23, United States Code, \$45,000,000 for the fiscal year ending September 30, 1979, and \$40,000,000 for the fiscal year ending September 30, 1980.

(15) For the Great River Road \$10,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, for construction or reconstruction of roads not on a Federal-aid highway system; and out of the Highway Trust Fund, \$25,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, for construction or reconstruction of roads on a Federal-aid highway system.

(16) For control of outdoor advertising under section 131 of title 23, United States Code, \$30,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(17) For safer off-system roads under section 219 of title 23, United State Code, \$200,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(18) For access highways under section 155 of title 23, United States Code, \$15,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(b) (1) For each of the fiscal years 1980, 1981, 1982, and 1983, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total appointment for the Interstate System under section 104(b) (5) 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, and rehabilitation 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. In order to carry out this subsection, and section 158 of the Federal-Aid Highway Act of 1973, there are authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$125,000,000 per fiscal year for each of the fiscal years ending September 30, 1980, September 30, 1981, September 30, 1982, and September 30, 1983.

(2) In addition to funds otherwise authorized, \$85,000,000, out of the Highway Trust Fund, is hereby authorized for the purpose of completing routes designated under the urban high density traffic program prior to May 5, 1976. Such sums shall be in addition to sums previously authorized.

(c) *In the case of priority primary routes, \$125,000,000 per fiscal year of the sums authorized for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, by subsection (a) (1) of this section for such routes, shall not be apportioned. Such \$125,000,000 of each such authorized sum shall be available for obligation on the date of apportionment of funds for each such fiscal year, in the same manner and to the same extent as the sums apportioned on such date, except that such \$125,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost or which require long periods of time for their construction. Any part of such \$125,000,000 not obligated by such Secretary or on before the last day of the fiscal year for which authorized shall be immediately apportioned in the same manner as funds apportioned for the next succeeding fiscal year for primary system routes, and available for obligation for the same period as such apportionment.*

(d) (1) *Twenty per centum or more of the apportionment for each fiscal year to each State of the sum authorized in paragraph (1) of subsection (a) of this section for the Federal-aid primary system (including extensions in urban areas and priority primary routes) for such fiscal year shall be obligated in such States for projects for the resurfacing, restoration, and rehabilitation of highways on such system.*

(2) *Twenty per centum or more of the apportionment for each fiscal year to each State of the sum authorized in paragraph (1) of subsection (a) of this section for the Federal-aid secondary system for such fiscal year shall be obligated in such State for projects for the resurfacing, restoration, and rehabilitation of highways on such system.*

INTERSTATE SYSTEM RESURFACING

SEC. 105. In addition to any other funds authorized to be appropriated, there is authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$175,000,000 per fiscal year for each of the fiscal years ending September 30, 1980 and September 30, 1981, and not to exceed \$275,000,000 per fiscal year for each of the fiscal years ending September 30, 1982 and September 30, 1983. Such sums shall be obligated for projects for resurfacing, restoring, and rehabilitating those lanes on the Interstate System which have been in use for more than five years and which are not on toll roads, except that where a State certifies to the Secretary that any part of such sums are excess to the needs of such State for resurfacing, restoring or rehabilitating Interstate System lanes, and the Secretary accepts such certification, such State may transfer sums apportioned to it under section 104(b)(5)(B) to its apportionment under section 104(b)(1). Such sums may also be obligated for projects for resurfacing, restoring, and rehabilitating lanes in use for more than five years on a toll road which has been designated as a part of the Interstate System if an agreement satisfactory to the Secretary of Transportation has been reached with the State highway department and any 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. The agreement referred to in the preceding sentence shall contain 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 the preceding sentence, Federal funds used for projects on such toll road pursuant to this section shall be repaid to the Federal Treasury.

DEFINITIONS

SEC. 106. (a) The definition of "construction" in section 101(a) of title 23 of the United States Code is amended by adding at the end thereof the following new sentence: "The term also includes capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses."

(b) (1) The definition of "forest road or trail" in section 101(a) of title 23 of the United States Code is amended to read as follows:

"The term 'forest road or trail' means a road or trail wholly or partly within, or adjacent to, and serving the National Forest system and which is necessary for the protection, administration, and utilization of the National Forest system and the use and development of its resources."

(2) The definition of "forest development roads and trails" in section 101(a) of title 23 of the United States Code is amended to read as follows:

"The term 'forest development roads and trails' means a forest and or trail under the jurisdiction of the Forest Service."

(3) The definition of "forest highway" in section 101(a) of title 23 of the United States Code is amended to read as follows:

"The term 'forest highway' means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel."

(4) Section 101(a) of title 23, United States Code, is amended by adding after the definition of the term "Federal-aid highways" the following new definition:

"The term 'highway safety improvement project' means a project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, or installs traffic control or warning devices at high accident potential locations."

COMPLETION OF INTERSTATE SYSTEM

SEC. 107. (a) (1) The fourth and fifth sentences of paragraph (2) of subsection (e) of section 103, of title 23, United States Code, are amended to read as follows: "The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph. The Secretary shall not designate any Interstate route or portion thereof under authority of this paragraph after the date of enactment of the Federal-Aid Highway Act of 1978."

(2) The fourth sentence of section 103(e)(4) of title 23, United States Code, is amended to read as follows: "The Federal share of each substitute project shall not exceed 85 per centum of the cost thereof."

(b) Paragraph (4) of subsection (e) of section 103, title 23, United States Code, is amended by inserting immediately after the second sentence the following: "Substitute projects under this paragraph may not be approved by the Secretary under this paragraph after September 30, 1983, and the Secretary shall not approve any withdrawal of a route under this paragraph after such date, except that this sentence shall not apply to any route which on the date of enactment of the Federal-Aid Highway Act of 1978 is under judicial injunction prohibiting its construction", and by adding at the end of such paragraph the following new sentences: "The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph. After the date of enactment of this sentence, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law."

(c) The amendment made by subsection (a) of this section shall apply to each route or portion thereof designated under section 103(e)(2) of title 23, United States Code, before January 1, 1978, the construction of which was not complete on such date, and the Secretary of Transportation shall make such revisions in existing contracts and agreements as may be necessary to carry out this section and the amendment made by subsection (a) of this section.

(d) Notwithstanding any other provision of law, including but not limited to section 103 of title 23, United States Code and this section, no route or portion thereof shall be constructed on the National System of Interstates and Defense Highways with respect to which an environmental impact statement has not been submitted to the Secretary of Transportation in accordance with the National Environmental Policy Act of 1969 by September 30, 1983. Any such route or portion thereof shall thereupon be removed from designation as part of such Interstate System.

(e) By September 30, 1986, all routes or portions thereof on the Interstate System (for which the Secretary of Transportation finds that sufficient Interstate authorizations are available) 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) must be under contract for construction or construction must have commenced. Immediately after such date, the Secretary shall remove from designation as part of the Interstate System each route or portion thereof not complying with this subsection and in the case of a substitute project the Secretary shall withdraw approval and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code.

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

(A) in paragraph (4), by striking out "In the event a withdrawal of approval is accepted pursuant to this section, the State shall not be required to refund to the Highway Trust Fund any sums previously paid to the State for the withdrawn route or por-

tion of the Interstate System so long as said sums were applied to a transportation project permissible under this title.”

(B) by redesignating paragraph (5) as paragraph (7); and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) Notwithstanding any other provision of law—

“(A) upon the withdrawal of approval of any route or portion thereof on the Interstate System under this section, a State, subject to the approval of the Secretary, shall not be required to refund to the Highway Trust Fund any sums paid to the State for intangible costs;

“(B) refund will not be required for the costs of construction items, materials, or rights-of-way of the withdrawn route or portion of the Interstate System which will be or have been applied (i) to a transportation project permissible under this title, (ii) to a public conservation or public recreation purpose, or (iii) to such other public purpose as may be determined by the Secretary to be in the public interest on condition that the State shall make assurances satisfactory to the Secretary that such construction items or materials or rights-of-way have been or will be so applied by the State of any political subdivision thereof to a project under clause (i), (ii), or (iii) within 10 years from the date of the withdrawal of approval; and

“(6) Nothing in this subsection shall in any way alter rights under State law of persons owning property within the right-of-way immediately prior to such property being obtained by the State. The Federal share of the cost of property sold or otherwise transferred to previous owners under State law shall be refunded and credited to the unobligated balance of the State's apportionment for interstate highways.”

(2) The amendment made by paragraph (1) of this subsection shall apply to any withdrawal of approval before the date of the enactment of this subsection.

INTERSTATE COST ESTIMATES

Sec. 108. Section 104(b) (5) (A) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: “The Secretary shall not include in any estimate submitted under this provision after December 31, 1978, any cost of a project to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February 1967.”

TRANSFERABILITY

Sec. 109. (a) Paragraph (1) of subsection (d) of section 104 of title 23, United States Code, is amended by striking out “40” each place it appears and inserting in lieu thereof at each such place “50”.

(b) Paragraph (2) of subsection (d) of section 104 of title 23, United States Code, is amended by striking out “20” each place it appears and inserting in lieu thereof at each such place “50”.

REPORT OF OBLIGATIONS

SEC. 110. Section 104 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Secretary shall submit to Congress not later than the 20th day of each calendar month which begins after the date of enactment of this subsection a report on (1) the amount of obligation, by State, for Federal-aid highways and the highway safety construction programs during the preceding calendar month, (2) the cumulative amount of obligation, by State, for that fiscal year, (3) the balance as of the last day of such preceding month of the unobligated apportionment of each State by fiscal year, and (4) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for that fiscal year."

PROGRAM REQUIREMENTS

SEC. 111. Subsection (b) of section 105 of title 23, United States Code, is amended to read as follows:

"(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other, except in States where all public roads and highways are under the control and supervision of the State highway department such selection shall be made after consultation with appropriate local officials."

PROGRAMS

SEC. 112. Subsection (g) of section 105 of title 23, United States Code, is amended by striking out "public airports and public ports for water transportation," and inserting in lieu thereof "public airports, public ports for water transportation, new town communities, and new town-intown communities,"

UTILITIES ON RIGHTS-OF-WAY

SEC. 113. Section 109 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(l) (1) In determining whether any right-of-way on any Federal-aid system should be used for accommodating any utility facility, the Secretary shall—

"(A) first ascertain the effect such use will have on highway and traffic safety, since in no case shall any use be authorized or otherwise permitted, under this or any other provision of law, which would adversely affect any aspect of safety;

"(B) evaluate the direct and indirect environmental and economic effects of any loss of productive agricultural land or any impairment of the productivity of any agricultural land which would result from the disapproval of the use of such right-of-way for the accommodation of such utility facility; and

“(C) consider such environmental and economic effects together with any interference with or impairment of the use of the highway in such right-of-way which would result from the use of such right-of-way for the accommodation of such utility facility.

“(2) For the purpose of this subsection—

“(A) the term ‘utility facility’ means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public; and

“(B) the term ‘right-of-way’ means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway.”.

ACCESS TO RIGHTS-OF-WAY

SEC. 114. Section 111 of title 23, United States Code, is amended by adding at the end thereof the following new sentence: “Nothing in this section, or in any agreement entered into under this section, shall require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway or route on the Interstate System (1) if such establishment (A) was in existence before January 1, 1960, (B) is owned by a State, and (C) is operated through concessionaries or otherwise, and (2) if all access to, and exists from, such establishment conform to the standards established for such a highway under this title.”.

ACCELERATION OF CONSTRUCTION OF INTERSTATE SYSTEM

SEC. 115. (a) Section 118(b) of title 23, United States Code, is amended by striking the second and third sentences and inserting in lieu thereof the following sentences: Except as provided in this subsection, sums apportioned for the Interstate System in any State remain available for expenditure in that State for the Interstate System until the end of the fiscal year for which authorized. Sums not obligated within the time period prescribed by the preceding sentence must be made available by the Secretary to any other State applying for such funds for the Interstate System, if the Secretary determines that the State has obligated all of its apportionments 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 such State to the Secretary for approval, and the applicant is willing and able to (1) obligate the funds within one year of the date the funds are made available; (2) apply them to a ready-to-commence project; and (3) in the case of construction work, begin work within ninety days of obligation. Sums made available under this subsection shall remain available until expended.

(b) Section 122 of title 23, United States Code, is amended by striking out “the retirement of the principal of such bonds”, and by insert-

ing in lieu thereof the following: "the retirement of the principal of such bonds the proceeds of which were used for projects on the Federal-aid primary system or extensions of any of the Federal-aid highway systems in urban areas and the retirement of the principal and interest of such bonds the proceeds of which were used for projects on the Interstate System"; and by striking out "This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds." and inserting in lieu thereof the following: "This section shall not be construed as a commitment or obligation on the part of the United States to provide for the payment of the principal or interest of any such bonds. The payment of interest on such bonds and incidental costs in connection with the sale of such bonds shall not be included in the estimated cost of completing the Interstate System."

(c) No interest shall be paid under authority of section 122 of title 23, United States Code, on any bonds issued prior to the date of enactment of this Act, unless such bonds were issued for projects which were under construction on January 1, 1978. Interest on bonds issued in any fiscal year by a State after the date of enactment of this Act may be paid under authority of section 122 of title 23, United States Code, only if (1) such State was eligible to obligate funds of another State under subsection (a) of this section during such fiscal year and (2) the Secretary of Transportation certifies that such eligible State utilized, or will utilize, to the fullest extent possible during such fiscal year its authority to obligate funds under such subsection (a) of this section. No interest shall be paid under section 122 of title 23, United States Code, on that part of the proceeds of bonds issued after the date of enactment of this Act used to retire or otherwise refinance bonds issued prior to such date.

INTERSTATE RESURFACING

SEC. 116. (a) Chapter 1 of title 23 of the United States Code is amended by inserting immediately after section 118 the following new section:

§ 119. Interstate System resurfacing

"(a) Beginning with funds apportioned for fiscal year 1980, the Secretary may approve projects for resurfacing, restoring, and rehabilitating those lanes in use for more than five years on the Interstate System (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978). Sums authorized to be appropriated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(B) of this title and the Federal share shall be that set forth in section 120(a) of this title.

"(b) Not later than one year after the date of issuance of initial guidelines under section 109(m) of this title each State shall have a program for the Interstate System in accordance with such guidelines. Each State shall certify on October 1st of each year that it has such a program and the Interstate System is maintained in accordance with that program. If a State fails to certify as required or if the

Secretary determines a State is not adequately maintaining the Interstate System in accordance with such program then the funds apportioned to such State for that fiscal year for the Interstate System shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title. If, within one year from the date the apportionment for a State is reduced under this subsection, the Secretary determines that such State is maintaining the Interstate System in accordance with the guidelines the apportionment of such State shall be increased by an amount equal to the reduction. If the Secretary does not make such a determination within such one year period the amount so withheld shall be reapportioned to all other eligible States."

(b) The material following the colon in section 104(b)(5)(B) of title 23, United States Code, is amended to read as follows:

"Seventy-five per centum in the ratio that lane miles in use for more than five years on the Interstate System (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and twenty-five per centum in the ratio that vehicle miles traveled on lanes in use for more than five years on the Interstate System (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States."

(c) The analysis of chapter 1 of title 23, United States Code, is amended by deleting:

"119. Repealed."

and inserting in lieu thereof:

"119. Interstate System resurfacing."

(d) Section 109 of title 23, United States Code, is amended by adding at the end thereof the following subsection:

(m) The Secretary shall issue guidelines describing the criteria applicable to the Interstate System in order to insure that the condition of these routes is maintained at the level required by the purposes for which they were designed. The initial guidelines shall be issued no later than October 1, 1979.

TRAFFIC CONTROL SIGNALIZATION

SEC. 117. Section 120(d) of title 23, United States Code, is amended by inserting after "section 130 of this title," the following: "and for any project for traffic control signalization,".

ADVANCES TO STATES

SEC. 118. Section 124 of title 23, United States Code, is amended by inserting immediately before the first sentence thereof the following: "(a)". Such section 124 is further amended by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a) of this section, if the Secretary of Transportation determines that any toll bridge, toll tunnel, or approach thereto, which meets the requirements of section 129 of this

title is necessary to complete an essential gap in the Interstate System then, upon request of the State highway department, the Secretary shall, at any time during construction of such bridge, tunnel, or approach and for one year after it is opened to traffic, and subject to the conditions and limitations of such section 129, advance to such State 100 per centum of the cost of construction to such bridge, tunnel, or approach. So much of the amount so advanced that exceeds the Federal share of such construction cost shall be repaid to the United States as follows:

"(1) 50 per centum within one year of the date such bridge, tunnel, or approach is opened to traffic,

"(2) 25 per centum within two years of such date of opening, and

"(3) 25 per centum within three years of such date of opening.

Any advance made to a State under this subsection shall be from the funds apportioned to said State for the Interstate System. So much of any advance made to a State under this subsection required to be repaid shall be repaid with interest at a rate determined by the Secretary. If a State receives any advance under this subsection with respect to any toll bridge, tunnel, or approach thereto, then the provisions of section 103(e)(4) of this title shall not apply to such bridge, tunnel, or approach."

EMERGENCY RELIEF

SEC. 119. The second sentence of subsection 125(a) of title 23, United States Code, is amended by—

(1) inserting the words "prior to the fiscal year ending September 30, 1978," immediately after "(2)"; and

(2) inserting the following words before the period at the end of the sentence: "and for any fiscal year thereafter, 100 per centum of such expenditures are authorized to be appropriated out of the Highway Trust Fund".

TOLL BRIDGES STUDY

SEC. 120. Section 129 of title 23, United States Code, is amended by adding a new subsection (i) as follows:

"(i) Notwithstanding section 301 of this title, the Secretary may permit Federal participation, through funds for any Federal-aid system other than the Interstate System, in any engineering and fiscal assessments, traffic analyses, network studies, preliminary modification planning, and any other study necessary to determine whether a privately owned toll bridge should be acquired by a state or political subdivision thereof."

ADVERTISING BY NONPROFIT ORGANIZATIONS

SEC. 121. Section 131(c) of title 23, United States Code, is amended—

(1) by striking out "and (4)" and inserting in lieu thereof "(4)"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and (5) signs, dis-

plays, and devices advertising the distribution of nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term 'free coffee' shall include coffee for which a donation may be made, but is not required."

CONTROL OF OUTDOOR ADVERTISING

SEC. 122. (a) Subsection (g) of section 131, title 23, United States Code, is amended by striking the period at the end of the first sentence and adding the following "and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section."

(b) Subsection (k) of section 131, title 23, United States Code, is amended by striking the first word and inserting in lieu thereof the following: "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing".

(c) Clause (3) of subsection (c) of section 131 of title 23, United States Code, is amended by inserting immediately after "devices," the following: "including those which may be changed at reasonable intervals by electronic process or by remote control."

(d) Subsection (j) of section 131 of title 23, United States Code, is amended by inserting immediately after "agreement" at the end of the first sentence, the following: " : Provided, That permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertise activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder."

ENFORCEMENT OF VEHICLE WEIGHT LIMITATIONS

SEC. 123. (a) Not later than the one-hundred-eightieth day after the date of enactment of this section, the Secretary of Transportation, hereinafter referred to as the "Secretary", in consultation with each State shall inventory the existing system of penalties for violations of vehicle weight laws, rules, and regulations on any portion of any Federal-aid system in such State. Each State shall annually thereafter report to the Secretary its current inventory.

(b) (1) Not later than the one-hundred-eightieth day after the date of enactment of this section, the Secretary, in consultation with each State, shall inventory the existing system in such State for the issuance of special permits. Each State shall annually thereafter report to the Secretary its current inventory.

(2) For purposes of this subsection, the term "special permit" means a license or permit issued pursuant to State law, rule, or regulation which authorizes a vehicle to exceed the weight limitation for such vehicle established under State law, rule, or regulation.

(c) Not later than January 1 of the second calendar year which begins after the date of enactment of this section and each calendar year thereafter the Secretary shall submit to Congress an annual report together with such recommendations as the Secretary deems

necessary on (1) the latest annual inventory of State systems of penalties required by subsection (a) of this section; (2) the latest annual inventory of State systems for the issuance of special permits required by subsection (b) of this section; (3) the annual certification submitted by each State required by section 141 (b) of title 23, United States Code.

(d) Section 141 of title 23, United States Code, is amended to read as follows:

“§ 141. Enforcement of requirements.

“(a) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this subsection.

“(b) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title.

“(c) (1) Each State shall submit to the Secretary such information as the Secretary shall, by regulation, require as necessary, in his opinion, to verify the certification of such State under subsection (b) of this section.

“(2) If a State fails to certify as required by subsection (b) of this section or if the Secretary determines that a State is not adequately enforcing all State laws respecting such maximum vehicle size and weights, notwithstanding such a certification, then Federal-aid highway funds apportioned to such State for such fiscal year shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title.

“(3) If within one year from the date that the apportionment for any State is reduced in accordance with paragraph (2) of this subsection the Secretary determines that such State is enforcing all State laws respecting maximum size and weights, the apportionment of such State shall be increased by an amount equal to such reduction. If the Secretary does not make such a determination within such one-year period, the amounts so withheld shall be reapportioned to all other eligible States.”

(e) Section 141 (c) (2) and (3) of title 23, United States Code, shall be applicable to certificates required by such section 141 to be filed on or after January 1, 1980.

HIGHWAY BRIDGE REPLACEMENT PROGRAM

SEC. 124. (a) Section 144 of title 23 of the United States Code is amended to read as follows:

“§ 144. Highway bridge replacement and rehabilitation program

“(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a highway bridge replacement and rehabilitation program be established to enable the several States to replace or reha-

bilitate highway bridges over waterways, other topographical barriers, other highways, or railroads when the States and the Secretary find that a bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

“(b) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on any Federal-aid system which are bridges over waterways, other topographical barriers, other highways, and railroads; (2) classify them according to serviceability, safety, and essentiality for public use; (3) based on that classification, assign each a priority for replacement or rehabilitation; and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

“(c) (1) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on public roads, other than those on any Federal-aid system, which are bridges over waterways, other topographical barriers, other highways, and railroads, (2) classify them according to serviceability, safety, and essentiality for public use, (3) based on the classification, assign each a priority for replacement or rehabilitation, and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

“(2) The Secretary may, at the request of a State, inventory bridges, on and off the Federal-aid system, for historic significance.

“(d) Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsection (b) and (c) of this section shows to be eligible, the Secretary may approve Federal participation in replacing or rehabilitating such bridge with a comparable facility. The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State. In approving projects under this section, the Secretary shall give consideration to those projects which will remove from service those highway bridges most in danger of failure.

“(e) Funds authorized to carry out this section shall be apportioned on October 1 of the fiscal year for which authorized. Funds authorized to carry out this section for the fiscal year ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, shall be apportioned to the States in accordance with revised table 1 of Committee Print 95-49 of the Committee on Public Works and Transportation of the House of Representatives. Funds authorized to carry out this section which are 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 other States in accordance with revised table 1 of Committee Print 95-49 of the Committee on Public Works and Transportation of the House of Representatives.

“(f) The Federal share payable on account of any highway bridge replaced or rehabilitated under this section shall be 80 per centum of the cost thereof.

“(g) To carry out this section, there is authorized to be appropriated out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending

June 30, 1972, \$150,000,000 for the fiscal year ending June 30, 1973, \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, and \$125,000,000 for the fiscal year ending June 30, 1976, to be available until expended. Of the amount authorized per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, authorized by paragraph (6) of section 202 of the Highway Safety Act of 1978, all but \$200,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. \$200,000,000 per fiscal year of the amount authorized for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, 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 \$200,000,000 shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than \$10,000,000. Not less than 15 per centum nor more than 35 per centum of the amount apportioned to each State in each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, 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 State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal aid system when he determines that such State has inadequate needs to justify such expenditure.

“(h) Notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525-533) shall apply to bridges authorized to be replaced, in whole or in part, by this section, except that subsection (b) of section 502 of such Act of 1946 and section 9 of the Act of March 3, 1899 (30 Stat. 1151) shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title, if such bridge is over waters which are not subject to the ebb and flow of the tide, and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

“(i) The Secretary shall report annually on projects approved under this section, shall annually revise and report the current inventories authorized by subsections (b) and (c) of this section, and shall report such recommendations as he may have for improvement of the program authorized by this section.

“(j) Sums apportioned to a State under this section shall be made available for obligation throughout such State on a fair and equitable basis.

“(k) Not later than six months after the date of enactment of this subsection, and periodically thereafter, the Secretary shall review the procedure used in approving or disapproving applications submitted under this section to determine what changes, if any, may be made to expedite such procedure. Any such changes shall be implemented by the Secretary as soon as possible. Not later than nine months after the date of enactment of this subsection, the Secretary shall submit a

report to Congress which describes such review and such changes, including any recommendations for legislative changes.

"(l) Notwithstanding any other provision of law, any bridge which is owned and operated by an agency (1) which does not have taxing powers, (2) whose functions include operating a federally assisted public transit system subsidized by toll revenues, but the amount of such assistance shall in no event exceed the cumulative amount which such agency has expended for capital and operating costs to subsidize such transit system. Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement or rehabilitation project.

"(m) As used in this section the term 'rehabilitate' in any of its forms means major repairs necessary to restore the structural integrity of a bridge as well as work necessary to correct a major safety defect."

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

"144 Special bridge replacement program."

and inserting in lieu thereof:

"144. Highway bridge replacement and rehabilitation program."

(c) The Secretary of Transportation shall complete the requirements of subsection (c) of section 144 of title 23, United States Code, as amended by subsection (a) of this section not later than the last day of the second full calendar year which begins after the date of the enactment of this section.

(d) Subsection (d) of section 116 of title 23, United States Code, is amended (1) by striking out "on any of the Federal-aid highway system" at the end of the first sentence, and (2) by striking out "on the Federal-aid system" at the end of the last sentence.

SPUR HIGHWAYS—GREAT RIVER ROAD

SEC. 125. (a) Section 148 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Secretary is authorized to provide for the construction of such spur highways as he determines necessary to connect the Great River Road, by the most direct feasible routes, with existing bridges across the Mississippi for the purpose of providing persons traveling such road with access to significant scenic, historical, recreational, or archeological features on the opposite side of the Mississippi River from the Great River Road."

(b) Section 148(a)(5) of title 23, United States Code, is amended to read as follows:

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section, except for parks, recreational areas, and historical sites operated by State or local governments where admission fees may be charged to cover operational costs."

CARPOOLS AND VANPOOLS

SEC. 126. (a) Chapter 1 of title 23, United States Code, is amended by adding after section 145 the following new section:

§ 146. Carpool and vanpool projects

(a) In order to conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary may approve for Federal financial assistance from funds apportioned under sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title, projects designed to encourage the use of carpools and vanpools. (As used hereafter in this section, the term 'carpool' includes a vanpool.) Such a project may include, but is not limited to, such measures as providing carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of convenient carpool opportunities, acquiring vehicles appropriate for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use as preferential parking for carpools.

"(b) A project authorized by this section shall be subject to and carried out in accordance with all provisions of this title, except those provisions which the Secretary determines are inconsistent with this section."

(b) Section 3 of the Emergency Highway Energy Conservation Act (Public Law 93-239), section 120 of the Federal-Aid Highway Amendments of 1974 (Public Law 93-643), and section 143 of the Federal-Aid Highway Act of 1976 (Public Law 94-280), are repealed.

(c) Section 203(b)(7a) of part II of the Interstate Commerce Act is amended by inserting after "aircraft" a semicolon and the following: "or (7b) vehicles carrying up to fifteen persons in a single daily roundtrip for the purpose of commuting to and from work;"

(d) It is hereby declared to be national policy that special effort should be made to promote commuter modes of transportation which conserve energy, reduce pollution, and reduce traffic congestion. The Secretary is directed to assist both public and private employers and employees who wish to establish carpooling and vanpooling programs where they are needed and desired, and to assist local and State governments, and their instrumentalities, in encouraging such modes by removing legal and regulatory barriers to such programs, supporting existing carpooling and vanpooling programs, and providing technical assistance, for the purpose of increasing participation in such modes.

(e) The Secretary of Transportation is authorized to make grants and loans to States, counties, municipalities, metropolitan planning organizations, and other units of local and regional government consistent with the policy of subsection (d) of this section. Such grants and loans shall be awarded in a manner which emphasizes energy conservation, although the Secretary may use other factors as he deems appropriate. The Federal share of the costs of any project approved under this subsection shall not exceed 75 per centum. No grant awarded under this subsection may be used for the purchase or lease of vehicles.

(f) There is hereby authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$1,000,000 for the fiscal year ending September 30, 1979, \$1,000,000 for the fiscal year ending September 30, 1980, and \$1,000,000 for the fiscal year ending September 30, 1981, for expenditures incurred by the Secretary of Transportation in carrying out the provisions of subsection (d) of this section, and \$3,000,000 for the fiscal year ending September 30, 1979, and \$9,000,000 for the fiscal year ending September 30, 1980, for the purpose of carrying out the program described in subsection (e) of this section.

(g) The Secretary of Transportation shall not approve any project under subsection (d) or (e) of this section or under section 146 of title 23, United States Code, which will have an adverse effect on any mass transportation system.

(h) The Secretary of Transportation is directed to study the administrative effectiveness of carpooling and vanpooling programs within the Department of Transportation, including programs of the Federal Highway Administration, the Urban Mass Transportation, and the Office of the Secretary. Such study shall be completed no later than September 30, 1979. Upon completion of such study, the Secretary shall propose a plan to centralize or modify such programs to make delivery of services and grants more efficient, more cost-effective, and to avoid duplication of effort. Such plan shall list statutory changes needed to implement such a plan, which shall be sent to Congress no later than March 30, 1980.

PAVEMENT MARKING

SEC. 127. Section 151 (e) of title 23, United States Code, is amended by striking the period at the end thereof and adding the following: "for the Federal-aid primary system. On October 1, 1978, 1979, and 1980 the Secretary shall allocate the sums authorized to carry out this section for that fiscal year among the several States in such manner as he deems most appropriate to expedite the completion of pavement marking of all highways. Any amounts allocated to the States remaining unobligated at the end of the fiscal year following the fiscal year for which such amounts are authorized shall immediately be reallocated by the Secretary among the other States."

BRIDGES ON DAMS

SEC. 128. (a) Subsection (d) of section 320 of title 23, United States Code, is amended by striking out "\$50,000,000 and inserting in lieu thereof "\$65,000,000".

(b) Sums appropriated or expended under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be appropriated out of the Highway Trust Fund for the fiscal year ending September 30, 1978, and for subsequent fiscal years.

FEDERAL SHARE

SEC. 129. (a) The first sentence of subsection (a) of section 120 of title 23, United States Code, is amended by striking out "70 per centum"

each place it appears and inserting in lieu at each such place "75 per centum".

(b) Subsection (d) of section 120 of title 23, United States Code, is amended by striking out "70 per centum" and inserting in lieu thereof "75 per centum".

(c) The first sentence of subsection (f) of section 120 of title 23, United States Code, is amended by striking out "70 per centum" and inserting in lieu thereof "75 per centum".

(d) Subsection (e) of section 148 of title 23, United States Code, is amended by striking out "70 per centum" and inserting in lieu thereof "75 per centum".

(e) Subsection (b) of section 155 of title 23, United States Code, is amended by striking out "70 per centum" and inserting in lieu thereof "75 per centum".

(f) Subsection (a) of section 215 of title 23, United States Code, is amended by striking out "70 per centum" and inserting in lieu thereof "100 per centum".

(g) The last sentence of subsection (c) of section 406 of title 23, United States Code, is amended by striking out "title shall not exceed 70 per centum" and inserting in lieu thereof "section shall not exceed 75 per centum".

(h) The amendments made by subsections (a) through (k) of this section shall take effect with respect to obligations incurred after the date of enactment of this section.

(i) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) Notwithstanding any other provision of this section or of this title, the Federal share payable on account of any project under this title in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands shall be 100 per centum of the total cost of the project."

BALTIMORE-WASHINGTON PARKWAY

SEC. 130. Section 146(a) of the Federal-Aid Highway Act of 1970 is amended (1) by striking out "to six lanes" and (2) by striking out "for the National System of Interstate and Defense Highways" and inserting in lieu thereof a comma and "agreed upon by the Secretary of Transportation and the Secretary of Transportation of the State of Maryland, which preserve the Parkway characteristics".

MULTIMODAL CONCEPT

SEC. 131. Section 143 of the Federal-Aid Highway Act of 1973 is amended by adding at the end thereof the following new subsection:

"(c) Based upon the report submitted to Congress under subsection (b) of this section, the Secretary of Transportation is authorized to provide for the preparation of preliminary engineering and design plans and the construction of models in connection with the development of the multimodal concept along the route described in paragraph (1) of subsection (a) of this section. There is authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$9,000,000 to carry out this subsection."

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROJECT

SEC. 132. Subsectoin (a) of section 147 of the Federal-Aid Highway Act of 1973 is amended by adding at the end thereof the following: "A demonstration project shall be carried out under this section in and in the vicinity of the Sherman, Texas-Denison, Texas area."

FRANCONIA NOTCH, NEW HAMPSHIRE

SEC. 133. Section 158 of the Federal-Aid Highway Act of 1973 is amended by adding at the end thereof the following: "Upon approval by the Secretary of such Franconia Notch parkway, there is authorized to be appropriated to the State of New Hampshire, out of the Highway Trust Fund, an amount equal to 90 per centum of the difference between the cost of such parkway as established in the 1979 Interstate System cost estimate and the cost of constructing a four-lane Interstate System highway at that location as such cost would be established in such 1979 cost estimate if such Interstate System highway were to be constructed. The funds authorized by the preceding sentence shall be available only for expenditure on highways on any of the Federal-aid highway systems, other than the Interstate System, which serve as alternative routes around Franconia Notch. Such funds shall be available in the same manner and to the same extent as any of the funds authorized by section 104(b) (1) of the Federal-Aid Highway Act of 1978, shall be available until expended, and shall be subject to all other applicable provisions of chapter 1 of title 23, United States Code."

DEMONSTRATION PROJECTS—RAILROAD HIGHWAY CROSSINGS

SEC. 134. (a) (1) Sectoin 163 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) is amended by adding immediately after subsection (l) the following new subsection:

"(m) The Secretary of Transportation 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 purposes of eliminating highway railroad grade crossings."

(2) Existing subsections (m), (n), (o), and (p) of such section 163 are relettered as (n), (o), (p), and (q), respectively, including any references thereto.

(b) Subsection (n) (as relettered by this section) of section 163 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) is amended to read as follows:

"(n) The Federal share payable on account of such projects shall be 95 per centum of the cost."

(c) Subsection (p) (relettered by this section) of such section 163 is amended by striking out "and \$51,400,000 for the fiscal year ending September 30, 1978, except that" and inserting in lieu thereof the following: "\$51,400,000 for the fiscal year ending September 30, 1978, \$70,000,000 for the fiscal year ending September 30, 1979, and \$90,000,000 for the fiscal year ending September 30, 1980, \$100,000,000 for the fiscal year ending September 30, 1981, and \$100,000,000 for the fiscal year ending September 30, 1982, except that".

(d) Title III of the National Mass Transportation Systems Act of 1974 (Public Law 93-503) is hereby repealed.

OVERSEAS HIGHWAY

SEC. 135. Section 118(b) of the Federal-Aid Highway Amendments of 1974 (88 Stat. 2288, Public 93-643), as amended, is amended by striking "\$109,200,000" and inserting in lieu thereof "\$118,000,000".

ACCELERATION OF PROJECTS

SEC. 136. Section 141 of the Federal-Aid Highway Act of 1976 (90 Stat. 444-445) is amended by adding at the end thereof the following new sentence: "Not later than six months after the completion of such project, the Secretary of Transportation shall submit a report to Congress which includes, but is not limited to, a description of the methods used to reduce the time necessary for the completion of such project, recommendations for applying such methods to other highway projects, and any changes which may be necessary to existing law to permit further reductions in the time necessary to complete highway projects."

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

SEC. 137. (a) Section 154(c) of the Federal-Aid Highway Act of 1976 is amended by striking out "December 31, 1979".

(b) (1) Subsection (h) (1) of section 154 of the Federal Aid Highway Act of 1976 is amended by inserting after the second sentence thereof the following new sentence: "The personnel shall be entitled to reimbursement for travel expenses, per diem in accordance with the Rules of the House of Representatives or subsistence, and other necessary expenses incurred by them in performance of their duties as personnel of the Commission."

(2) The amendment made by paragraph (1) of this subsection shall take effect on May 5, 1976.

APPALACHIAN DEVELOPMENT HIGHWAYS

SEC. 138. (a) Subsection (f) of section 201 of the Appalachian Regional Development Act of 1965 is amended to read as follows:

"(f) Federal assistance to any construction project under this section shall not exceed 80 per centum of the costs of such project."

(b) The third sentence of section 201(a) of the Appalachian Regional Development Act of 1965 is amended by striking out "two thousand nine hundred miles." and inserting in lieu thereof "three thousand and twenty-five miles."

(c) In any case where an Appalachian developed highway on the Federal-aid primary system, is the final section of an approved Appalachian development corridor highway within an urbanized area, transects an unincorporated jurisdiction, and is a necessary element of a flood control project for the protection of a commercially zoned area containing not less than seventy commercial and industrial establishments which is authorized under section 205 of the Flood Control Act of 1948, the Secretary of Transportation shall provide to the State highway department so much of the costs, not to exceed \$1,800,000, as may be necessary to permit construction of that portion of such

development highway as is necessary to permit completion of the flood control project. The Federal share of the total cost of any complete Appalachian development highway a portion of which receives assistance under this subsection shall not exceed (including all assistance under this subsection) that percentage of such total cost which, but for this subsection, would otherwise be applicable to such development highway.

USE OF TOLL RECEIPTS

SEC. 139. The second sentence of subsection (b) of section 2 of the Act entitled "An Act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland", approved February 20, 1931; is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and new approaches to the San Mateo Bridge in the San Francisco Bay Area."

ROUTE DESIGNATION

SEC. 140. Notwithstanding the amendments made by section 107 (b) of this Act, the Secretary of Transportation shall, not later than sixty days after the date of enactment of this Act, designate as routes on the National System of Interstate and Defense Highways 20.5 miles of existing State Route 11 in the city of Los Angeles, California, between FAI Route 10 and State Route 47/Community of San Pedro, 4.2 miles of the proposed Lockport Expressway in the town of Amherst, Erie County, New York, and 5.1 miles of proposed Interstate Route I-481, connecting Exit 34-A of I-90 to the Bear Road Interchange of I-81 in Onondaga County, New York.

BICYCLE PROGRAM

SEC. 141. (a) For the purposes of this section, the term (1) "Secretary" means the Secretary of Transportation; (2) "bikeway" means a new or improved lane, path, or shoulder, a traffic control device, lighting, or a shelter or parking facility for bicycles; (3) "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

(b) The Secretary shall, by regulation, establish design and construction standards for bikeway construction projects for which grants are authorized in subsection (c) and section 217 of title 23, United States Code. Such regulations shall contain criteria for pavements, adequate widths, sight distances and lighting; appropriate design speeds and grades; and such other requirements as the Secretary may deem necessary.

(c) The Secretary is authorized to make grants to States and to political subdivisions thereof for (1) the construction of bikeways which (A) comply with regulations promulgated pursuant to subsection (b), or (B) prior to promulgation of such regulations, reflect current state of the Art design standards, or (2) nonconstruction programs or projects which can reasonably be expected to enhance the safety and use of bicycles. Projects in urban areas financed with grants

under this subsection shall be in accordance with the continuing, comprehensive planning process in section 134 of title 23, United States Code.

(d) The Federal share of any project or program for which a grant is made under subsection (c) shall not exceed 75 per cent.

(e) Grants made under this section shall be in addition to any sums available for bicycle projects under section 217 of title 23, United States Code.

(f) Section 109(f) of title 23, United States Code, is amended by adding after the words "median strips," the following: "bikeways,".

(g) Section 109 of title 23, United States Code, is amended by adding a new subsection as follows:

"(n) The Secretary shall not approve any project under this title that will result in the severance or destruction of an existing major route for nonmotorized transportation traffic and light motorcycles, unless such project provides a reasonably alternate route or such a route exists."

(h) Section 217(a) of title 23, United States Code, is amended to read as follows:

"(a) To encourage energy conservation and the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation and the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, as Federal-aid highway projects, construct new or improved lanes, paths, or shoulders; traffic control devices, shelters or/ and parking facilities for bicycles; and pedestrian walkways. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for bicycle projects and pedestrian walkways authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes."

(i) There is authorized to be appropriated to the Secretary to carry out subsection (c), for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, out of the Highway Trust Fund \$10,000,000, and \$10,000,000 out of any other money in the Treasury not otherwise appropriated.

RAIL OPERATION PROJECTS IN NONHIGHWAY AREAS

SEC. 142. (a) The Secretary may approve for Federal financial assistance from funds apportioned for the Federal-aid primary system under section 104(b)(1) of title 23, United States Code, projects to provide such assistance for the operation of those portions of the Alaska Railroad from Whittier to Portage, Alaska for the purpose of linking up highways or other transportation modes receiving Federal financial assistance from funds apportioned under such section. Not more than 5 per centum of the funds apportioned for the Federal-aid primary system under section 104(b)(1) of title 23, United States Code, shall be expended in any fiscal year under this section.

Any such approval shall be subject to the conditions that—

(1) fares or other charges made in such operations shall be under the control of a Federal or State agency or official; and

(2) all revenues derived from operation of such portions shall be used to pay for the cost of construction or acquisition of the railroad (including equipment) involved in such operation, debt service thereon, and actual and necessary costs of operation, maintenance, repair, and replacement.

(b) A project authorized by this section shall be subject to and carried out in accordance with all provisions of title 23, United States Code, except those provisions which the Secretary determines are inconsistent with this section.

INTERSTATE ROUTE I-90

SEC. 143. (a) Notwithstanding section 129 of title 23, United States Code, or any regulation or agreement to the contrary, the Secretary of Transportation is authorized to approve projects on the Interstate System for the construction of approaches and interchanges connecting route I-88 to route I-90 if all lanes on I-90 between exits 25 and 26 are free of tolls and connecting and route I-87 to route I-90 if all lanes on I-90 between exits 24 and 26 are free of tolls, in New York State although such projects have no use other than as approaches to route I-90, if such projects are otherwise eligible for such approval.

(b) The Secretary of Transportation is authorized to approve as a project on the Interstate System the construction of an additional lane in each direction on route I-90 connecting route I-88 to such route I-90 between exits 25 and 26 on condition that all lanes on I-90 between exits 24 and 26 are free of tolls.

METRIC SYSTEM SIGNING

SEC. 144. (a) No Federal funds may be expended to construct, erect, or otherwise place any sign relating to any speed limit, any distance, or other measurement, on any highway if such sign establishes such speed limit, distance, or other measurement solely using the metric system, unless Congress after the date of enactment of this Act specifically authorizes such expenditure.

(b) No Federal funds may be expended to modify any sign relating to any speed limit, any distance, or any other measurement on any highway for the conversion of such sign solely to the metric system unless Congress, after the date of the enactment of this Act specifically authorizes such expenditure.

(c) For purposes of subsections (a) and (b)—

(1) the term "highway" means a highway as defined in section 101 of title 23, United States Code; and

(2) the term "metric system" means metric system of measurement as defined in section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

THE MAINE TURNPIKE

SEC. 145. (a) Upon satisfaction by the State of Maine or the Maine Turnpike Authority of the following conditions and subject to the requirements of subsection (b), the State of Maine and the Maine Turnpike Authority shall be free of all restrictions with respect to the

imposition and collection of tolls or other charges on the Maine Turnpike or for the use thereof contained in title 23, United States Code, or in any regulation or agreement thereunder:

(1) *repayment by the State of Maine or the Maine Turnpike Authority to the Treasurer of the United States of the sum of \$3,055,000 which is the amount of Federal-aid highway funds received for the construction of interchanges or connections with the Maine Turnpike at West Gardiner, Kennebec County, Maine, and at York, York County, Maine; and*

(2) *destruction and removal of any existing toll plaza and toll collection facility within three years after repayment of bonds outstanding with respect to the Maine Turnpike on Interstate 295 at a location known as Exit 6A to the Maine Turnpike.*

The amount to be repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of the Federal-aid highway funds of the same class last apportioned to the State of Maine. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

(b) *The State of Maine and the Maine Turnpike Authority are deemed to be in compliance with section 129(c) of title 23, United States Code: Provided, That the conditions of subsection (a) are satisfied and that no toll shall be imposed or collected three years after repayment of bonds outstanding with respect to the Maine Turnpike by the State of Maine or the Main Turnpike Authority for the use of the following interchange or connection with the Maine Turnpike: The segment of the National System of Interstate and Defense Highways in South Portland, Cumberland County, Maine, and Scarborough, Cumberland County, Maine, and identified as Interstate 295, connecting Interstate 295 and the Maine Turnpike.*

FOREIGN BUILT HOVERCRAFT IN ALASKA

SEC. 146. (a) Effective during the five year period beginning on the date of enactment of this Act, nothing in section 27 of the Merchant Marine Act, 1920, or any other provision of law restricting the coast-wise trade to vessels of the United States shall prohibit the transportation within the State of Alaska of merchandise or passengers by foreign built hovercraft.

(b) *For the purpose of this section the term "hovercraft" means a vehicle which travels over land or water in a cushion of air generated by such vehicle.*

ACCELERATION OF BRIDGE PROJECTS

SEC. 147. The Secretary of Transportation shall carry out two projects to construct or replace high traffic volume bridges located on the Federal-aid system and which traverse major bodies of water in order to demonstrate the feasibility of reducing the time required to replace unsafe bridges. One project shall demonstrate the feasibility of reducing the time required from the time of a request for project approval through completion of construction. The other project shall demon-

strate the feasibility of reducing the time to complete construction of bridge projects on which all Federal environmental and navigational reviews and assessments have been completed: Not to exceed \$54,000-000 of the amount authorized for the fiscal year ending September 30, 1979, by section 202(6) of the Highway Safety Act of 1978 to be apportioned under section 144(e) of title 23, United States Code, shall be set aside before any such apportionment and shall be available for obligation to carry out this section 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 such funds shall be available until expended. The Federal share of the projects authorized by this section shall be that provided in section 120(c) of title 23, United States Code. Not later than six months after completion of each such project, the Secretary of Transportation shall submit a report to Congress which includes, but is not limited to, a description of the methods used to reduce the time necessary for the completion of such bridge project, recommendations for applying such methods to other bridge projects, and any changes which may be necessary to existing laws to permit further reductions in the time necessary to complete bridge projects.

THOUSAND ISLANDS BRIDGE AUTHORITY

SEC. 148. The facility owned by the Thousand Islands Bridge Authority located in part on the right-of-way of Interstate Route I-81 in New York State six hundred feet from the border with Canada is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on such rights-of-way. Such exemption shall be only for the purpose of permitting the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

BLOOMINGTON FERRY BRIDGE

SEC. 149. There is authorized to be appropriated to the Secretary of Transportation, out of the Highway Trust Fund, \$200,000 for expenditure through the State of Minnesota in preparing environmental impact statements required by Federal law in connection with the construction of the Scott County-Hennepin County Highway 18 Bridge (Bloomington Ferry Bridge) in the vicinity of Bloomington, Minnesota. 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.

ACCESS CONTROL DEMONSTRATION PROJECTS

SEC. 150. (a) The Secretary of Transportation is authorized to carry out access control demonstration projects designed to demonstrate whether preserving the capacity of existing highways to move traffic safely by acquiring and controlling the right of access to such a highway is a cost effective alternative to the construction of additional highways. Such demonstration projects shall be carried out (1) on highways which are on the Federal-aid primary or secondary system, and are well maintained and in good condition, and (2) in traffic cor-

ridors which are not already subject to heavy industrial, commercial, or residential development. The Secretary of Transportation shall carry out one such demonstration project in each of three States.

(b) On or before September 30, 1983, the Secretary shall report to Congress the results of the projects carried out under this section.

(c) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, not to exceed \$10,000,000 for the fiscal year ending September 30, 1979, and \$20,000,000 for the fiscal year ending September 30, 1980.

(d) 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.

CONNECTOR PRIMARY DEMONSTRATION

SEC. 151. (a) The Secretary of Transportation, in cooperation with the States of New Mexico and Texas, shall conduct a demonstration project to upgrade routes on the Federal-aid primary system between Las Cruces, New Mexico, and Amarillo, Texas, and between Lubbock, Texas, and Interstate Route 10. The project shall demonstrate means by which the service provided by the Interstate System can efficiently and effectively be supplemented by such improvement.

(b) Funds to carry out the project authorized by subsection (a) shall come either (1) from funds apportioned to the States of New Mexico and Texas under section 104(b)(1) of title 23, United States Code with the Federal share of the project cost at 90 per centum, or (2) from funds available for obligation at the discretion of the Secretary of Transportation for priority primary routes with the Federal share of the project cost that applicable to such priority primary routes, without regard to whether such routes are in fact designated as priority primary routes.

DEMONSTRATION PROJECT—BYPASS HIGHWAY

SEC. 152. The Secretary of Transportation is authorized to carry out a demonstration project on the Federal-aid primary system for the construction of a bypass highway from a point south of Prairie Creek Redwood State Park through the drainage of May Creek and Boyes Creek to extend along the eastern boundary of Prairie Creek Redwood State Park within Humboldt County, California, for the purpose of determining the extent such bypass highway will divert motor vehicle traffic around such park so as to best serve the needs of the traveling public while preserving the natural beauty of the park. Such project shall be subject to the provisions of chapter 1 of title 23, United States Code, applicable to highway projects on the Federal-aid system, except that the Federal share of the cost of such project shall not exceed 90 per centum. The Secretary shall report to Congress upon completion of the project the results of this demonstration project, together with any recommendations the Secretary deems necessary. There is authorized to be appropriated, out of the Highway Trust Fund, \$5,000,000 for fiscal year 1979, \$25,000,000 for fiscal year 1980, and \$20,000,000 for fiscal year 1981, to carry out this section. Such sums shall remain available until expended.

DEMONSTRATION PROJECT—VENDING MACHINES

SEC. 153. The Secretary of Transportation shall carry out a demonstration project on the Interstate System, which, notwithstanding section 111 of title 23, United States Code, would permit the placement of vending machines in rest and recreation areas and in safety rest areas constructed or located on the rights-of-way of such System. The vending machines shall dispense such food, drink, and other articles as the Secretary of Transportation determines necessary to ascertain the need for, and desirability of, this service to the traveling public. The Secretary of Transportation shall report to Congress not later than two years after the date of enactment of this section on the results of the demonstration project authorized by this section together with any recommendations he deems necessary.

DEMONSTRATION PROJECT OF INTEGRATED MOTORIST INFORMATION SYSTEM

SEC. 154. (a) The Secretary of Transportation is authorized to carry out a demonstration project of the use of a sophisticated automated roadway management system to increase the capacity and safety of automobile travel in high density travel corridors without providing additional lanes of pavement. The management system shall coordinate the traffic flow in major freeways and arterials servicing the travel corridor by use of an integrated system of vehicle sensors to monitor traffic, computers to assess traffic conditions throughout the corridor, and devices to communicate with drivers, police, and emergency equipment.

(b) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, not to exceed \$1,500,000 for the fiscal year ending September 30, 1979, not to exceed \$2,500,000 for the fiscal year ending September 30, 1980, and not to exceed \$26,000,000 for the fiscal year ending September 30, 1981.

(c) The Federal share payable on account of any project authorized under this section shall not exceed 90 per centum of the total cost thereof.

(d) 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 any project under this section shall not exceed 90 per centum.

DEMONSTRATION PROJECT—RESTRICTED ACCESS

SEC. 155. (a) The Secretary of Transportation is authorized to carry out a demonstration project in a metropolitan area having a population of five hundred thousand, or more, to restrict the access of motor vehicles to the central business district of such area during hours of peak traffic for the purpose of determining the practicability of this method of reducing motor vehicle congestion in this area.

(b) Secretary of Transportation shall submit a progress report annually on the project authorized by this section and a final report, together with his recommendations, not later than three years after the date of enactment of this Act.

(c) There is authorized to be appropriated, out of the Highway Trust Fund, such sums as may be necessary to carry out this section.

ALASKA AND PUERTO RICO INTERSTATE STUDY

SEC. 156. The Secretary of Transportation shall study and report to the Congress by July 1, 1979, on the feasibility and desirability of designating routes in the State of Alaska and Commonwealth of Puerto Rico as part of the National System of Interstate and Defense Highways. The study shall consider the transportation needs in such areas and shall include, but not be limited to, necessity for intercity routes of a standard greater than the primary system, expected traffic volume, requirements for movements of goods, and need for connectivity. The Secretary shall also report on appropriate design standards required for Interstate routes in the State of Alaska.

EAST-WEST TOLL ROAD—INDIANA STUDY

SEC. 157. The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall study the possibility of relieving the Indiana Toll Road Commission of obligations resulting from the use of certain Federal funds and report the results of such study to the Congress by November 15, 1978. Such study shall be limited to the following:

(1) Additional Indiana East-West Toll Road entrances and exits in locations designated as metropolitan areas by the United States Census Bureau, 1970 census or cities of twenty-five thousand or more population, and the approximate cost and course of funding of each interchange.

(2) Methods of economical toll collections assuring fair and equitable payment from the individual user and ascertainment of urban toll free areas.

(3) Improvements necessary to insure compliance of the Indiana East-West Toll Road with Interstate Highway Standards and the approximate cost and source of payment for such improvements.

(4) Projection of maintenance costs and revenues of the Indiana East-West Toll Road until 1994 under various toll systems and charges.

(5) Formula of toll distribution by which Indiana communities directly affected by ingress to or egress from the Indiana East-West Toll Road (limited to Indiana communities within fifteen miles of the Indiana East-West Toll Road) may be reimbursed for costs incurred due to the toll road from revenues remaining after expenditures are made for the upgrading of the Indiana East-West Toll Road to Federal highway standards, the maintenance of the toll road, the construction of new interchanges and bond obligations, specifically including reserves.

(6) The total cost to the State highway commission if tolls are removed.

(7) An estimate of the time frame for the earliest construction of whatever improvements are recommended, based upon each

of the following alternative methods of financing: by proceeds from the sale of toll supported bonds, by funds provided solely by the State of Indiana, and by funds principally provided by the Federal Government.

COLUMBIA RIVER BRIDGE STUDY

SEC. 158. The Secretary of Transportation, in cooperation with the States of Washington and Oregon, shall conduct a feasibility study of an additional bridge across the Columbia River between Vancouver, Washington, and Portland, Oregon. The Secretary shall report the results of such study, together with his recommendations, not later than January 1, 1979.

STUDY CONCERNING URBAN BLIGHT

SEC. 159. The Secretary shall conduct a study of the potential for reducing urban blight adjacent to Federal-aid primary and interstate highways located in central business districts, which shall include but not be limited to the following—

(a) a catalogue and evaluation of adverse impacts on adjacent land use;

(b) development of a list of potential ways that these adverse impacts could be eliminated or reduced;

(c) estimates of potential increases in value of adjacent land and air rights resulting from reduction of adverse highway impacts together with estimates of potential costs of highway improvements and related measures needed to reduce adverse impacts;

(d) an assessment of the feasibility of using air rights and adjacent land after the improvements are completed to contribute to urban employment, recreational opportunities, low and moderate income housing, and commercial, retail, institutional and higher income residential development;

(e) the development of financing proposals, including legislative proposals, involving all appropriate levels of government and private capital where appropriate, which would finance improvements identified as desirable;

(f) such other matters as the Secretary shall deem appropriate. Such study shall be conducted in cooperation with appropriate State and local governments and shall be submitted to Congress two years after the date of enactment.

INTERDEPARTMENTAL COORDINATION STUDY

SEC. 160. (a) The Secretary of Transportation shall make a full and complete investigation and study with the cooperation of the Secretaries of the Departments of Energy, Housing and Urban Development, and Commerce, the Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget of—

(1) all those factors affecting the integration of the Clean Air Act, the Energy Policy and Conservation Act, the Urban

Mass Transportation Act of 1964, and title 23, United States Code and related highway laws;

(2) *the parallel among all rules, regulations, administrative reviews, and approvals pursuant to the Acts referred to in paragraph (1) of this subsection;*

(3) *all those factors affecting the availability and coordination of funding sources to achieve improved air quality, energy conservation, and transportation efficiency;*

(4) *the degree to which urban growth, development, and Federal funding to urban areas is predicated upon compliance with the Clean Air Act requirements and plans to attain air quality standards;*

(5) *the feasibility of permitting tolls and other user charges on roads and highways on the Federal-aid systems as part of a State implementation plan under the Clean Air Act.*

(b) *The results of the investigation and study described in subsection (a) of this section shall be reported to the President and the Congress no later than one year following the date of enactment of this section.*

(c) *Nothing in this section shall be construed to amend, stay, or in any other way restrict or limit any authority or duty under the Clean Air Act, the Energy Policy and Conservation Act, the Urban Mass Transportation Act of 1964, and title 23, United States Code and related highway laws.*

VEHICLE WEIGHTS—INTERSTATE

SEC. 161(a)(1) The Secretary of Transportation is hereby authorized and directed, in cooperation with other Federal officers and agencies, the State departments of transportation or highway departments, and other affected parties, to make a study and investigation of—

(A) *the need for, and desirability of, uniformity in maximum truck size and weight limits throughout the United States;*

(B) *the effect upon the construction, reconstruction and maintenance of roads, upon the economy of a State or region upon energy consumption, and upon carriers of reducing to limits set forth in section 127, title 23, United States Code, those maximum size and weight limits currently higher than limits in such section;*

(C) *the relation of highway and bridge design, construction practices, and maintenance costs in those States with weights above the Federal maximum, including an analysis of the adequacy of such design practices for these weights, as compared to the same factors in States adhering to the weight limits set forth in section 127 of title 23, United States Code; and*

(D) *the adequacy of current highway and bridge design standards with respect to the present and future transportation needs, considering costs, economy of transportation and fuel efficiency.*

(2) *The Secretary shall report to the Congress the findings and recommendations of this study no later than January 15, 1981. Such report shall include recommendations on the desirability of uniform maximum truck weights and, if desirable, appropriate means to bring about such uniformity, and the appropriateness of current maximum vehicle weights.*

IMPACT OF INCREASED UNIT TRAIN TRAFFIC

SEC. 162. (a) The Secretary of Transportation, in cooperation with the State highway departments, and appropriate officials of local government, is authorized and directed to undertake a comprehensive investigation and study of techniques for alleviating the environmental, social, economic, and developmental impacts of increased unit train traffic to meet national energy requirements in communities located along rail corridors experiencing such increased traffic. Such study and investigation shall include, but not be limited to, the following:

(1) identification of specific adverse impacts on affected communities;

(2) examination of specific techniques to alleviate such impacts, including but not limited to low cost systems management methods, grade crossing separation, and rail line relocation, together with an assessment of the cost and benefit of each such technique;

(3) delineation of criteria to determine whether grade crossing separation or rail line relocation is appropriate for a given location;

(4) determination of the proper share of the cost of implementation for each such technique to be borne by the railroad or railroads based on the net benefit derived; and

(5) determination of various costs for different types of separation construction based on such factors as number of rail lines and number of highway lanes intersecting at the crossing.

(b) In the conduct of the investigation and study authorized by subsection (a) of this section, the Secretary shall specifically consider the following rail corridors:

(1) the Burlington Northern mainline from Beach, North Dakota to Staples, Minnesota, from Staples, Minnesota to Minneapolis/St. Paul, Minnesota and from Staples, Minnesota to Duluth, Minnesota/Superior, Wisconsin;

(2) the Burlington Northern line from Joder, Nebraska to Rulo, Nebraska;

(3) the Chicago Northwestern line from Harrison, Nebraska to Blair, Nebraska; and

(4) the Union Pacific line from Scottsbluff, Nebraska to Steele City, Nebraska.

(c) The Secretary shall report to the Congress on the results of the investigation and study authorized by subsection (a) of this section not later than March 31, 1979. Such report shall include the information required by subsection (a) together with the Secretary's conclusions and recommendations for appropriate legislation.

(d) There is hereby authorized to be appropriated not to exceed \$350,000 to carry out this section.

BRIDGE DIVERSION STUDY

SEC. 163. The Secretary of Transportation shall make a full and complete investigation and study of the need for, and ways and means of

accomplishing, diverting a portion of the traffic from the bridges on the Interstate System across the Mississippi River presently operating above designed capacity to other bridges in the vicinity of any such Interstate System bridge. The Secretary shall report to Congress not later than two years after the date of enactment of this section the results of such investigations and study together with recommendations for necessary legislation.

BONDED INDEBTEDNESS STUDY

SEC. 164. The Secretary of Transportation shall conduct a study to determine the extent of outstanding bonded, indebtedness for each State as of January 1, 1979, incurred by each State or public authority within each State prior to June 29, 1956, for the construction of toll roads or portion thereof incorporated into the Interstate System. The study should determine a method of allocating bonded indebtedness between portions of toll roads which have been incorporated into the Interstate System and portions which remain free to public travel. The study should determine what specific encumbrances there are to expeditious removal of tolls and recommended alternative methods for equitable payment of debt service for the purpose of making toll roads incorporated into the Interstate System free to public travel. The Secretary shall report his findings to Congress not later than July 1, 1980.

DULLES AIRPORT HIGHWAY ACCESS STUDY

SEC. 165. The Secretary of Transportation shall, not later than 90 days after the date of enactment of this section, complete the ongoing study of commuter access to the Dulles Airport Access Highway and report the findings and recommendations to Congress.

STUDY—FACTORS AFFECTING TRANSPORTATION OPERATIONS

SEC. 166. The Secretary of Transportation shall make a full and complete investigation and study of all those factors affecting the safe and efficient operation of bridges, tunnels, and roads within the United States, including, but not limited to, structural, operational, environmental, and civil disturbance factors.

OBLIGATION LIMITATION

SEC. 167. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1979 shall not exceed \$8,500,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code.

(b) Notwithstanding the limitation contained in subsection (a) of this section, the Secretary shall not in any way control—

(1) the rate of obligation of such limitation or in any other manner; and

(2) by priority or otherwise, programs or projects eligible for Federal financial assistance from those funds for such programs and projects which are subject to such limitation, if such pro-

grams or projects are otherwise eligible for such assistance under title 23, United States Code, or any other applicable provision of law.

HAZARD ELIMINATION PROGRAM

SEC. 168. (a) Section 152 of title 23, United States Code, is amended to read as follows:

“§ 152. Hazard elimination program

“(a) Each State shall conduct and systematically maintain an engineering survey of all public roads to identify hazardous locations, sections and elements, including roadside obstacles and unmarked or poorly marked roads, which may constitute a danger to motorists and pedestrians, assign priorities for the correction of such locations, sections and elements, and establish and implement a schedule of projects for their improvement.

“(b) The Secretary may approve as a project under this section any highway safety improvement project.

“(c) Funds authorized to carry out this section shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System) except in the Virgin Islands, Guam, and American Samoa.

“(d) The Federal share payable on account of any project under this section shall be 90 percent of the cost thereof.

“(e) Funds authorized to be appropriated to carry out this section shall be apportioned to the States as provided in section 402(c) of this title. Such funds shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive provisions he deems inconsistent with the purposes of this section.

“(f) Each State shall establish an evaluation process approved by the Secretary, to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section. Such evaluation process shall develop cost-benefit data for various types of corrections and treatments which shall be used in setting priorities for highway safety improvement projects.

“(g) Each State shall report to the Secretary of Transportation not later than September 30 of each year, on the progress being made to implement highway safety improvement projects for hazard elimination and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1 of each year on the progress being made by the States in implementing the hazard elimination program. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous 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 (a) and include recommendations for future implementation of the hazard elimination program.

"(h) For the purposes of this section the term 'State' shall have the meaning given it in section 401 of this title."

(b) Section 153 of title 23, United States Code, is repealed.

(c) The analysis of chapter I of title 23 is amended by striking out:

"Projects for high-hazard locations."

and inserting in lieu thereof:

"Hazard elimination program."

and by striking out:

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

and inserting in lieu thereof:

"153. Repealed."

(d) Subsection (c) of section 219 of title 23, United States Code, is amended by adding at the end thereof the following: "Not less than 50 per centum of the funds obligated in any State under this section in any fiscal year shall be obligated for highway safety construction projects."

PLANNING

SEC. 169. (a) Section 134(a) of title 23, United States Code, is amended to read as follows:

"(a) It is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with the State and local officials in the development of transportation plans and programs which are formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of urban areas of more than 50,000 population. The planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities. The process shall consider all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems. After July 1, 1965, the Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section. No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location, and design of the project."

(b) Section 134 is further amended by adding a new subsection (b) as follows and redesignating existing subsection (b) as subsection (c):

"(b) (1) Within one year after enactment of this subsection, in the absence of State law to the contrary, units of general purpose local government within an urbanized area or contiguous urbanized areas for which a metropolitan planning organization has been designated prior to enactment of this subsection, may by agreement of at least 75 per centum of the units of general purpose local government representing at least 90 per centum of the population of such urbanized area, or areas, and in cooperation with the Governor, redesignate as the metropolitan planning organization any representative organization.

"(2) Except as provided in paragraph (1), after the date of enactment of this subsection designations of metropolitan planning organizations shall be by agreement among the units of general purpose local government and the Governor."

NATIONAL ALCOHOL FUELS COMMISSION

SEC. 170. (a) (1) There is hereby established a Commission to be known as the National Alcohol Fuels Commission hereinafter referred to as the "Commission".

(2) The Commission shall make a full and complete investigation and study of the long- and short-term potential for alcohol fuels, from biomass (including, but not limited to, animal, crop and wood waste, municipal and industrial waste, sewage sludge, and oceanic and terrestrial crops) and coal, to contribute to meeting the Nation's energy needs. It shall take into consideration the technical, economic, legal, environmental, and social factors associated with the production, manufacture, distribution, and use of such fuels. It will evaluate the costs and benefits of alternative feedstocks, and their possible end uses, and analyze the feasibility and desirability of converting these resources to alcohol fuels. Based on such study it shall recommend those policies, and their attendant costs and benefits, most likely to minimize our dependence on petroleum, insure adequate energy supplies, and contribute to the economic health of the Nation.

(3) Members of the Commission shall be appointed by February 1, 1979. The Commission shall be established within 60 days of being provided with funds. The Commission shall be comprised of nineteen members as follows:

(A) A Chairman and five members appointed by the President pro tempore of the Senate from the membership of the Committee on Energy and Natural Resources, the Committee on Appropriations, and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate;

(B) A Vice Chairman and five members appointed by the Speaker of the House of Representatives from the membership of the Committee on Appropriations, the Committee on Science and Technology, and the Committee on Agriculture of the United States House of Representatives; and

(C) seven members of the public appointed by the President, including a broad representation from industrial, labor, agricultural, small business and consumer groups.

(b) The Commission shall not later than 1 year after being established submit to the President and the Congress its final report including its findings and recommendations. The Commission shall cease to

exist six months after submission of such report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(c) Such report shall include the Commission's findings and recommendations with respect to—

(1) the long and short term potential of alcohol fuels contributing to domestic energy supply;

(2) the relative costs and benefits of developing alcohol fuels from alternative feedstocks, taking into account technical, economic, legal, competitive, environmental, and social factors associated with their production, distribution and use; their most appropriate end uses; and a recommended time frame for their introduction into the Nation's energy mix;

(3) the existing policies and programs of the Federal Government which affect the development of such alternative fuels; and

(4) new policies and programs required to develop alcohol fuels from coal and alcohol and other fuels from the biomass to meet the Nation's projected short-term and long-term energy needs.

(d) (1) The Chairman of the Commission shall request the head of each Federal department or agency which has an interest in or a responsibility with respect to a national alcohol fuels policy to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section. Such departments and agencies shall include, but not be limited to, the Department of Energy, the Department of Agriculture, the Department of Transportation, the Environmental Protection Agency, the Department of the Interior, the Department of Justice, the Department of the Treasury, and the Small Business Administration.

(2) In carrying out its duties the Commission shall seek the advice of various groups interested in a national alcohol fuel policy including, but not limited to, State and local governments, public and private organizations working in the fields of alternative fuel development, industry, labor, and the environment.

(e) (1) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable.

(2) the Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(f) (1) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, per diem in accordance with the rules of the Senate, or subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(2) *Members of the Commission, except Members of Congress shall each receive compensation for such periods of time as they are engaged in the business of the Commission at a rate not in excess of the maximum rate of pay for GS-18 as provided in the General Schedule under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel expenses, per diem in accordance with the rules of the Senate, or subsistence and other necessary expenses incurred by them in performance of duties while serving as a Commission member.*

(g) (1) *The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to the provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall any employee other than the staff director receive as compensation an amount in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5, United States Code.*

(2) *The staff director shall be compensated at level II of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.*

(3) *The Director and Commission personnel shall be reimbursed for travel, per diem in accordance with the rules of the Senate, or subsistence, and other necessary expenses incurred by them in performance of duties while serving the Commission staff.*

(h) *The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations or consultants, and, if necessary, to transfer funds to and accept funds from Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.*

(i) *Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.*

(j) *Subject to the provisions of the Federal Advisory Committee Act, the Chairman may appoint advisory committees to aid in the work of the Commission.*

(k) *The Commission is exempt from the requirements of sections 4301-4308 of title 5, United States Code.*

(l) *There is hereby authorized to be appropriated for the fiscal year ending September 30, 1979, to the Commission not to exceed \$1,500,000 to carry out the purposes of this section.*

LIMITATIONS

SEC. 171. To the extent that any section of this Act provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1978".

HIGHWAY SAFETY

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

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund \$175,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and \$200,000,000 per fiscal year for each of the fiscal years ending September 30, 1981, and September 30, 1982.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, \$50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, \$25,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(4) For carrying out in accordance with section 402(c) of title 23, United States Code, section 154 of such title (relating to the national maximum speed limit), other than subsection (i), out of the Highway Trust Fund, \$50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982. For carrying out section 154(i) of such title, out of the Highway Trust Fund, \$17,500,000 per fiscal year for each of the fiscal years ending September 30, 1980, September 30, 1981, and September 30, 1982.

(5) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, \$10,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(6) For bridge reconstruction and replacement under section 144 of title 23, United States Code, out of Highway Trust Fund, \$900,000,000 for the fiscal year ending September 30, 1979, \$1,100,000,000 for

the fiscal year ending September 30, 1980, \$1,300,000,000 for the fiscal year ending September 30, 1981, and \$900,000,000 for the fiscal year ending September 30, 1982.

(7) For carrying out section 151 of title 23, United States Code (relating to pavement marking), out of the Highway Trust Fund, \$65,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981.

(8) For projects for elimination of hazards under section 152 of title 23, United States Code, out of the Highway Trust Fund, \$125,000,000 for the fiscal year ending September 30, 1979, \$150,000,000 for the fiscal year ending September 30, 1980, \$150,000,000 for the fiscal year ending September 30, 1981, and \$200,000,000 for the fiscal year ending September 30, 1982.

(9) For carrying out section 406 of title 23, United States Code (relating to schoolbus driver training), out of the Highway Trust Fund, \$2,500,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(10) For carrying out section 407 of title 23, United States Code (relating to innovative project grants), out of the Highway Trust Fund, \$5,000,000 for the fiscal year ending September 30, 1980, \$10,000,000 for the fiscal year ending September 30, 1981, and \$15,000,000 for the fiscal year ending September 30, 1982.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) Subsection (b) of section 203 of the Highway Safety Act of 1973 (Public Law 93-87), as amended by the Highway Safety Act of 1976 (Public Law 94-280), is amended to read as follows:

“(b) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated, out of the Highway Trust Fund, for projects for the elimination of hazards of railway-highway crossings on any public road, \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, \$75,000,000 for the fiscal year ending June 30, 1976, \$125,000,000 for the fiscal year ending September 30, 1977, \$125,000,000 for the fiscal year ending September 30, 1978, \$190,000,000 for the fiscal year ending September 30, 1979, and \$190,000,000 for each of the fiscal years ending September 30, 1980, September 30, 1981, and September 30, 1982. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated by this subsection shall be available for obligation in the same manner as funds apportioned under section 104(b) (1) of title 23, United States Code.”.

(b) Subsection (c) of section 203 of the Highway Safety Act of 1973 is hereby repealed.

(c) Subsection (d) of section 203 of the Highway Safety Act of 1973 is hereby amended to read as follows:

“(d) 25 percent of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under section 104(b) (2) of title

23, *United States Code*, 25 percent of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under section 104(b)(6) of title 23, *United States Code*, and 50 percent of the funds made available in accordance with subsection (b) shall be apportioned to the States in the ratio that total rail-highway crossings in each State bears to the total of such crossings in all States. The Federal share payable on account of any project shall be 90 percent of the cost thereof.”

NATIONAL DRIVER REGISTER STUDY

SEC. 204. The Secretary of Transportation shall make a full and complete investigation and study of the need for, and, if necessary, ways and means to establish, a national driver register to assist States in electronically exchanging information regarding motor vehicle driving records of certain individuals. Such investigation and study shall include, but not be limited to, the information to be placed in the register, the accessibility of such information (including privacy safeguards), the necessary computer-electronic equipment, and means of keeping such register current. The Secretary shall issue a final report to Congress on the results of such investigation and study, together with the recommendations of the Secretary, not later than one year after the date of enactment of this section.

NATIONAL MAXIMUM SPEED LIMIT

SEC. 205. Section 154 of title 23, *United States Code*, is amended by adding at the end thereof the following new subsections:

“(e) Each State shall submit to the Secretary such data as the Secretary determines by rule is necessary to support its certification under section 141 of this title for the twelve-month period ending on September 30 before the date the certification is required, including data on the percentage of motor vehicles exceeding fifty-five miles per hour on public highways with speed limits posted at fifty-five miles per hour in accordance with criteria to be established by the Secretary, including criteria which takes into account the variability of speedometer readings and criteria based upon the speeds of all vehicles or a representative sample of all vehicles.

“(f)(1) For the twelve-month period ending September 30, 1979, if the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 70 per centum, 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 this title in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1981.

“(2) For the twelve-month period ending September 30, 1980, if the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 60 per centum, 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 this title

in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1982.

"(3) For the twelve-month period ending September 30, 1981, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 50 per centum, 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 this title in an aggregate amount of up to 5 per centum of the amount to be apportioned for the fiscal year ending September 30, 1983.

"(4) For the twelve-month period ending September 30, 1982, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 40 per centum, 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 this title in an aggregate amount of up to 10 per centum of the amount to be apportioned for the fiscal year ending September 30, 1984.

"(5) For the twelve-month period ending September 30, 1983, and for each succeeding twelve-month period thereafter, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 30 per centum, 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 this title in an aggregate amount of up to 10 per centum of the amount to be apportioned for the fiscal year ending September 30, 1985, and for each succeeding fiscal year thereafter.

"(g) In any case where the Secretary determines, in accordance with criteria established by the Secretary, that a reduction in apportionment required by subsection (f) of this section will result in hardship to a State, the fiscal year apportionment reduced for such State shall be the apportionment for one fiscal year later than the fiscal year to which such reduction would apply under subsection (f) but for such hardship determination.

"(h) The Secretary shall promptly apportion to a State any funds which have been withheld pursuant to subsection (f) of this section if he determines that the percentage of motor vehicles in such State exceeding fifty-five miles per hour has dropped to the level specified for the fiscal year for which the funds were withheld.

"(i) (1) For the twelve-month period ending September 30, 1979, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 60 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1980.

"(2) For the twelve-month period ending September 30, 1980, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 50 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1981.

"(3) For the twelve-month period ending September 30, 1981, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 40 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1982.

"(4) For the twelve-month period ending September 30, 1982, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 30 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1983.

"(5) For the twelve-month period ending September 30, 1983, and for each succeeding twelve-month period thereafter, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is less than 20 per centum, the Secretary shall make an incentive grant to such State during fiscal year 1984 and succeeding fiscal years.

"(6) An incentive grant made to a State under this subsection shall be equal to 10 per centum of the apportionment to such State for the fiscal year on the basis of the data for which such incentive grant is to be made. The apportionment on which such incentive grant is based shall be that made under section 402(c) of this title for carrying out those provisions of section 402 relating to highway safety programs administered by the National Highway Traffic Safety Administration. Incentive grants made under this subsection may be expended for carrying out any provision of section 402 of this title."

ACCIDENT DATA

SEC. 206. There is authorized to be appropriated, out of the Highway Trust Fund, to the Secretary of Transportation not to exceed \$5,000,000 per fiscal year for the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, for the acquisition, storage, and retrieval of highway accident data and for establishing procedures for reporting accidents on a nationwide basis.

HIGHWAY SAFETY GRANTS

SEC. 207. (a) The last sentence of subsection (a) of section 402 of title 23, United States Code, is amended by inserting immediately after "one or more States," the following: "including, but not limited to, such programs for identifying accident causes, adopting measures to reduce accidents, and evaluating effectiveness of such measures,".

(b) (1) Subparagraph (A) of paragraph (1) of subsection (b) of section 402 of title 23, United States Code, is amended by striking out "State agency" and inserting in lieu thereof "State highway safety agency".

(2) The amendment made by paragraph (1) of this subsection shall take effect January 1, 1979.

(c) Paragraph (1) of subsection (b) of section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subparagraph:

“(G) provide for programs (which may include financial incentives and disincentives) to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.”

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by inserting immediately after “State highway safety program” the following: “(other than planning and administration)” and by inserting immediately after “non-Federal share of the cost of any project under this section” the following: “(other than one for planning or administration)”.

INNOVATIVE PROJECT GRANTS

SEC. 208. (a) Chapter 4 of title 23 United States Code, is amended by adding at the end thereof the following new section:

§ 407. Innovative project grants

“(a) In addition to other grants authorized by this chapter, the Secretary may make grants in any fiscal year to those States, political subdivisions thereof, and nonprofit organizations which develop innovative approaches to highway safety problems in accordance with criteria to be established by the Secretary in cooperation with the States, political subdivisions thereof, and such nonprofit organizations as the Secretary deems appropriate.

“(b) The Secretary shall establish a procedure for the selection of grant applications submitted under this section. In developing such procedure, the Secretary shall consult with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary deems appropriate.

“(c) Any State, political subdivision thereof, and nonprofit organization may make an application under this section to carry out an innovative project described in subsection (a) of this section. Such application shall be in such form and contain such information as the Secretary, by regulation, prescribes.

“(d) Not to exceed 2 per centum of the funds authorized to be appropriated to carry out this section shall be available to the Secretary for the necessary costs of administering the provisions of this section.

“(e) The Secretary shall submit an annual report to the Congress which provides a description of each application received for a grant under this section and an evaluation of innovative projects carried out with grants made under this section.”.

(b) The analysis of chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following:

“407. Innovative project grants.”.

HIGHWAY SAFETY EDUCATION AND INFORMATION

SEC. 209. (a) The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall carry out six pilot projects designed, through the use of television and radio, to develop and evaluate techniques, methods, and practices to achieve maximum measurable effectiveness in reducing traffic accidents, injuries, and deaths.

(b) *Each pilot project authorized by this section shall be in operation not later than the one hundred and eightieth day after the date of the first appropriation of funds made under authority of this section, and shall be conducted for a one-year period. Not later than the ninetieth day after the end of each such one-year period, the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall report to Congress the results of such project, including, but not limited to, an evaluation of the effectiveness of such project, and a statistical analysis of the traffic accidents and fatalities within the project area during such one-year period.*

(c) *There is authorized to be appropriated out of the Highway Trust Fund, to carry out subsections (a) and (b) of this section, \$6,000,000, to remain available until expended.*

(d) *Not later than the one hundred and eightieth day after the date of submission of the final report to Congress required by subsection (b) of this section, and utilizing those techniques, methods, and practices determined most effective, the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, 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.*

(e) *Such campaign is authorized to be conducted in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, and shall utilize to the extent possible nongovernmental professional organizations equipped and experienced to conduct such campaign.*

(f) *The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall engage such private firms or organizations as he determines necessary to conduct an on-going evaluation of the national campaign authorized by subsection (d) of this section to determine ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to on-going highway safety programming for evaluating the effectiveness of such programs in terms of the number of lives saved and the reduction in injuries, and for the purpose of developing new programs for the promotion of highway safety. Such evaluation shall include determinations of those programs designed to encourage the voluntary use of safety belts which are most effective and shall include recommendations for new methods and approaches which will result in greater voluntary utilization of safety belts by the public.*

(g) *The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall submit a report to the Congress on July 1 of each year in which the campaign is in progress on the results of such evaluation and on the steps being taken by the Federal Highway Administration to implement the recommendations of such evaluation.*

(h) *For the purpose of carrying out subsections (d), (e), (f), and (g) of this section, there is authorized to be appropriated out of the Highway Trust Fund, \$10,000,000, to remain available until expended.*

MOTORCYCLE HELMET STUDY

SEC. 210. The Secretary of Transportation shall make a full and complete study of the effect of the provision contained in the eighth sentence of subsection (c) of section 402 of title 23 of the United States Code relating to requirements, or lack thereof, concerning the wearing of safety helmets by operators and passengers on motorcycles. Such investigation and study shall include, but not be limited to, deaths, accidents, severity of injuries, length of time of recuperation, and permanent disabilities. The Secretary shall report the results of such study, together with his recommendations, to Congress not later than one year after the date of enactment of this section.

STUDY OF OUTSIZED VEHICLES

SEC. 211. The Secretary of Transportation shall make a complete study of oversized vehicles for operation on the highways constructed in a manner which exceed the standardized industry configurations. The Secretary shall report the results of his study to Congress, with his recommendations, not later than six months after the date of enactment of this section.

MARIJUANA AND OTHER DRUG REPORT

SEC. 212. The Secretary shall report to Congress not later than December 31, 1979, concerning the progress of efforts to detect and prevent marijuana and other drug use by operators of motor vehicles. Such report shall include, but not be limited to, information concerning the frequency of marijuana and drug use by motor vehicle operators, capabilities of law enforcement officials to detect the use of marijuana and drugs by motor vehicle operators, and a description of Federal and State projects undertaken into methods of detection and prevention. The report shall include the Secretary's recommendations on the need for legislation and specific programs aimed at reducing marijuana and other drug use by motor vehicle operators. For the purpose of this section the term "drug" means a controlled substance within the meaning of section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6)).

SAFETY BELT PROGRAM

SEC. 213. Each State shall expend each fiscal year not less than 2 per centum of the amount apportioned to it for such fiscal year of the sums authorized by section 202(1) of this title, for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

SAFETY BELT STUDY

SEC. 214. The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of methods of encouraging the use of safety belts by drivers of, and passengers in, motor vehicles, including, but not limited to, the use of various types

of financial incentives and financial disincentives to encourage such use. 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 the Congress not later than one year after the date of enactment of this Act on the results of such study and investigation, together with its recommendation. 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.

PROHIBITION

SEC. 215. None of the funds authorized by this title (including any amendment made by this title) shall be expended for the purchase, directly or indirectly, of any passive restraint system for any motor vehicle owned by any State (including a political subdivision of a State) or by the United States, except for a motor vehicle primarily used in an educational program.

TITLE III—MASS TRANSPORTATION

SHORT TITLE

SEC. 301. This Act may be cited as the "Federal Public Transportation Act of 1978".

DISCRETIONARY GRANT OR LOAN PROGRAM

SEC. 302. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(a) (1) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as the Secretary may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing—

"(A) the construction of new fixed guideway systems and extensions to existing fixed guideway systems, including the acquisition of real property, the initial acquisition of rolling stock needed for such systems, and the detailed alternative analyses relating to the development of such systems;

"(B) the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service and the coordination of such service with highway and other transportation. Eligible facilities and equipment may include personal property such as buses and other rolling stock, and rail and bus facilities, and real property and improvements (but not public highways other than fixed guideway facilities) needed for an efficient and coordinated public transportation system. No project for the replacement or purchase of buses and related equipment or the construction of bus-related facilities shall be approved unless the Secretary finds

that such project cannot be reasonably funded out of the apportionments under section 5(a) (4) of this Act;

“(C) the introduction into public transportation service of new technology in the form of innovative and improved products;

“(D) transportation projects which enhance the effectiveness of any mass transportation project and are physically or functionally related to such mass transportation project or which create new or enhanced coordination between public transportation and other forms of transportation, either of which enhance urban economic development or incorporate private investment including commercial and residential development. The term “eligible costs” includes property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and the acquisition, construction, and improvement of facilities and equipment for intermodal transfer facilities and transit malls, but does not include the construction of commercial revenue-producing facilities, whether publicly or privately owned, or of those portions of public facilities not related to mass transportation. The Secretary shall require that all grants and loans under this paragraph be subject to such terms, conditions, requirements, and provisions as the Secretary determines necessary or appropriate for purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section. The Secretary shall require in all grants and loans under this subparagraph that any person or entity that contracts to occupy space in facilities funded under this subparagraph shall pay a fair share of the costs of such facilities, through rental payments and other means;

“(E) the modification of equipment and fixed facilities (other than stations) which the Secretary determines to be necessary to avoid any adverse effects resulting from the implementation of the Northeast Corridor project pursuant to title VII of Public Law 94-210. Notwithstanding the Federal share provisions of section 4(a) of this Act, the Secretary is authorized to make grants for 100 per centum of the net project cost of projects assisted under this subparagraph.

“(2) (A) No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

“(i) the legal, financial, and technical capacity to carry out the proposed project; and

“(ii) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment.

“(B) The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the determination required by subparagraph (A), that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period.

“(C) No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses, nor shall any grant

or loan funds be used to support procurements utilizing exclusionary or discriminatory specifications.

“(3) The Secretary shall not approve a grant or loan for a project under this section unless the Secretary finds that such project is part of an approved program of projects required by section 8 of this Act.

“(4) The Secretary is authorized to announce an intention to obligate for a project under this section through the issuance of a letter of intent to the applicant. Such an action shall not be deemed an obligation as defined under section 1311 of the Act of August 26, 1954, as amended (31 U.S.C. 200), nor shall such a letter be deemed an administrative commitment. The letter shall be regarded as an intention to obligate from future available budget authority provided in an appropriations Act not to exceed an amount stipulated as the Secretary's financial participation in the defined project under this section. The amount stipulated in the letter, when issued for a fixed guideway project, shall be sufficient to complete an operable segment. No obligation or administrative commitment may be made pursuant to such a letter of intent except as funds are provided in appropriations Acts. The total estimated amount of future Federal obligations covered by all outstanding letters of intent shall not exceed the amount authorized in section 4(c) of this Act, less an amount reasonably estimated by the Secretary to be necessary for grants under this section which are not covered by a letter of intent. The total amount covered by new letters issued shall not exceed any limitation that may be specified in an appropriations Act. Nothing in this paragraph shall affect the validity of letters of intent issued prior to the enactment of the Federal Public Transportation Act of 1978.”.

(b) Section 3(b) of the Urban Mass Transportation Act of 1964 is amended by striking out “including the net cost of property management” and inserting in lieu thereof the following: “including reconstruction, renovation, and the net cost of property management”.

(c) Section 3(e)(1) of the Urban Mass Transportation Act of 1964 is amended by striking out “the Secretary finds that such assistance is essential to a program, proposed or under active preparation, for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area” and inserting in lieu thereof “the Secretary finds that such assistance is essential to the program of projects required by section 8 of this Act”.

(d) Section 3(h) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(h) Notwithstanding any other provision of this Act, the Secretary, upon application by a local public body, may approve a project which utilizes funds available under sections 3 and 5 of this Act, but in any such project, none of the funds available under section 3 may be expended in connection with the acquisition of buses, bus equipment, or bus related facilities unless the combined project includes new buses, bus equipment, or bus related facilities the cost of which is at least equal to the total amount that reasonably could have been provided for such purposes with funds available under section 5(a)(4).”.

AUTHORIZATIONS

SEC. 303. (a) The caption of section 4 of the Urban Mass Transportation Act of 1964 is amended to read as follows: "NET PROJECT COST, FEDERAL SHARE, AND AUTHORIZATIONS".

(b) Section 4(a) of the Urban Mass Transportation Act of 1964 is amended by striking out the first three sentences.

(c) Section 4(c) of the Urban Mass Transportation Act of 1964 is amended by inserting "(1)" immediately after "(c)"; by inserting after the word "Act" the second time it appears in the first sentence the words "as it read prior to enactment of the Federal Public Transportation Act of 1978"; by striking out the last sentence; and by adding at the end thereof the following new paragraphs:

"(2) Notwithstanding paragraph (1) of this subsection or any other provision of this Act, the unobligated balance of contract authority established pursuant to paragraph (1) shall not be available for administrative commitment after September 30, 1978, and shall lapse on September 30, 1980.

"(3) (A) To finance additional grants and loans under section 3 of this Act and to finance grants and contracts under subsection (i) of this section and section 8 of this Act, there are authorized to be appropriated not to exceed \$1,375,000,000 for the fiscal year ending September 30, 1979; \$1,410,000,000 for the year ending September 30, 1980; \$1,515,000,000 for the year ending September 30, 1981; \$1,600,000,000 for the fiscal year ending September 30, 1982; and \$1,580,000,000 for the fiscal year ending September 30, 1983. In any fiscal year not more than five and one-half per centum of such fiscal years appropriation pursuant to this subparagraph shall be used for the purposes of subsection (I) of this section and section 8 of this Act. Appropriations pursuant to the authority of this paragraph and subsection (g) of this section may be in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation and shall remain available for three years following the close of the fiscal year for which such appropriation is made.

"(B) In each fiscal year, not more than \$200,000,000 of the sums appropriated pursuant to subparagraph (A) shall be available for grants and loans approved under section 3(a)(1)(D) of this Act.

"(C) Not more than \$45,000,000 of the total sums appropriated pursuant to subparagraph (A) shall be available for grants approved under section 3(a)(1)(E) of this Act.

"(D) In each fiscal year, at least \$350,000,000 of the sums appropriated pursuant to subparagraph (A) shall be available for grants for the reconstruction and improvement of existing public mass transportation systems."

(d) Section 4(d) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(d) There are authorized to be appropriated \$10,000,000 in each fiscal year for the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, to carry out the functions of section 11(b) of this Act. Sums appropriated pursuant to this subsection shall remain available until expended."

(e) Section 4 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsections:

"(e) To finance grants under section 18 of this Act, there are authorized to be appropriated not to exceed \$90,000,000 for the fiscal year ending September 30, 1979; \$100,000,000 for the fiscal year ending September 30, 1980; \$110,000,000 for the fiscal year ending September 30, 1981, and \$120,000,000 for the year ending September 30, 1982. Sums appropriated pursuant to this subsection shall remain available until expended.

"(f) There are authorized to be appropriated to carry out the functions of this Act, other than sections 3, 5, 8, 11 (b), 16 (b), 18, 21, and 22, not to exceed \$90,000,000 for the fiscal year ending September 30, 1979; \$95,000,000 for the fiscal year ending September 30, 1980; \$100,000,000 for the fiscal year ending September 30, 1981; and \$105,000,000 for the fiscal year ending September 30, 1982. Sums appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.

"(g) There are authorized to be appropriated such sums as may be necessary to carry out public transportation projects substituted for Interstate segments withdrawn under section 103 (e) (4) of title 23, United States Code.

"(h) (1) On or before the twentieth day of each calendar quarter the Secretary shall submit to Congress a report on (1) obligations, commitments, and reservations by State, designated recipient, and applicant, made under authority of this Act; (2) the balance as of the last day of each quarter of the unobligated, uncommitted, and unreserved apportionments made under this Act; (3) the balance of unobligated, uncommitted, and unreserved sums available for expenditure at the discretion of the Secretary under this Act as of the end of such quarter; (4) a listing of letters of intent issued; and (5) a status report on all outstanding letters of intent.

"(2) On or before October 1, 1979, the Secretary shall report to Congress on authorization requests for sections 3 and 5 of this Act for fiscal years 1981 through 1984. On or before October 1, 1981, the Secretary shall report to Congress on authorization requests for sections 3 and 5 of this Act for fiscal years 1983 through 1986. Such authorization requests shall contain a description and analysis of the methods used and the assumptions relied upon by the Secretary."

"(i) The Secretary is authorized to make grants to States and local public bodies, using sums available pursuant to section 4 (c) (3) (A) of this section, for projects for the deployment of innovative techniques and methods in the management and operation of public transportation services. In each fiscal year grants for any one State shall not exceed twelve and one-half per centum of the funds available for the purposes of this subsection."

URBAN MASS TRANSIT PROGRAM

SEC. 304. (a) Subsections (a) and (b) of section 5 of the Urban Mass Transportation Act of 1964 are amended to read as follows:

"(a) (1) (A) To make grants for construction or operating assistance purposes under this subsection, the Secretary shall apportion for

expenditure in fiscal years 1975 through 1980 the sums authorized by subsection (c) (1) of this section and appropriated pursuant to subsection (c) (2) of this section. For subsequent fiscal years, the Secretary shall apportion the sums appropriated pursuant to subparagraph (B) of this paragraph. Such sums shall be made available for expenditure in urbanized areas or parts thereof on the basis of a formula under which urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of—

“(i) one-half of the total amount so apportioned multiplied by the ratio which the population of such urbanized area or part thereof, as designated by the Bureau of the Census, bears to the total population of all the urbanized areas in all the States as shown by the latest available Federal census; and

“(ii) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

As used in this section, the term ‘density’ means the number of inhabitants per square mile.

“(B) There are authorized to be appropriated for the purposes of this paragraph, \$900,000,000 in each fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982.

“(2) (A) To make grants for construction or operating assistance purposes under this subsection, the Secretary shall apportion for expenditure in each fiscal year the sums appropriated pursuant to subparagraph (c) of this paragraph.

(i) Eighty-five per centum of such sums shall be made available for expenditure in only those urbanized areas or parts thereof with a population of 750,000 or more, and on the basis of a formula under which such urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of—

“(1) one-half of the total amount so apportioned multiplied by the ratio which the population of such an urbanized area or part thereof, as designated by the Bureau of the Census, bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census; and

“(2) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

As used in the preceding sentence, the term ‘density’ means the number of inhabitants per square mile.

(ii) Fifteen per centum of such sums shall be made available for expenditure in only those urbanized areas or parts thereof with a population of less than 750,000 and on the basis of a formula under which such urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of—

“(1) one-half of the total amount so apportioned multiplied by the ratio which the population of such an urbanized area or part thereof, as designated by the Bureau of the Census,

bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census; and

“(2) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

As used in the preceding sentence, the term ‘density’ means the number of inhabitants per square mile.

(C) There are authorized to be appropriated for the purposes of this paragraph \$250,000,000 for the fiscal year ending September 30, 1979; \$250,000,000 for the fiscal year ending September 30, 1980; \$250,000,000 for the fiscal year ending September 30, 1981; and \$250,000,000 for the fiscal year ending September 30, 1982.

“(3) (A) To make grants for construction and operating assistance projects under this subsection involving commuter rail or other fixed guideway systems, the Secretary shall apportion for expenditure in each fiscal year the sums appropriated pursuant to subparagraph (B) of this paragraph. Such sums shall be made available for expenditure in urbanized areas or parts thereof on the basis of a formula under which urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of—

“(i) two-thirds of the total amount to be apportioned as follows: one-half multiplied by a ratio which the number of commuter rail train miles operated within or serving the urbanized area in the prior fiscal year bears to the total number of commuter rail train miles operated in or serving all urbanized areas in the prior fiscal year, and one-half multiplied by a ratio which the number of commuter rail route miles operated within or serving the urbanized area in the prior fiscal year bears to the total number of commuter rail route miles operated in or serving all urbanized areas in the prior fiscal year. No single eligible State’s portion of an urbanized area shall receive in any fiscal year less than one-half per centum or more than thirty per centum of the sums appropriated for such fiscal years pursuant to this clause;

“(ii) one-third of the total amount to be apportioned multiplied by the ratio that the number of fixed guideway system route miles (excluding commuter rail route miles) in the urbanized area in the prior fiscal year bears to the total number of such fixed guideway system route miles (excluding commuter rail route miles) in all urbanized areas in the prior fiscal year. For the purposes of the calculation to be made under this subparagraph, no single State’s portion of an urbanized area shall receive more than 30 per centum of the sums appropriated for such fiscal year pursuant to this clause.

Sums apportioned under this paragraph shall be available for expenditure only for capital or operating assistance projects involving commuter rail or other fixed guideway systems.

“(B) There are authorized to be appropriated for the purposes of this paragraph, \$115,000,000 for the fiscal year ending September 30, 1979; \$130,000,000 for the fiscal year ending September 30, 1980; \$145,000,000 for the fiscal year ending September 30, 1981; and \$160,000,000 for the fiscal year ending September 30, 1982.

"(4) (A) To make grants under this subsection for the purchase of buses and related equipment, or the construction of bus related facilities, the Secretary shall apportion in each fiscal year the sums appropriated pursuant to subparagraph (B) of this paragraph. In fiscal years 1979 and 1980, the apportionments shall be made in accordance with the population density formula set out in subsection (a)(1)(A) of this section. Sums apportioned under this paragraph shall be available only for projects for the purchase of buses and related equipment, in the construction of bus related facilities, except that projects assisted pursuant to section 3(h) of this Act may utilize funds apportioned under this section for any eligible construction project.

"(B) There are authorized to be appropriated for the purposes of this paragraph \$300,000,000 for the fiscal year ending September 30, 1979; \$300,000,000 for the fiscal year ending September 30, 1980; \$370,000,000 for the fiscal year ending September 30, 1981; and \$455,000,000 for the fiscal year ending September 30, 1982.

"(b) (1) The Governor, responsible local officials and publicly owned operators of mass transportation services, in accordance with the planning process required under section 8 of this Act, with the concurrence of the Secretary, shall designate a recipient or recipients to receive and dispense the funds apportioned under subsection (a) that are attributable to urbanized areas of two hundred thousand or more population. In any case in which a statewide or regional agency or instrumentality is responsible under State laws for the financing, construction and operation, directly, by lease, contract or otherwise, of public transportation services, such agency or instrumentality shall be the recipient to receive and dispense such funds. The term 'designated recipient' as used in this section shall refer to the recipient selected according to the procedures required by this paragraph.

"(2) Sums apportioned under subsection (a) not made available for expenditure by designated recipients in accordance with the terms of paragraph (1) of this subsection shall be made available to the Governor for expenditures in urbanized areas or parts thereof in accordance with the planning process required under section 8 of this Act and shall be fairly and equitably distributed. The Governor shall submit annually a report to the Secretary concerning the allocation of funds made available under this paragraph."

(b) Section 5(c)(2) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "In addition to sums authorized in paragraph (1) of this subsection, there is authorized to be appropriated for the fiscal year ending September 30, 1980 the additional amount of \$125,000,000. This amount shall be available for apportionment pursuant to subsection (a)(1) of this section.

(C) Section 5(c) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(3) Appropriations pursuant to this section shall be available until expended.

"(4) Sums apportioned under this section shall be available for obligation by the Governor or designated recipient for a period of three 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, except that any funds authorized by section 5(a) (3) and (4) which are so reapportioned shall remain subject to the limitations applicable to the original apportionment of such funds”.

(e) Section 5(f) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(f) Federal funds available for expenditure for mass transportation projects under this section and apportioned for fiscal years ending prior to October 1, 1981, shall be supplementary to and not in substitution for the average amount of State and local government funds and other transit revenues such as advertising concessions, and property leases, excluding reimbursement payments for the transportation of schoolchildren, expended on the operation of mass transportation service in the area involved for the two fiscal years preceding the fiscal year for which the funds are made available; Provided, however, That if such State and local government funds or other transit revenues are reduced, there shall be no loss of Federal assistance under this section if such reduction is offset by an increase in operating revenues through changes in fare structure. Nothing in the preceding sentence shall be construed as preventing State or local tax revenues which are used for the operation of mass transportation service in the area involved from being credited (to the extent necessary) toward the non-Federal share of the cost of the project. Where the Secretary finds that a recipient has reduced operating costs without reducing service levels the recipient shall be entitled to make a proportionate reduction in the amount of transit revenues required to be expended under this subsection.”.

(f) Section 5(g) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(g) The Secretary shall not approve a grant or loan for a project under this section unless he finds that such project is part of the approved program of projects required by section 8 of this Act, and that the applicant or responsible agency has or will have—

“(1) the legal, financial, and technical capacity to carry out the proposed project; and

“(2) satisfactory continuing control, through operation or lease or otherwise, over the use of project facilities and equipment.”.

(g) Section 5(i) of the Urban Mass Transportation Act of 1964 is amended by striking out “and (2)” and inserting in lieu thereof “(2)”; by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “and (3) assurances satisfactory to the Secretary that any public mass transportation system receiving financial assistance under such project will not change any fare and will not substantially change any service except (A) after having held public hearings or having afforded an adequate opportunity for such hearings, after adequate public notice, (B) after having given proper consideration to views and comments expressed in such hearings, and (C) after having given consideration to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service.”.

PLANNING AND TECHNICAL STUDIES

SEC. 305. (a) Sections 8 and 9 of the Urban Mass Transportation Act are repealed.

(b) The Urban Mass Transportation Act is amended by inserting after section 7 the following new section:

“PLANNING AND TECHNICAL STUDIES

“SEC. (a) It is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with the State and local officials in the development of transportation plans and programs which are formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of urban areas of more than 50,000 population. The planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities. The process shall consider all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems.

“(b) (1) The urbanized area planning process shall be carried on by local officials acting through a metropolitan planning organization in cooperation with the State.

“(2) Within one year after enactment of this subsection, in the absence of State law to the contrary, units of general purpose local government within an urbanized area or contiguous urbanized areas for which a metropolitan planning organization has been designated prior to enactment of this subsection, may by agreement of at least 75 per centum of the units of general purpose local government representing at least 90 per centum of the population of such urbanized area or areas and in cooperation with the Governor, redesignate as the metropolitan planning organization any representative organization.

“(3) Except as provided in subparagraph (B), after the date of enactment of this subsection, designation of metropolitan planning organizations shall be by agreement among the units of general purpose local government and the Governor.

“(c) A program of projects eligible for assistance under this Act shall be submitted for approval to the Secretary. The Secretary shall not approve for an urbanized area any such program of projects in whole or in part unless (1) the Secretary finds that the planning process on which such program is based is being carried on in conformance with the objectives of this section, and (2) the Secretary finds that the program of projects is based on the planning process.

“(d) The Secretary is authorized to contract for and make grants to States and local public bodies and agencies thereof for the planning, engineering, designing, and evaluation of public transportation proj-

ects, and for other technical studies. Activities assisted under this section may include (1) studies relating to management, operations, capital requirements, and economic feasibility; (2) preparation of engineering and architectural surveys, plans, and specifications; (3) evaluation of previously funded projects; and (4) other similar or related activities preliminary and in preparation for the construction, acquisition, or improved operation of mass transportation systems, facilities, and equipment. A grant or contract under this section shall be made in accordance with criteria established by the Secretary.

“(e) The plans and programs required by this section shall encourage to the maximum extent feasible the participation of private enterprise. Where facilities and equipment are to be acquired which are already being used in mass transportation service in the urban area, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area.”.

FELLOWSHIP ASSISTANCE

SEC. 306. Section 10 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“GRANTS FOR TRAINING PROGRAMS

“SEC. 10. The Secretary is authorized to make grants to States, local public bodies, and agencies thereof (and operators of public transportation services) to provide fellowships for training of personnel employed in managerial, technical, and professional positions in the public transportation field. Fellowships shall be for not more than one year of training in public or private training institutions offering programs having application in the public transportation industry. The recipient of a fellowship under this section shall be selected by the grantee on the basis of demonstrated ability and for the contribution which the recipient can be reasonably expected to make to an efficient public transportation operation. The assistance under this section toward each fellowship shall not exceed the lesser of \$24,000 or 75 per centum of the sum of (1) tuition and other charges to the fellowship recipient, (2) any additional costs incurred by the training institution in connection with the fellowship and billed to the grantee, and (3) the regular salary of the fellowship recipient for the period of the fellowship (to the extent that salary is actually paid or reimbursed by the grantee).”.

TRANSPORTATION CENTERS

SEC. 307. Subsection (b) of section 11 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(b) (1) In addition to grants authorized by subsection (a) of this section, the Secretary is authorized to make grants for the purpose of establishing and operating transportation centers at nonprofit institutions of higher learning.

“(2) The institutions receiving assistance under this subsection shall be selected by the Secretary, in coordination with State transportation agencies or departments, on the basis of demonstrated research

and extension resources capable of contributing to the solution of State and regional transportation problems.

"(3) The responsibilities and duties of each transportation center shall include, but not be limited to, the conduct of competent research investigations, both scientific and policy oriented, and experiments of either a basic or practical nature in relation to transportation problems.

"(4) In order for an institution to receive Federal funds under this subsection, subject to the conditions set forth therein, such institution, in coordination with the State in which the institution is located (or, in the case of multi-institutional programs authorized under paragraph (6) of this subsection, in coordination with the States in which the participating institutions are located) shall submit to the Secretary for his approval a program or programs of proposed projects for the academic year for the utilization of such funds. The Secretary shall act upon programs submitted to him by March 15 preceding the fiscal year for which application for assistance is made (except in the case of fiscal year 1979, for which the Secretary shall act upon programs submitted to him as soon as practicable).

"(5) As a condition to project approval, the State in which a selected institution is located must equally match from other than Federal funds, the amount of the Federal grant.

"(6) Upon the joint application of two or more institutions of higher learning, the Secretary may approve a multi-institutional program to address regional transportation problems, subject to conditions set forth in this subsection.

"(7) On or before July 1 of each fiscal year for which funds have been appropriated under this subsection, each participating institution shall submit a report to the Secretary on its activities and progress in solving transportation problems. On or before October 1 of each such fiscal year, the Secretary shall submit a report to Congress on the activities and progress of the program authorized by this subsection in solving transportation problems and achieving national transportation policy objectives."

DEFINITIONS AND GENERAL PROVISIONS

SEC. 308. Section 12 of the Urban Mass Transportation Act of 1964 is amended as follows:

(a) Subsection (b) is amended—

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

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

"(2) After September 30, 1979, contracts for the acquisition of rolling stock, including buses, which will result in the expenditure of Federal financial assistance under this Act, may be awarded based on consideration of performance, standardization, life-cycle costs, and other factors the Secretary may deem relevant, in addition to the consideration of initial capital costs. Where necessary, the Secretary shall assist grantees in making such evaluations."

(b) Subsection (c) is amended to read as follows:

"(c) As used in this Act—

"(1) the term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the acquisition, con-

struction, or reconstruction of facilities and equipment for use in public transportation, including designing, engineering, location surveying, mapping, acquisition of rights-of-way, relocation assistance, acquisition of replacement housing sites, acquisition and rehabilitation, relocation, and construction of replacement housing;

“(2) the term ‘fixed guideway’ means any public transportation facility which utilizes and occupies a separate right-of-way for the exclusive use of public transportation service including, but not limited to, fixed rail, automated guideway transit, and exclusive facilities for buses and other high occupancy vehicles;

“(3) the term ‘Governor’ means the ranking executive officer or his designate for each of the jurisdictions included in the definition of ‘States’;

“(4) the term ‘handicapped person’ means any individual who by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including any person who is wheelchair bound or has semiambulatory capabilities, is unable without special facilities or special planning or design to utilize public transportation facilities and services effectively. The Secretary may, by regulation, adopt modifications of this definition for purposes of section 5(m) of this Act;

“(5) the term ‘local public bodies’ includes municipalities and other political subdivisions of States; public agencies and instrumentalities of one or more States, municipalities and political subdivisions of States; Indian tribes; and public corporations, boards, and commissions established under the laws of any State;

“(6) the term ‘mass transportation’ means transportation by bus, or rail, or other conveyance, either publicly or privately owned, which provides to the public general or special service (but not including school buses or charter or sightseeing service) on a regular and continuing basis;

“(7) the term ‘public transportation’ means mass transportation;

“(8) the term ‘Secretary’ means the Secretary of Transportation;

“(9) The term ‘States’ means the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, Guam, America Samoa, and the Virgin Islands;

“(10) the term ‘urban area’ means any area that includes a municipality or other built-up place which is appropriate, in the judgment of the Secretary, for a public transportation system to serve commuters or others in the locality taking into consideration the local patterns and trends of urban growth; and

“(11) the term ‘urbanized area’ means an area so designated by the Bureau of Census, within boundaries which shall be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary, and which shall at a minimum, in case of any such area, encompass the entire urbanized area within a State as designated by the Bureau of Census.”

(c) Subsections (d) and (f) of section 12 of the Urban Mass Transportation Act of 1964 are repealed and section 12(e) is redesignated as section 12(d).

(d) Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(e) None of the provisions of this Act shall be construed to authorize Federal financial assistance for the purpose of financing the acquisition by one public body of land, facilities, or equipment used in mass transportation from another public body in the same geographic area.

"(f) (1) A State or local public body may petition the Interstate Commerce Commission for an exemption from part II of the Interstate Commerce Act for mass transportation services provided by such State or local public body or provided to such State or local public body by contract. Not later than one hundred and eighty days after the date such petition is received by the Commission, the Commission shall, after notice and reasonable opportunity for a hearing on such petition, by order, exempt such State or local public body or contractor from part II of the Interstate Commerce Act with respect to such mass transportation services to the extent and for such time as it specifies in such order, unless the Commission finds that—

"(A) the public interest would not be served by such exemption,

"(B) the exemption requested would result in an undue burden on the interstate or foreign commerce, or

"(C) the mass transportation services, including rates, proposed to be exempt are not subject to regulation by any State or local public agency.

"(2) Any State or local public body granted an exemption under paragraph (1) of this subsection shall be subject to all applicable Federal laws pertaining to (A) safety, (B) the representation of employees for purposes of collective bargaining, (C) retirement, annuities, and unemployment systems, and (D) all other provisions of law relating to employee-employer relations. The Commission, upon its own initiative or upon petition of an interested party, may alter, amend, or revoke any exemption under paragraph (1) of this subsection if it subsequently finds that new evidence, material error, or changed circumstances exist which materially affect its original order.

"(g) In the case of any buses acquired with Federal financial assistance provided under this Act, the Secretary shall permit the State or local public body which is acquiring such buses to provide in advertising for bids for passenger seats functioned specifications (which equal or exceed the performance specifications prescribed by the Secretary), based on that State or local body's determination of local requirements for safety, comfort, maintenance and life cycle costs. This subsection shall apply to the initial advertising for bids for the acquisition of buses occurring on or after the date of enactment of the Federal Public Transportation Act of 1978."

PROCUREMENT STUDY

SEC. 309. The Secretary of Transportation shall make an evaluation of the procurement process utilized for the purchase of rolling stock and other technical equipment purchased with Federal financial assistance under the Urban Mass Transportation Act of 1964, and from whom purchased. Such evaluation shall consider the benefits of more widespread utilization of negotiated procurements. The Secretary

shall, not later than July 1, 1979, report to Congress the results of such evaluation together with his recommendations for necessary legislation.

REPORTING SYSTEM

SEC. 310. Section 15 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall, not later than July 1, 1979, report to Congress on the systems prescribed under authority of this section, together with his recommendations for any further legislation, if any, he deems necessary in connection with such systems."

SET ASIDE FOR ELDERLY AND HANDICAPPED

SEC. 311. (a) The last sentence of subsection (b) of section 16 of the Urban Mass Transportation Act of 1964 is amended to read as follows: "Of the total amount authorized to be appropriated pursuant to section 4(c) (3) of this Act; 2 per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs)."

(b) Section 16(d) of the Urban Mass Transportation Act of 1964 is repealed.

COMMUTER RAIL OPERATING ASSISTANCE

SEC. 312. (a) Section 17(d) of the Urban Mass Transportation Act of 1964 is amended by inserting the word "and" immediately after the semicolon in paragraph (3); by striking out "180-day period succeeding the period specified in subparagraph (3) of this subsection" and inserting "period ending September 30, 1978." in paragraph (4); and by striking out paragraph (5).

(b) Section 17(f) of the Urban Mass Transportation Act of 1964 is amended by striking out "\$185,000,000" in the first sentence and inserting in lieu thereof "\$125,000,000" and by amending the second sentence to read as follows: "There are authorized to be appropriated for liquidation of the obligations incurred under this section not to exceed \$40,000,000 by September 30, 1976, \$95,000,000 by September 30, 1977 and \$125,000,000 by September 30, 1978, such sums to remain available until expended."

(c) Section 18 of the Urban Mass Transportation Act of 1964 is repealed.

FORMULA GRANT PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

SEC. 313. (a) The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"SEC. 18. (a) The Secretary shall apportion for expenditure in each fiscal year the sums appropriated pursuant to section 4(e) of this Act. Such sums shall be made available for expenditure for public transportation projects in areas other than urbanized areas on the basis of a formula under which the Governor of each State will be entitled to receive an amount equal to the total amount so apportioned, multiplied by the ratio which the population of areas other than urbanized areas in such State, as designated by the Bureau of the Census, bears to the

total population of areas other than urbanized areas in all the States as shown by the latest available Federal census. Appropriations pursuant to the authority of this section may be made in an appropriation Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation.

“(b) Funds made available under this section may be used for public transportation projects which are included in a State program of projects for public transportation services in areas other than urbanized areas. Such program shall be submitted annually to the Secretary for his approval. The Secretary shall not approve the program unless he finds that it provides for a fair and equitable distribution of funds within the State, including Indian reservations within the State, and provides for the maximum feasible coordination of public transportation services assisted under this section with transportation services assisted by other Federal sources.

“(c) Sums apportioned under this subsection shall be available for obligation by the Governor for a period of three years following the close of the fiscal year for which the sums are apportioned and any amounts remaining unobligated at the end of such period shall be re-apportioned among the States for the succeeding fiscal year. States may utilize sums apportioned under this section for any projects eligible under this Act which are appropriate for areas other than urbanized areas, including purchase of service agreements with private providers of public transportation service, to provide local transportation service, as defined by the Secretary, in areas other than urbanized areas. Eligible recipients may include State agencies, local public bodies and agencies thereof, nonprofit organizations, and operators of public transportation services.

“(d) The Secretary may permit an amount, not to exceed 15 per centum of the amount apportioned, to be used by each State for administering this section and for providing technical assistance to recipients of funds under this section. Such technical assistance may include project planning, program development, management development, coordination of public transportation programs (public and private) and such research as the State may deem appropriate to promote effective means of delivering public transportation service in areas other than urbanized areas.

“(e) The Federal share under this Act for any construction project under this section shall not exceed 80 per centum of the net cost of such construction project, as determined by the Secretary. The Federal share under this Act for any project for the payment of subsidies for operating expenses, as defined by the Secretary, shall not exceed 50 per centum of the net cost of such operating expense project. At least 50 per centum of the remainder shall be provided in cash, from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement, or depreciation funds or reserves available in cash or new capital.

“(f) Grants under this section shall be subject to such terms and conditions (which are appropriate to the special needs of public transportation in areas other than urbanized areas) as the Secretary may

prescribe. The provisions of section 13(c) and 3(e)(4) of this Act shall apply in carrying out projects under this section. For the purposes of this section, the Secretary of Labor may waive any provisions of section 13(c) of this Act. Nothing under this subsection shall affect or discharge any responsibility of the Secretary under any other provision of Federal law.

“(g) The Secretary shall, in cooperation with State regulatory commissions, make an evaluation of the escalation of insurance rates for operators of public transportation in rural areas and for providers of special transportation services for elderly and handicapped persons. The Secretary shall, not later than January 1, 1980, report to Congress the results of this evaluation together with his recommendations for necessary legislation.”.

NONDISCRIMINATION

SEC. 314. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

“NONDISCRIMINATION

SEC. 19. (a) (1) GENERAL.—No person in the United States shall on the grounds of race, color, creed, national origin, sex, or age be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part through financial assistance under this Act. The provisions of this section shall apply to employment and business opportunities and shall be considered to be in addition to and not in lieu of the provisions of title VI of the Civil Rights Act of 1964.

“(2) AFFIRMATIVE ACTION.—The Secretary shall take affirmative action to assure compliance with subsection (a) (1) of this section.

“(3) COMPLIANCE.—(A) Whenever the Secretary determines that any person receiving financial assistance, directly or indirectly, under this Act, has failed to comply with subsection (a) (1) of this section, with any Federal civil rights statute, or with any order or regulation issued under such statute, the Secretary shall give notice of such determination and shall require necessary action to be taken to assure compliance with such subsection.

“(B) If, within a reasonable period of time after receiving notification pursuant to paragraph (a) of this subsection, such person fails or refuses to comply with subsection (a) (1) of this section, the Secretary shall—

“(i) direct that no further Federal financial assistance under this Act be provided to such person;

“(ii) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

“(iii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); or

“(iv) take such other actions as may be provided by law.

“(4) CIVIL ACTION.—Whenever a matter is referred to the Attorney General pursuant to subsection (a) (3) (B) (ii) of this section, or whenever the Attorney General has reason to believe that any person is engaged in a pattern or practice in violation of the provisions of this

section, the Attorney General may commence a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

“(5) DEFINITION.—For purposes of this section, the term ‘person’ includes one or more governmental agencies, political subdivisions, authorities, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.”.

HUMAN RESOURCE PROGRAMS

SEC. 315. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

“HUMAN RESOURCE PROGRAMS

“SEC. 20. The Secretary is authorized to undertake, or provide financial assistance by grant or contract for, national and local programs that address human resource needs as they apply to public transportation activities. Such programs may include but are not limited to employment training programs; outreach programs to increase minority and female employment in public transportation activities; research on public transportation manpower and training needs; and training and assistance for minority business opportunities. Such assistance may include assistance in seeking venture capital, obtaining surety bonding, obtaining management and technical services, and contracting with public agencies organized for such purposes.”.

LOAN FORGIVENESS

SEC. 316. (a) The Secretary of Transportation may convert equipment and facilities loans heretofore made under section 3(a) of the Urban Mass Transportation Act of 1964 or title II of the Housing Amendments of 1955 (42 U.S.C. 14924) to grants under the conditions set forth below. A grant agreement for the acquisition, construction, reconstruction, or improvement of facilities and equipment under section 3(a) of the Urban Mass Transportation Act of 1964 may provide for forgiveness of principal and interest on a loan previously made in lieu of a cash grant in the amount forgiven. Such grant shall be subject to such terms and conditions as the Secretary may deem necessary and appropriate, taking into account the degree of completion of the project financed with the loan.

(b) In lieu of the local matching share otherwise required, the grant agreement may provide that State or local funds shall be committed to public transportation projects in the urbanized area, on a schedule acceptable to the Secretary, in an amount equal to the local share that would have been required had the amount of principal and interest forgiven been the Federal share of a capital grant made when the original loan was made. The State or local funds contributed under the terms of the preceding sentence shall be made available for capital projects eligible for funding under section 3(a) of the Urban Mass Transportation Act of 1964 and may not be used to satisfy the local matching requirements for any other grant project.

RETREAD TIRE MANUFACTURERS EXEMPTION FROM RECORDKEEPING

SEC. 317. Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended by inserting " , except the manufacturer of tires which have been retreaded," immediately after "or tires" in the first and second sentences thereof.

BASIC TRANSPORTATION SYSTEM STUDY

SEC. 318. The Secretary of Transportation shall make a full and complete investigation and study of establishing and operating a mass transportation system, in whole or in part, which would provide basic services with a minimum of amenities, at low costs. The Secretary shall report to the Congress the results of such investigation and study not later than one year after the date of enactment of this section.

STUDIES OF DISTRIBUTION OF FUNDS

SEC. 319. (a) The Secretary of Transportation shall conduct a study of the alternative methods of distributing, by formula, funds apportioned for capital purposes under section 5(a)(4) of the Urban Mass Transportation Act of 1964. The study shall include an evaluation of the appropriate goals of a formula program for the distribution of such capital assistance and an analysis of the various factors which may be used to measure transit usage or need, including vehicle miles, seat miles, fleet size, population and population density, and such other factors as the Secretary considers necessary or appropriate to achieve such goals. The Secretary shall report to Congress the results of this study not later than January 1, 1980, together with his recommendations for legislation.

(b) The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation and the Committee on Interior and Insular Affairs of the House of Representatives, on or before January 1, 1980, recommendations (including draft legislative proposals to accomplish such recommendations) as to ways and means by which Federal mass transit funds can be allocated on a basis which considers the nature and extent of air pollution as a criterion for the distribution of such funds. In formulating such recommendations, the Secretary (in consultation with the Administrator) shall consider and report back to such committees his findings with respect to, but not limited to, the following:

(1) the most appropriate and feasible standards of air quality to be utilized as a criterion of air pollution, including, but not limited to, standards for ozone, carbon monoxide, nitrogen oxide, and hydrocarbons;

(2) the most appropriate and reliable methods for measuring and monitoring the above air quality standards, including, but not limited to, measuring devices, placement of such devices, frequency of readings, and other procedures relating to measuring air quality;

(3) *the most appropriate, feasible, and equitable manner in which air pollution measures can be adjusted to take into account seasonal, meteorological, and other variations so that air measures accurately reflect average air quality over a reasonable period of time;*

(4) *which Federal mass transit program funds should be allocated on a basis utilizing air pollution as a criterion, including, but not limited to, programs under sections 3 and 5 of the Urban Mass Transportation Act of 1964;*

(5) *the relative weight which such an air pollution criterion should be given for the purpose of allocating funds under the above Federal mass transit programs; and*

(6) *alternative approaches to modifying criteria for allocating Federal mass transit funds which would assure that areas with extensive air pollution receive a proportionately greater amount of funds than areas with a lesser extent of air pollution.*

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

SEC. 320. (a) The Secretary of Transportation shall carry out a demonstration project using high-speed water-borne transportation equipment and facilities and operating in, and in the vicinity of, New York, New York, for the purpose of determining the feasibility of utilizing this technology in providing certain public mass transportation service. The Secretary shall report to Congress the results of such project no later than September 30, 1981, together with his recommendations.

(b) There is authorized to be appropriated to carry out the provisions of subsection (a) not to exceed \$25,000,000,

RAIL RETROFIT EVALUATION

SEC. 321. (a) (1) Beginning in fiscal year 1979, the Secretary of Transportation shall provide Federal financial assistance under section 8 of the Urban Mass Transportation Act of 1964 to operators of fixed-guideway public mass transportation systems for the purpose of developing detailed estimates of the cost of making improvements to existing fixed-guideway public mass transportation systems to make such systems accessible to and usable by handicapped persons. Not later than January 30, 1980, the Secretary shall compile the results of these evaluations and report to Congress the results, together with his recommendations for such legislation as may be necessary to finance the improvements set forth in the cost estimates.

(2) In developing detailed estimates of the cost of improvements needed to make existing fixed-guideway public mass transportation systems accessible to and usable by handicapped persons, operators of such system shall provide comments on the desirability of the improvements, the operational characteristics of the system, and such other factors as the operators may deem appropriate. Under rules set forth by the Secretary of Transportation, operators shall submit all such comments and cost estimates to organizations representing handicapped persons. Such organizations shall be afforded ninety days to submit comments to the Secretary.

(3) *Cost estimates developed with assistance under this section, to the extent they are not deemed unreasonable by the Secretary of Transportation, may serve as the basis for cost estimates in plans required by the Secretary for meeting the requirements of section 504 of the Rehabilitation Act of 1973.*

(b) *The Secretary of Transportation shall make an evaluation of the light-rail public mass transportation mode (including trolleys, streetcars, cablecars, and other fixed-guideway conveyances utilizing at-grade rights-of-way portions of which are shared with other street traffic) and the commuter rail public mass transportation mode to determine ways to make, and the desirability of making, such modes accessible to and usable by handicapped persons. The Secretary shall report to Congress the results of this evaluation not later than January 30, 1980, together with his recommendations for legislation necessary to clarify or to change Federal laws or provisions pertaining to accessibility requirements affecting the light-rail and commuter rail modes.*

TERMINAL DEVELOPMENT PROGRAM

Sec. 322. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"TERMINAL DEVELOPMENT PROGRAM

"Sec. 21. (a) The Secretary is authorized, in accordance with this Act, and on such other terms and conditions as he may prescribe, to make grants to States and local bodies and agencies thereof to acquire, construct, or alter facilities (directly operated, operated through a lease, or otherwise) primarily for use in providing intercity bus service and in coordinating such service with other modes of transportation. Eligible facilities include, but are not limited to, real property, bus terminals, intermodal terminals, and bus passenger loading areas (including shelters). No grants shall be provided under this section unless the Secretary determines the applicant has or will have (1) the legal, financial, and technical capacity to carry out the proposed project, and (2) satisfactory continuing control, through operation, lease, or otherwise, over the use of the facilities.

"(b) No financial assistance shall be provided under this section to any State or local public body or agency thereof for the acquisition, construction, or alteration of eligible facilities unless the Secretary finds that fair and equitable arrangements have been made for the use of such facilities by privately owned bus companies. Assistance under this section shall encourage, to the maximum extent feasible, the participation of private enterprise and the use of the facilities assisted under this section by other modes of transportation.

"(c) A grant for a project under this section shall be for 80 per centum of the net project cost determined in accordance with section 4(a) of this Act. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds.

"(d) There is authorized to be appropriated to carry out subsection (a) of this section \$40,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

“(e) The provisions of sections 13(c) and 3(e)(4) of this Act shall apply in carrying out projects under this section.”.

INTERCITY BUS SERVICE

SEC. 323. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

“INTERCITY BUS SERVICE

“SEC. 22. (a) The Secretary is authorized to make grants for the initiation, improvement, or continuation of intercity bus service for residents of rural areas and residents of urban places designated by the Bureau of the Census as having a population of five thousand or more which are not within an urbanized area as defined in section 12 of this Act. As used in this subsection and subsection (b) of this section, the term ‘intercity bus service’ means transportation provided to the public as a private bus operator authorized to transport passengers in interstate commerce by the Interstate Commerce Commission or in intrastate commerce by a State regulatory commission or comparable State agency (1) between one urban place as designated under this subsection and another such urban place, (2) between an urban place designated in accordance with this subsection and an urbanized area, or (3) between one urbanized area and another urbanized area, through rural areas or urban places, or both. Such term does not include local service.

“(b) Grants for the initiation, improvement, or continuation of intercity bus service under subsection (a) of this section shall be made only to States and local public bodies and agencies thereof, only for payment of operating expenses incurred in furnishing such intercity bus service, and shall not exceed 50 per centum of the net cost of such an operating expense project. The remainder of such cost shall be provided in cash from sources other than Federal funds and other than Federal funds and other than revenues from the operation of such intercity bus service. Such grants shall be subject to such other terms, conditions, and requirements as the Secretary may deem necessary to promote the initiation, improvement, or continuation of privately owned and operated intercity bus service. To the maximum extent feasible assistance shall be distributed by the Secretary only for privately owned intercity bus companies to subsidize deficit operations considering the profitability of the route as a whole. The determination of profitability shall include all income generated by the route and only direct costs of the operation of the route. In making any such grant, preference shall be given to a private bus operator who lawfully has provided intercity bus service to a rural area or urban place during the one-year period preceding the date of application for such a grant over routes or within the general area for which financial assistance is to be provided, over any other operator to provide such service in such area or place.

“(c) There is authorized to be appropriated to carry out subsections (a) and (b) of this section not to exceed \$30,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

“(d) The Secretary shall, in cooperation with States, local public bodies, and intercity bus carriers, make an evaluation of the needs of the intercity bus industry for public subsidy of expenses incurred in the provision of intercity bus service as it serves local transportation needs in areas other than urbanized areas. The Secretary shall, not later than September 30, 1979, report to Congress the results of this evaluation together with his recommendations for necessary legislation.

“(e) The provisions of section 13(c) and 3(e)(4) of this Act shall apply in carrying out projects under this section.”

TITLE IV

BUY AMERICA

SEC. 145. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act and administered by the Department of Transportation, whose total cost exceeds \$500,000 unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project.

(b) The provisions of subsection (a) of this section shall not apply where the Secretary determines—

(1) their application would be inconsistent with the public interest;

(2) in the case of acquisition of rolling stock, their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues;

(3) supplies of the class or kind to be used in the manufacture of articles, materials, supplies that are not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 10 per centum.

TITLE V—HIGHWAY REVENUE ACT OF 1978

SEC. 501. SHORT TITLE.

This title may be cited as the “Highway Revenue Act of 1978”.

SEC. 502. 5-YEAR EXTENSION OF THE TAXES WHICH ARE TRANSFERRED INTO THE HIGHWAY TRUST FUND.

(a) GENERAL RULE.—The following provisions of the Internal Revenue Code of 1954 are amended by striking out “1979” each place it appears and inserting in lieu thereof “1984”:

(1) Section 4041(e) (relating to rate reduction).

(2) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(3) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(4) Section 4071(d) (relating to imposition of tax on tires and tubes).

(5) Section 4081(b) (relating to imposition of tax on gasoline).

(6) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(7) Section 4481(e) (relating to period tax in effect).

(8) Section 4482(c) (4) (defining taxable period).

(9) Section 6156(e) (2) (relating to installment payments of tax on use of highway motor vehicles).

(10) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) AMENDMENT OF SECTION 4041 (c) (3).—Paragraph (3) of section 4041(c) of such Code (relating to rate of tax) is amended to read as follows:

(3) RATE OF TAX.—The rate of tax imposed by paragraph (2) is 3 cents a gallon."

(c) AMENDMENT OF SECTION 6412(a) (1).—Section 6412(a) (1) of such Code (relating to floor stocks refunds) is amended—

(1) by striking out "1979" each place it appears and inserting in lieu thereof "1984"; and

(2) by striking out "1980" each place it appears and inserting in lieu thereof "1985".

SEC. 503. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND

(a) HIGHWAY TRUST FUND.—Subsections (c), (e) (1), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

(1) by striking out "1979" each place it appears and inserting in lieu thereof "1984"; and

(2) by striking out "1980" each place it appears and inserting in lieu thereof "1985".

(b) 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 "1979" and inserting in lieu thereof "1984"; and

(2) by striking out "1980" each place it appears and inserting in lieu thereof "1985".

SEC. 504. BYRD AMENDMENT MADE APPLICABLE TO ALL APPORTIONMENTS.

(a) GENERAL RULE.—Subsection (g) of section 209 of the Highway Revenue Act of 1956 is amended to read as follows:

(g) ADJUSTMENTS OF APPORTIONMENTS.—

"(1) ESTIMATES OF AMOUNT AVAILABLE FOR EXPENDITURE.—The Secretary of the Treasury shall from time to time, after consultation with the Secretary of Transportation, estimate the amounts which will be available in the Trust Fund (excluding repayable advances) to defray the expenditures which will be required to be made from the Trust Fund.

(2) INITIAL PROCEDURE WHERE THERE IS SHORTFALL.—If the Secretary of the Treasury determines that, after all other expenditures required to be made from the Trust Fund have been defrayed, the amounts which will be available in the Trust Fund

(excluding repayable advances) will be insufficient to defray the expenditures which will be required as a result of the apportionment to the States of the amounts authorized to be appropriated from the Trust Fund for any fiscal year—

“(A) he shall so advise the Secretary of Transportation, and

“(B) he shall further advise the Secretary of Transportation as to the amount which, after all other expenditures required to be made from the Trust Fund have been defrayed, will be available in the Trust Fund (excluding repayable advances) to defray the expenditures required as a result of the apportionment to the States for such fiscal year.

“(3) DETERMINATION OF PERCENTAGE.—The Secretary of Transportation shall determine the percentage which the amount referred to in paragraph (2) (B) is of the amount authorized to be appropriated from the Trust Fund for such fiscal year for apportionment to the States.

“(4) ADJUSTMENT OF APPORTIONMENTS.—Notwithstanding any other provision of law, the Secretary of Transportation shall (after determining a percentage for a fiscal year under paragraph (3)) apportion to the States for such fiscal year (in lieu of the amount which but for the provisions of this subsection would be so apportioned) the amount obtained by multiplying the amount authorized to be appropriated for such fiscal year by such percentage.

“(5) APPORTIONMENT OF AMOUNTS PREVIOUSLY WITHHELD FROM APPORTIONMENT.—Whenever the Secretary of the Treasury determines that there will be available in the Trust Fund (excluding repayable advances) amounts which, after all other expenditures required to be made from the Trust Fund have been defrayed, will be available to defray the expenditures required as a result of the apportionment of funds previously withheld from apportionment for any fiscal year, he shall so advise the Secretary of Transportation. The Secretary of Transportation shall apportion to the States such portion of the funds so withheld from apportionment as the Secretary of the Treasury has advised him may be so apportioned without causing expenditures from the Trust Fund to exceed amounts available in the Trust Fund (excluding repayable advances) to defray such expenditures. Any funds apportioned pursuant to the preceding sentence shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned pursuant to the preceding sentence.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fiscal years beginning after September 30, 1978.

SEC. 505. CREDIT OR REFUND FOR CERTAIN TAXICABS OF EXCISE TAXES ON GASOLINE AND OTHER MOTOR FUELS.

(a) GENERAL RULE.—Section 6427 of the Internal Revenue Code of 1954 (relating to fuels not used for taxable purposes) is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) *USE IN CERTAIN TAXICABS.*—

“(1) *IN GENERAL.*—Except as provided in subsection (h), if—

“(A) any gasoline on which tax is imposed by section 4081, or

“(B) any fuel on the sale of which tax is imposed by section 4041,

is used in a qualified taxicab while engaged exclusively in furnishing qualified taxicab services, the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline or fuel an amount equal to the aggregate amount of the tax imposed on such gasoline or fuel.

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

“(A) *QUALIFIED TAXICAB SERVICES.*—The term ‘qualified taxicab services’ means the furnishing of nonscheduled passenger land transportation for a fixed fare by a taxicab which is operated by a person who—

“(i) is licensed to engage in the trade or business of furnishing such transportation by a Federal, State, or local authority having jurisdiction over a substantial portion of such transportation furnished by such person, and

“(ii) is not prohibited under the laws, regulations, or procedures of such Federal, State, or local authority, and is not prohibited by company policy, from furnishing (with the consent of the passengers) shared transportation.

“(B) *QUALIFIED TAXICAB.*—Except as provided by subparagraph (C), the term ‘qualified taxicab’ means any land vehicle the passenger capacity of which is less than 10 adults, including the driver.

“(C) *CERTAIN GAS-GUZZLING TAXICABS EXCLUDED.*—The term ‘qualified taxicab’ does not include any vehicle if—

“(i) such vehicle was acquired by the person operating such vehicle after 1978,

“(ii) the model year of such vehicle is 1978 or later, and

“(iii) the fuel economy of the model type of such vehicle is less than or equal to the average fuel economy standard applicable under section 502(a) of the Motor Vehicle Information and Cost Savings Act to the model year of such vehicle.

The preceding sentence shall not apply to any vehicle manufactured by a manufacturer to which an exemption under section 502(c) of the Motor Vehicle Information and Cost Savings Act was granted (or on application could have been granted) for the model year of such vehicle. Terms used in this subparagraph shall have the same meaning as when used in title V of the Motor Vehicle Information and Cost Savings Act.

"(3) TERMINATION.—*This subsection shall not apply after December 31, 1980.*"

(b) REFUND ALLOWED WHERE \$50 OR MORE PAYABLE FOR CALENDAR QUARTER.—*Subsection (f) (2) of section 6427 of such Code (as redesignated by subsection (a)) is amended to read as follows:*

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—*If—*

"(i) \$1,000 or more is payable under subsections (a), (b), (d), and (e), or

"(ii) \$50 or more is payable under subsection (e), to any person with respect to fuel used during any of the first three quarters of his taxable year, a claim may be filed under this section by the purchaser with respect to fuel used during such quarter.

"(B) SPECIAL RULE.—*If a claim may be filed by any person under subparagraph (A) (ii) but not under subparagraph (A) (i) for any quarter, such person may file a claim under subparagraph (A) for such quarter only with respect to amounts payable under subsection (e).*

"(C) TIME FOR FILING CLAIM.—*No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.*"

(c) TECHNICAL AMENDMENTS.—

(1) Subsection (a) (4) and (b) of section 39 of such Code are each amended by striking out "6427 (g)" and inserting in lieu thereof "6427 (h)".

(2) Subsection (a), (b) (1), (c), and (d) of section 6427 of such Code are each amended by striking out "(g)" and inserting in lieu thereof "(h)".

(3) Subsection (f) (1) of such section 6427 (as redesignated by subsection (a)) is amended by striking out "(a), (b), (c), or (d)" and inserting in lieu thereof "(a), (b), (c), (d), or (e)".

(4) Subsection (h) (2) of such section 6427 (as redesignated by subsection (a)) is amended by striking out "(e) (2)" and inserting in lieu thereof "(f) (2)".

(5) Sections 7210, 7603, 7604 (b), and 7605 (a) of such Code are each amended by striking out "6427 (f) (2)" each place it appears and inserting in lieu thereof "6427 (g) (2)".

(6) Sections 7604 (c) (2), 7609 (c) (1), and 7610 (c) of such Code are each amended by striking out "6427 (g) (2)" and inserting in lieu thereof "6427 (g) (2)".

(d) EFFECTIVE DATE.—*The amendments made by this section shall take effect on January 1, 1979.*

SEC. 506. REQUIREMENTS FOR A COST ALLOCATION STUDY.

(a) STUDY DIRECTED.—*The Secretary of Transportation is hereby authorized and directed, in cooperation with the State highway departments, to undertake a full and complete investigation and study of—*

(1) the costs occasioned in design, construction, rehabilitation, and maintenance of Federal-aid highways by the use of vehicles of different dimensions, weights, and other specifications, and by the frequency of such vehicles in the traffic stream;

(2) the proportionate share of such design, construction, rehabilitation, and maintenance costs attributable to each class of persons and vehicles using such highways; and

(3) the need for long-term or continuous monitoring of roadway deterioration to determine the relative damage attributable to traffic and environmental factors.

(b) *EVALUATION BY CONGRESSIONAL BUDGET OFFICE.*—To assist the Secretary of Transportation in the conduct of the investigation and study authorized and directed by subsection (a) of this section, the Congressional Budget Office is hereby authorized and directed to make an evaluation of—

(1) the procedures to be employed in determining the equitable allocation of highway costs;

(2) the information to be collected to apply the procedures identified pursuant to paragraph (1);

(3) any special studies essential to the conduct of the investigation which can be identified and completed within the deadlines established by this section; and

(4) the procedures to be employed to ensure a continuing equitable allocation of highway costs after study termination.

The Congressional Budget Office shall report its findings to the Congress and to the Secretary of Transportation within 90 days after the date of the enactment of this section. These findings shall be employed by the Secretary as guidelines in the design of the investigation and study authorized and directed by subsection (a) of this section.

(c) *Reports.*—

(1) Within 180 days after the date of the enactment of this section, the Secretary of Transportation shall report to the Congress on a plan for the investigation and study. Such plan shall include, but not be limited to, the data to be gathered; the sources of such data; the method to be used to allocate costs; the method to be used to attribute revenues; the criteria to be employed in arriving at an equitable distribution of the tax burden; the agency or agencies responsible for performance and review of the study; a projected schedule for study performance; and the estimated costs of the study.

(2) On or before January 15, 1980, and January 15, 1981, the Secretary of Transportation shall report to the Congress the progress which has been made in carrying out the study and investigation required by this section. Such progress reports shall include, but not be limited to, a discussion of any changes from the study plan as submitted under provisions of this section and of preliminary findings of the investigation.

(3) The Secretary shall report to the Congress the findings and recommendations of the study no later than January 15, 1982.

Such recommendations shall include any alternative tax structures which the Secretary believes would more nearly achieve an equitable distribution of the tax burden among classes of persons and vehicles using Federal-aid highways, and the projected impact of such structures on affected industries and other users.

SEC. 507. STUDY OF EXISTING HIGHWAY EXCISE TAX STRUCTURE AND OF POSSIBLE ALTERNATIVES TO SUCH EXISTING STRUCTURE.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and the staff of the Joint Committee on Taxation, shall—

(1) review and analyze each excise tax now dedicated to the Highway Trust Fund with respect to such factors as ease or difficulty of administration of such tax and the compliance burdens imposed on taxpayers by such tax, and

(2) on or before April 15, 1982, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate as to the matters set forth in paragraph (1) and other findings, as well as recommendations on—

(A) improvements in excise taxation which would enhance tax administration, equity, and compliance, or

(B) a new system of raising revenues to fund the Highway Trust Fund which would meet the objectives set forth in subparagraph (A).

The recommendations described in paragraph (2) shall be formulated in conjunction with the recommendations of the cost allocation study under section 506 of the equitable distribution of the highway excise taxes.

(b) INTERIM REPORTS.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and the staff of the Joint Committee on Taxation, shall file an interim report with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on or before April 15, 1980, and a second interim report on or before April 15, 1981.

And the Senate agree to the same.

HAROLD T. JOHNSON,
RAY ROBERTS,
JAMES J. HOWARD,
GLENN M. ANDERSON,
ROBERT A. ROE,
AL ULLMAN,
DAN ROSTENKOWSKI,
JAMES CORMAN,
WILLIAM H. HARSHA,
BUD SHUSTER,
BARBER B. CONABLE, JR.,
Managers on the Part of the House.

For consideration of title I
only:

JENNINGS RANDOLPH,
LOYD BENTSEN,
DANIEL PATRICK MOYNIHAN,
QUENTIN N. BURDICK,
JOHN CULVER,
ROBERT STAFFORD,
JOHN H. CHAFEE,

For consideration of title II
only:

HOWARD W. CANNON,
WENDELL H. FORD,
WARREN G. MAGNUSON,
HARRISON SCHMITT,

For consideration of title III
only:

HARRISON A. WILLIAMS,
JOHN SPARKMAN,
THOMAS J. MCINTYRE,
EDWARD W. BROOKE,
JAKE GARN,
H. JOHN HEINZ III,

For consideration of title IV
amendment:

LOYD BENTSEN,

For consideration of title IV
only—House engrossed bill:

JENNINGS RANDOLPH,
LOYD BENTSEN,
DANIEL PATRICK MOYNIHAN,
QUENTIN N. BURDICK,
JOHN CULVER,
ROBERT STAFFORD,
JOHN H. CHAFEE,
HOWARD W. CANNON,
WENDELL H. FORD,
WARREN G. MAGNUSON,
HARRISON SCHMITT,
HARRISON WILLIAMS,
JOHN SPARKMAN,
THOMAS J. MCINTYRE,
EDWARD W. BROOKE,
JAKE GARN,
H. JOHN HEINZ III,

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. 11733) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all 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.

SHORT TITLE

House bill

Provides the bill may be cited as the "Federal-Aid Highway Act of 1978".

Senate amendment

Provides the amendment may be cited as the "Federal-Aid Highway Act of 1978".

Conference substitute

Same as both House and Senate.

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

House bill

This section establishes authorizations at \$3.7 billion annually through the fiscal year 1989 and \$1,633,000,000 for fiscal year 1990.

The \$3.5 billion of the \$3.7 annual authorizations through the fiscal year 1983 are to be apportioned in accordance with the provisions of chapter 1 of title 23, United States Code. The remaining \$200 million of such annual authorizations are also available for obligation in accordance with such chapter but at the discretion of the Secretary. One-half of such remainder is to be used in rural areas to complete essential parts of continuous sections of the Interstate and Defense Highway system or to complete parts of such system with respect to which a final environmental impact statement has been approved; priority

is to be given projects on which construction can begin with the obligation period for such funds. The other half of the discretionary funds are to be used in urban areas on routes which are either of high cost or which take a long time in completion.

A project receiving assistance from the discretionary funds shall not be eligible for withdrawal under section 103(e) (2) or (4) of title 23, United States Code.

The discretionary funds shall only be available for obligation for 1 year, and those funds not obligated in that period shall be apportioned to the States in the normal manner.

Senate amendment

The Federal-Aid Highway Act of 1956, as amended in 1976, authorizes \$3.625 billion for each fiscal year 1980 through 1990 for the Interstate System. The current annual authorization is \$3.25 billion. This amendment decreases the fiscal years 1980 and 1981 authorization to \$3.5 billion.

The amendment also authorizes that funds may be appropriated under such Act for carrying out highway assistance substitution projects under section 103(e) (4) of title 23, United States Code.

Funds apportioned to a State for Interstate construction cannot be expended to expand or clear areas adjacent to Interstate routes designed prior to February 1967.

This section changes the apportionment formula for Interstate funds by giving added weight to the cost to complete "essential gaps" in the Interstate System which are defined as: those routes identified in the Interstate Gap study submitted by DOT to Congress in accordance with the 1976 Federal-Aid Highway Act, all two-lane toll roads designated as part of the Interstate System and those routes in urban areas which are part of the Interstate System, which were constructed before 1960 without Federal financial assistance, which are substandard under the standards of the Interstate System, and which are determined jointly by the Governor and local governments to be essential to the sound functioning of the Interstate System.

A State's apportionment would be determined 50 percent on the cost to complete the Interstate in that State in relation to cost to complete the entire Interstate System and 50 percent on the cost to complete essential gaps in that State in relation to the cost of all essential gaps in the Interstate System.

The estimated cost to complete highway projects substituted under the Interstate transfer provision would be included in the Interstate apportionment formula.

Funds allocated to a State based on the essential gap factor must be spent for the completion of essential gaps in that State or to retire bonds issued to construct essential gap projects in that State, and these funds not so obligated after 1 fiscal year shall be available for reallocation to other States under the provisions of the third sentence of section 118(b) of title 23, United States Code.

One-half of 1 percent of the funds apportioned for the Interstate System may be obligated by each State for projects to resurface, restore, or rehabilitate sections of such system which have been in use for more than 5 years, which are essential to a unified and connected Interstate System, and which are deficient with respect to pavement

or bridge deck serviceability. The part of a State's apportionment which is based on completion of estimated gaps may not be so obligated.

Conference substitute

The Conference substitute authorizes \$3.25 billion for fiscal year 1980 and \$3.5 billion for fiscal years 1981 and 1982 and \$3.2 billion for fiscal year 1983. The funds authorized are to be apportioned in accordance with the provision of Chapter 1 of Title 23. The amount provided does not include any money for discretionary use.

The Conference substitute contains an acceleration program in lieu of the discretionary program that is contained in the House bill.

The Conference agreement retains the Senate provision prohibiting use of funds for clearing or expanding areas adjacent to an older Interstate route.

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

House bill

This section approves the use of the apportionment factors contained in revised table 5 of Committee Print 95-49 of the House Committee on Public Works and Transportation for fiscal year 1980 Interstate fund apportionments.

Senate amendment

The fiscal year 1980 apportionment to the States (to be made October 1, 1978) would be based upon the cost estimate submitted by the Secretary in 1977 (House Committee Print 95-16), revised to include the cost of essential gaps and highway projects substituted under the Interstate transfer provision.

Conference substitute

Same as House provision.

HIGHWAY AUTHORIZATIONS

House bill

This bill provides authorizations out of the Highway Trust Fund for each of the fiscal years 1979, 1980, 1981, and 1982 for the Federal-aid primary system including the extensions in urban areas and the priority primary routes, rural secondary system, urban system, plus other authorizations for various types of highway programs financed either from the Highway Trust Fund or the general funds of the Treasury.

The primary system authorization is increased to \$1.95 billion, from the 1978 level of \$1.35 billion for each of the fiscal years 1979-82. The secondary system authorization is raised from the 1978 level of \$400 million to \$650 million for each of the 4 fiscal years and the urban system authorization for each of the 4 fiscal years of this bill will remain at \$800 million, same as the 1978 level. The authorization for forest highways and public land highways, funded out of the Trust Fund, remain at the 1978 level, and most of the other general funds in this section would also receive an authorization at about the same level as in fiscal year 1978. The level of funds for traffic control signalization projects is increased to \$75 million for each of the 4 fiscal years from the 1978 \$40 million level.

Authorizations for the safer off-system roads program have been increased from \$200 million annually to \$300 million annually, and States will be required to spend 50 percent or more of each year's expenditures only for safety improvement projects.

The funds for the territorial program (23 U.S.C. 215) for Guam, the Virgin Islands, and American Samoa remain the same for the 4 fiscal years as the 1978 level. This section authorizes for the first time \$1 million annually for the Commonwealth of the Northern Marianas. This section provides \$1 million annually to be expended in the same manner as funds authorized to carry out the territorial highway program under 23 U.S.C. 215.

Also provided is a guarantee similar to that in the 1976 Highway Act that each State including the State of Alaska would receive a minimum of one-half of 1 percent of the total Interstate apportionment for each of the fiscal years 1980-83, except that whenever amounts available under this provision for the Interstate System in a State exceeds the estimated cost of completing that State's portion of the interstate and exceeds the estimated costs of necessary resurfacing, restoration, and rehabilitation of the interstate within such State, the estimated amount shall then be transferred to and added to the amount last apportioned to such State for the primary, secondary, and urban system and shall thereafter be available for expenditure in the same manner and to the same extent as the amount to which they were added. An authorization of \$125 million for the minimum one-half of 1 percent provision remains at the same level as the 1978 authorization for each of the 4 fiscal years 1980-83. One change in the 1976 minimum provision is that the funds authorized shall also be available for carrying out section 158 of the Federal-Aid Highway Act of 1973 which authorizes the Secretary to approve construction of the Franconia Notch highway section in New Hampshire.

An additional \$85 million out of the Highway Trust Fund is authorized for completing routes designated prior to May 5, 1976, under the urban high density traffic program.

In the case of priority primary routes the bill sets aside \$125 million for each of the fiscal years 1979-82, out of the primary authorization, which shall not be apportioned. Such sum in each fiscal year shall be available for obligation on the date of apportionment of funds for the fiscal year, in the same manner and to the same extent as the sums apportioned on such date, except that such \$125 million is available for obligation at the Secretary's discretion only for "projects of unusually high cost or which require long periods of time for their construction." If any part of the \$125 million is not obligated by the last day of the fiscal year for which authorized, the Secretary shall immediately apportion it in the same manner as funds apportioned for the next succeeding fiscal year for such routes and it is available for obligation for the same period as such apportionment.

This section contains a new provision that 33 percent of a State's primary apportionment for each fiscal year shall be obligated for 3-R projects on the primary system, also a similar 33 percent must be spent on 3-R projects of the Federal-aid secondary system. Thirty-six percent is approximately the amount of increases in authorizations in this bill for these programs.

Authorizations for Federal domain roads total \$357 million for each of the fiscal years 1979-82 for the following categories: Forest highways, public lands highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, and Indian reservation roads and bridges.

This section also authorized \$15 million for each of fiscal years 1979-82 to continue the program of construction or reconstruction of access highways to public recreation areas on certain lakes and waterways, pursuant to section 155 of title 23.

Senate amendment

This section authorizes annually from the Trust Fund: \$1.475 billion for the Federal-aid primary system; \$675 million for the Federal-aid secondary system; and \$700 million for the Federal-aid urban system.

For fiscal year 1979 and 1980, authorizations for chapter 2 highway programs are: \$33 million for forest highways; \$16 million for public lands highways; \$140 million forest development roads and trails; \$10 million public lands development roads and trails; \$30 million park roads and trails; \$45 million for parkways; and \$83 million for Indian roads and bridges. Forest highways and public lands highways are funded from the Highway Trust Fund; the remaining programs from general revenue.

This section also authorizes for each of the fiscal years 1979 and 1980, \$50 million from the Highway Trust Fund for the economic growth center development highway program; \$25 million from the Highway Trust Fund and \$10 million from general revenues for reconstruction of the Great River Road; \$25 million from the Highway Trust Fund for highway-related safety requirements and guidelines promulgated under section 402 of title 23, United States Code; \$40 million from general revenues for the control of outdoor advertising and junkyards; and \$12 million from general revenues for the territorial highway program which includes \$5 million for the Virgin Islands and Guam and \$1 million for American Samoa and the Commonwealth of the Northern Mariana Islands.

For continuation of the Northeast corridor rail crossing demonstration project, \$45 million is authorized from general revenues for fiscal year 1979 and \$40 million for fiscal year 1980. Additionally, to complete routes designated under the urban high density traffic program \$85 million is authorized from the Highway Trust Fund.

For fiscal years 1979 and 1980 each State, including Alaska, will receive a minimum of one-half of one percent of the total Interstate authorization. Once Interstate construction and rehabilitation needs are met, States receiving the minimum may use any excess funds for any purpose under Chapter 1 of title 23, United States Code (except replacement or rehabilitation of off-system bridges).

Conference substitute

The Conference substitute authorizes programs similar to the House levels with the following exceptions: the primary system is authorized at \$1,550 million for fiscal year 1979, \$1,700 million for fiscal year 1980, \$1,800 million for fiscal year 1981 and \$1,500 million for fiscal year 1982. The percentage for rehabilitation and restoration contained in the House bill is reduced to 20% of the apportionments in each year.

The requirement that at least 20 per centum of a State's apportionment for each fiscal year of sums authorized for the Federal-aid primary system (including extensions in urban areas and priority primary routes) is intended to apply only to that portion of a State's apportionment which is used for construction projects authorized after the enactment of the provision establishing this requirement.

The secondary authorization is \$500 million for fiscal year 1979, \$550 million for fiscal year 1980, \$600 million for fiscal year 1981 and \$400 million for fiscal year 1982 with a reduction to 20% in the funds to be used for rehabilitation and resurfacing.

The Conference substitute also includes the Senate authorization for the North East Corridor rail crossing program. The Priority Primary is retained as in the House bill.

The Conference substitute retains the House provision on priority primary routes. In Florida, U.S. 19 from state road 50 to Interstate 275 via state road 688, should be considered for funding under this provision:

INTERSTATE SYSTEM RESURFACING AND REPAIR

House bill

Section 105 authorizes, out of the Highway Trust Fund, not to exceed \$175 million for each of the fiscal years 1980 and 1981 and not to exceed \$275 million for each of the fiscal years 1982 and 1983 for projects for resurfacing, restoring, and rehabilitating portions of the Interstate System in use for more than 5 years. For the last time, lanes in use for more than 5 years on toll roads designated part of the Interstate System would be eligible if an agreement is reached between the Secretary and the State highway department and any public authority with jurisdiction over the toll road, prior to approval of the 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 funds outstanding at the time of the agreement which constitute a valid lien on the toll road, and the cost of maintenance and operation and debt service during the period of toll collections.

Senate amendment

As first authorized in the 1976 Highway Act, \$175 million is authorized for resurfacing, restoring and rehabilitating lanes on the Interstate in use for more than 5 years. A State may transfer surplus 3R funds to its primary account, if the Secretary is satisfied that its toll-free Interstate mileage is being properly maintained. Under this amendment, Interstate 3R funds are available for projects on toll roads designated part of the Interstate System, if the State and/or the toll authority agree to remove the tolls once the bonds are retired.

The Federal matching share for Interstate 3R projects is reduced from 90 percent to 70 percent.

This section also apportions .72 percent of the total Interstate 3R authorization to Alaska for 3R projects on its primary system.

This amendment also requires the Secretary to insure that the States commit adequate resources to Interstate rehabilitation. The Secretary must establish minimum standards to evaluate the condi-

tion of Interstate routes and annually inspect routes over five years old. If deficiencies are found, the State would be notified and given up to a year to make commitments to solve the problem. If not satisfied, the Secretary would suspend approval of the State's primary projects, until adequate commitments are made.

By October 1, 1980, the Secretary is directed to report to Congress the following: criteria and methods for Interstate inspection, the condition of routes inspected, and any problems the States have in complying with section.

Conference substitute

Similar to Senate provision with minor changes. The principal modification being that the Senate provision on Interstate maintenance requirement is changed to a State certification program.

DEMONSTRATION PROJECTS—RAILROAD HIGHWAY CROSSINGS

House bill

This section changes the Federal share from 70 percent to 95 percent of the cost of the demonstration work on projects which were authorized by section 140 of the 1976 Highway Act and authorizes appropriations of \$90 million for fiscal year 1979 and \$110 million for each of fiscal years 1980, 1981, and 1982.

Senate amendment

An authorization of \$70 million per year is provided for continued work on previously authorized railroad relocation demonstration projects.

Conference substitute

House provision with funding at \$70,000,000 for fiscal year 1979, \$90,000,000 for fiscal year 1980 and \$100,000,000 for fiscal years 1981 and 1982. It is the intention of the conferees that all these projects be funded to completion.

DEFINITIONS

House bill

The definition of the term "construction" in section 101(a) of title 23, United States Code, would be amended to include items used in a State's vehicle weight enforcement program, such as scales, scale pits, scale installation, and scale houses. Such items are not eligible under existing law.

The definition of the term "forest road or trail" is limited to mean roads or trails on or adjacent to national forest lands which are necessary to the protection, administration, and utilization of such lands and the definitions of the terms "forest development roads and trails" and "forest highways" are accordingly expanded.

Senate amendment

The amendments contained in this section: (1) amend the definition of construction to include resurfacing to prevent water from entering the subsurface and causing potholes; (2) make the purchase and installation of scale equipment for vehicle weight enforcement eligible for Federal-aid highway construction funds; (3) define those activi-

ties eligible for funding under the consolidated highway safety construction program to include projects to improve high hazard locations, eliminate roadside obstacles, improve highway signing and pavement marking, or install traffic warning devices; and (4) remove objective of "simultaneous completion" of the Interstate.

It is also made national policy to relate annual authorizations from the Highway Trust Fund with annual receipts of the Fund.

Conference substitute

House provision with addition of Senate definitions on safety.

COMPLETION OF INTERSTATE SYSTEM

House bill

Section 103(e) (2) of title 23, known as the Howard-Cramer interstate transfer provision, is amended to prohibit any further such transfers effective January 1, 1978. The purpose of this action is to prevent the start of entirely new routes not now in the system which could cause extension of the interstate completion date.

All rural interstate routes identified in the 1977 cost estimates are declared essential as of the date of enactment, and the 103(e) (4) interstate transfer provision shall not apply to these routes.

All other routes identified in the 1977 cost estimate must also be constructed unless withdrawn under section 103(e) (4) before September 30, 1982. This shall not apply to any route in the category which is under judicial injunction on the date of enactment.

In addition all routes approved by the Secretary after January 1, 1976, shall be constructed and section 103(e) (4) shall not apply. These routes are recently added routes which at this late stage in interstate development should not be candidates for withdrawal.

To further speed up decisionmaking with respect to completing the Interstate System, this section does not allow approval of substitute projects after September 30, 1982.

Also the Secretary is not allowed to designate mileage under 103(e) (4) or any other provision of law after the date of enactment of this section.

The labor provisions governing 103(e) (4) are reinstated after having been inadvertently removed in a previous act.

This section provides funding and authority to make such agreements and contract changes necessary to complete routes substituted under the Howard-Cramer provisions.

This section provides for submitting all environmental impact statements to the Secretary by September 30, 1984. Any route without such a submittal shall be removed from the system. If the right-of-way acquisition or construction has not been started by September 30, 1986, the route must also be removed from the system.

Withdrawal of approval of an interstate route shall not result in the State having to repay the Highway Trust Fund for intangible costs, if the Secretary approves, and for costs of construction items, materials, or rights-of-way incurred for such route and which the State certifies will, within 10 years after the date of such withdrawal, be applied to transportation projects under title 23, United States Code, public conservation or recreation purposes, or other projects

which the Secretary determines to be in the public interest. This provision applies to withdrawals of approval occurring before enactment.

The Federal share of the cost of property resold to previous owners of such property under State law shall be deposited in the State's apportionment for interstate highways.

Senate amendment

The amendment to the interstate transfer program increases to 90 percent the Federal matching share for any transit or highway projects substituted for Interstate mileage. Currently, the 90 percent Interstate share drops to whatever percentage is allowed for the substitute project (i.e., 80 percent for mass transit). Additionally, substitute highway projects would be funded out of the State's Interstate apportionment and substitute transit projects from the General Fund. The State's unobligated Interstate apportionments would be reduced in the proportion that the estimated cost of the substitute transit projects bears to the cost to complete all Interstate routes in that State.

The section also prohibits the redesignation of mileage withdrawn from the System.

Withdrawal of approval of an Interstate route shall not result in the State having to repay the Highway Trust Fund for intangible costs, if the Secretary approves, and for the costs of rights-of-way incurred, or costs of construction and materials incurred before enactment of this provision, for such route and which the State certifies will, within 10 years after the date of such withdrawal, be applied to transportation projects under title 23, United States Code, public conservation or recreation purposes, or other projects which the Secretary determines to be in the public interest. Any sums owed to a State for costs described in the preceding sentence shall promptly be paid to the State. This provision applies to withdrawals of approval occurring before, on, or after the enactment of this provision.

This amendment to title 23 provides that the Secretary cannot approve a withdrawal of Interstate mileage and transfer of funds to public transportation or other highway purposes after September 20, 1982. In addition, after the same date, he cannot approve any Interstate project unless the EIS process is complete. Any segment of the Interstate for which such an approval were not made would be removed from the System. Moreover, all Interstate routes and substitute projects must be under construction by the end of fiscal year 1986 or be removed from Interstate designation.

Following the 1982 cutoff, should an injunction prohibit construction of an Interstate segment with a completed EIS, that segment may be withdrawn following litigation. The 1986 requirement for construction would still apply to the Interstate route or any project substituted for it.

Conference substitute

The Conference substitute adopted the House provision with the following changes: all requirements that contain categories of routes must be constructed were dropped; the deadlines for withdrawals and substitutions under 103(e)(4) and for submission of environmental impact statements were changed to September 30, 1983; and the Federal share of substitute projects (highway or transit) was changed to 85 percent.

The deadline for approval of Interstate substitutions contemplates approval of an overall concept, not approval of detailed plans, specifications and estimates which will take more time to develop.

TRANSFERABILITY

House bill

Under existing law, it is possible to transfer up to 40 percent between the primary system and the secondary system. This transfer percentage would be increased to 50 percent. Also, the existing transferability allowed between the primary system and the urban system would be increased from 20 to 25 percent.

Certain restrictions are retained: (1) In the case of transfers between primary and secondary systems, such categories may not be increased or decreased by more than 50 percent in any fiscal year; (2) in the case of transfers between primary and urban systems, such categories may not be increased or decreased by more than 25 percent in any fiscal year; and (3) no category increased by a transfer from another category may then be reduced by a transfer to another category in any fiscal year.

Senate amendment

This section allows up to 50 percent of a State's primary, urban, or secondary apportionment to be transferred to one or more of the other categories. Urban system funds allocated to areas of 200,000 or more may not be transferred without the approval of local officials.

Conference substitute

Transferability is set at 50 percent for all categories and between systems as in existing law.

REPORT OF OBLIGATIONS

House bill

This section requires a monthly report on obligation and expenditures be submitted to the Congress.

Senate amendment

No comparable provision.

Conference substitute

House provision.

PROGRAMS

House bill

This section amends section 105 (g) of title 23 to require that State highway departments give consideration in the development of their annual highway programs to projects which provide direct access to new town communities and new-town in-town communities.

Senate amendment

The Senate amendment requires that State highway departments give consideration in the development of highway programs to projects which provide access to designated new towns, requires that any project on the secondary system be selected by the State highway and local officials, and requires that any project on the urban system, whether or not in an urbanized area, be selected in accordance with the planning process of section 134 of title 23.

Conference substitute

Combination of both House and Senate provisions.

ACCESS TO RIGHTS-OF-WAY

House bill

This section amends 23 U.S.C. 111 to permit automotive service stations and other commercial establishment for serving motor vehicle users on the Interstate System to continue in operation (1) if the establishment (a) was in existence before January 1, 1960, (b) is owned by a State, and (c) is operated through concessionaries or otherwise, and (2) if all access to, and exits from, such establishment conform to the standards established under Title 23 of the United States Code.

Senate amendment

The Senate amendment is the same as the House provision.

Conference substitute

Same as both provisions.

INTERSTATE RESURFACING

House bill

This amendment would make the R.R. & R. program a permanent program, and would incorporate it as a new section in title 23, U.S.C. The provision would still only apply to routes in use for more than 5 years, but the provision is amended to make the section applicable also to interstate toll roads in use more than 5 years other than those lanes on toll roads not subject to a Secretarial agreement provided for in section 105 of this bill. That section allows toll roads designated as interstate to be eligible for R.R. & R. funds when an agreement provides that the toll road will become free upon collection of tolls sufficient to liquidate its cost, outstanding bonds and maintenance, operation, and debt service costs.

Section 104(b)(5) which contains apportionment formulas for highway projects would also be amended to provide a new formula based one-half on interstate lane miles and one-half on vehicle miles traveled on the Interstate System.

Senate amendment

Presently, 3R funds are apportioned in the ratio which the lane miles on the Interstate System in each State which have been in use for more than five years bears to the total of all such lanes on the System.

This section provides a new apportionment formula based 75 percent on Interstate lane miles in use more than five years and 25 percent on vehicle miles traveled on those routes.

Both factors in the new formula include those Interstate toll roads eligible for 3R assistance.

Conference substitute

The Conference substitute adopts the approach of the House in making this a permanent program in title 23 and adopts the Senate provision on the apportionment formula.

ADVANCES TO STATES

House bill

This section requires the Secretary of Transportation, upon the request of the State highway department constructing a toll bridge, toll tunnel, or approach thereto, which is necessary to complete an essential gap in the Interstate System, to advance, out of funds appropriated to such State for the Interstate System, 100 percent of the costs of such construction. The State shall repay the portion of such advances which exceeds the Federal share of such costs on the following schedule: 50 percent of such portion within one year after the opening of the bridge, tunnel or approach to traffic; 25 percent, within 2 years after such opening; and 25 percent, within 3 years after such opening.

Senate amendment

No comparable provision.

Conference substitute

House provision with two minor modifications.

FEDERAL SHARE

House bill

This section increases the maximum Federal share payable on primary, secondary, and urban system projects from 70 percent of the costs of construction to 80 percent, on elimination of hazards of railway crossing from 70 percent of the costs of rights-of-way acquisition and property damage to 80 percent, on repair or reconstruction with emergency relief funds from 70 percent of the costs of such repair or reconstruction to 80 percent, on compensation for removal of outdoor advertising from 75 percent of such compensation to 80 percent, on junkyard relocation, removal, disposal, or landscaping from 75 percent of the costs of such relocation, removal, disposal, or landscaping to 80 percent, on the Great River Road from 70 percent of the costs of construction or reconstruction of any project for such Road which is not part of the Federal-aid system to 80 percent, on access highways to public recreation areas on lakes from 70 percent of the costs of construction or reconstruction of such highways to 80 percent, on the territorial highway program from 70 percent of the costs of any project under such program, to 80 percent, and on school bus driver training programs from 70 percent of the costs of such a program to 90.

This section also sets the Federal share payable on projects in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands at 100 percent of the costs of any such project and on implementing a highway safety program at 90 percent of the costs of such implementation.

Senate amendment

No comparable provision.

Conference substitute

The conference agreement establishes the Federal share at 75 percent for Federal-aid highways and 80 percent for the bridge program.

CONTROL OF OUTDOOR ADVERTISING

House bill

Subsections (a) and (b) of this section would clarify existing law by clearly setting forth that just compensation must be paid upon the removal of any lawfully erected sign which is not permitted under subsection (c) of section 131, title 23, United States Code.

Subsection (c) amends subsection (o) of section 131 of title 23 to require the Secretary to approve State requests to retain directional signs erected lawfully under State law and to remove the limitation that only directional information signs located within the geographical limits of a specific economic hardship may be retained.

Senate amendment

The Senate amendment requires that compensation must be paid for the removal of signs which have at no time conformed to Federal beautification standards, regardless of the reason for their removal.

States may, however, impose stricter limitations on outdoor advertising than those established in the Highway Beautification Act. In which case, the Federal requirement for compensation would not apply.

Conference substitute

The Conference agreement accepted the House language on compensation and struck all references to the economic hardship provision amendment contained in the House bill.

The conferees agreed not to amend subsection (o) of section 131 in the absence of experience that can be gained through its adequate implementation. When enacting subsection (o) in 1976, the Congress intended that it be administered by the Secretary in a meaningful way and that he approve the requests of States for the retention of signs, displays, and devices whenever the requests meet the requirements set forth in the subsection. The conferees emphasize that we expect the Secretary to expedite the implementation of subsection (o) to carry out this Congressional intent and to assist those State which desire to utilize its provisions in doing so.

ELECTRONIC SIGNS

House bill

The Department of Transportation has characterized as a flashing light electronic information displays which neither flash nor animate state information, but where the only movement is the periodic changing of information against a solid, colorless background. These displays are engineered for maximum legibility and readability, having constant light level controls and glare reducing screens. The Department's attempt to equate these devices with flashing signs would be prohibited under this section, and the Secretary would be required to revise existing bonus agreements to permit the display of these devices in on-premise areas.

The Secretary would also be required to revise agreements under 23 U.S.C. 131(d) relating to the display of outdoor advertising in commercial and industrial areas in any case where the same prohibitive standards are being applied to such devices.

Senate amendment

The Highway Beautification Act provides that just compensation be paid for the removal of billboards along Interstate and primary roads which do not conform to Federal criteria. Seventy-five percent of such compensation is provided by the Federal Government; the remainder is paid by the States.

This section further clarifies the Act's requirement for compensation. It stipulates that compensation must be paid for the removal of signs which have at no time conformed to Federal beautification standards, regardless of the reason for their removal.

States may, however, impose stricter limitations on outdoor advertising than those established in the Highway Beautification Act. In which case, the Federal requirement for compensation would not apply.

Conference substitute

Senate provision.

ADVERTISING BY NONPROFIT ORGANIZATIONS

House bill

This section permits advertising in distribution by nonprofit organizations of free coffee to travelers on the Interstate and primary systems.

Senate amendment

No comparable provision.

Conference substitute

House provision.

HIGHWAY BRIDGE REPLACEMENT PROGRAM

House bill

First, this section provides for an annual authorization of \$2 billion.

The bill provides that \$1.8 billion of the \$2 billion be apportioned to each State yearly to replace, in whole or in part, deficient highway bridges on all public roads regardless of what they cross. The remaining \$200 million shall be assigned, at the discretion of the Secretary, to those deficient highway bridges whose replacement costs are in excess of \$10 million.

The information contained in table 1 of House Public Works and Transportation Committee Print 95-49 provides the basis for apportionment of the \$1.8 billion for each of the fiscal years 1979, 1980, 1981, and 1982. The apportionment factors are based on the ratio of each State's deficient bridges on the Federal-aid system in terms of replacement costs. Each State is assured a minimum of $\frac{1}{2}$ of 1 percent of the total apportioned and no State would receive more than 5 percent of the total apportioned.

Second, the section increases the Federal share of the Federal-State matching ratio from the current 75/25 percent to 90/10 percent.

This section provides that at least 25 percent and up to 35 percent of apportioned funds can be obligated for bridges on public roads which are off the Federal-aid system. An inventory of off-system bridges is also required so that priorities can be assigned to these bridges.

Subsection (k) requires the Secretary to review the procedures used in approving or disapproving applications submitted under the high-

way bridge replacement program to determine what changes, if any, may be made to expedite the approval/disapproval process. The Secretary must conduct an initial review within 6 months of the date of enactment of this subsection and periodically thereafter.

Additionally, the Secretary must submit a report to Congress within 9 months of the date of enactment of this subsection describing the review and including any recommendations for legislative changes.

Subsection (j) is intended to assure that apportioned funds for bridge replacement projects be fairly and equitably allocated in any given State.

Senate amendment

Funds from this program presently may be used only for replacement of bridges on the Federal-aid system. This amendment permits use of funds for bridge rehabilitation, and allows a State to use up to 30 percent of its apportionment for replacement and rehabilitation of off-system bridges. For bridges off the Federal-aid system, however, only structurally deficient bridges are eligible for assistance. The Federal share payable is decreased from 75 to 70 percent.

In addition, States are permitted to use these funds to inventory bridges of historical significance.

Another section authorizes a new bridge program for the construction or replacement of primary system bridges over major bodies of water. The Secretary will have available 2.5 percent of the sums authorized for the primary and the special bridge replacement and rehabilitation programs to obligate at his discretion.

Conference substitute

The Conference substitute provides an annual authorization for fiscal year 1979 of \$900 million, \$1,100 million for fiscal year 1980, \$1,300 million for fiscal year 1981 and \$900 million for fiscal year 1982. The Agreement also provides a retention of the \$200 million discretionary fund established in the House bill.

The Conference substitute further provides that the apportionment shall be based upon the needs as determined by the States with a minimum percent of $\frac{1}{4}$ of 1% and a maximum of 8%. Further a minimum of 15% and a maximum of 35% shall be used on off-system needs with the Secretary waiving the minimum if he determines that a State does not require this amount.

\$54 million of the sums available for apportionment in fiscal year 1979 are set aside to carry out the acceleration of bridge projects program.

In addition to bridges specified in the House reports as likely candidates for use of the discretionary funds the Jamestown Bridge in Rhode Island, the bridge at Keokuk, Iowa and a bridge in Portland, Maine should also be considered by the Secretary.

This section makes the Golden Gate Bridge, between San Francisco and Marin County, California eligible for Bridge Replacement or Rehabilitation funds. Although the Golden Gate Bridge is not technically designated on a Federal-aid system, it is directly connected to a road on the Federal-aid system and is a critical link in the efficient operation of the Federal-aid system, and is therefore among those bridges intended for high priority assistance from the Secretary's discretionary fund.

TRAFFIC CONTROL SIGNALIZATION

House bill

This section would enact a new section 146, title 23, United States Code, to provide an ongoing traffic signalization program. Projects would be selected by State highway departments in consultation with local officials with priority given to projects which provide coordinated signalization of two or more intersections. The Federal share of the cost of projects would be 90 percent, the same as for the Interstate System, and the sums authorized to carry out this section would be apportioned among the States at the beginning of each fiscal year according to the Federal-aid urban system apportionment formula. For each of fiscal years 1979, 1980, 1981 and 1982, \$75 million would be authorized for this program.

In further recognition of the benefits to be derived from traffic control signalization projects, section 117 would amend section 120(d), title 23, United States Code, to permit not more than 10 percent of the Federal-aid system construction apportionments to be used to pay 100 percent of the cost of traffic control signalization projects, other than section 146 projects.

Senate amendment

No comparable provision.

Conference substitute

Adopts only House provision amending section 120(d), of title 23 United States Code.

SPUR HIGHWAY—GREAT RIVER ROAD

House bill

Current Federal Highway Administration regulations provide for "access spurs to areas of scenic enhancement proximate to the Mississippi," but prohibit participation in those spurs which connect to Mississippi River crossings. This provision specifically provides that access spurs may cross the river where necessary using existing bridges.

The scenic, historical, recreational, and archeological features being connected to the Great River Road must be no further from the river than the Great River Road is at its furthest point from the river.

The law is further amended to permit admission fees at parks and other areas operated by public entities.

Senate amendment

No comparable provision.

Conference substitute

Limits access spurs to connections with existing bridges and permits certain admission fees to be charged.

PAVEMENT MARKING

House bill

The pavement marking demonstration program established by section 151, title 23, United States Code, is continued for an additional 4 years by authorizing \$75 million for each of the fiscal years ending September 30, 1979, 1980, 1981, and 1982. To further expedite completion of pavement marking of all highways, section 121 of H.R.

11733 would amend section 151 to direct the Secretary to allocate the sums authorized among the several States and to reallocate among other States any amount not obligated by a State within 2 years.

Senate amendment

No comparable provision.

Conference substitute

The Conference substitute is the same as the House provision except that funding is reduced to \$65 million in each of fiscal years 1979, 1980 and 1981. No funding is provided for fiscal year 1982. It is the intent and expectation of the Conferees that the pavement marking demonstration program will terminate at the end of fiscal year 1981 and that after that time pavement marking projects will be carried out under the hazards elimination program.

ENERGY IMPACTED PUBLIC ROADS

House bill

This program will provide for the repair of public roads, including roads not on a Federal-aid system, necessary for meeting national energy requirements.

In order to prevent further deterioration of roads used for the transport of coal and other energy commodities and to insure that inadequate public roads do not place a constraint on domestic energy production, the section provides for each of fiscal years 1979, 1980, 1981, and 1982, \$50 million to be used for this program.

Senate amendment

No comparable provision.

Conference substitute

No comparable provision.

ENERGY IMPACTED RAIL HIGHWAY CROSSINGS

House bill

This section provides funds to the States for use in eliminating unacceptable delays to highway travel at public rail highway grade crossings brought about by increased coal train traffic. To insure that adequate highway mobility is maintained at these impacted crossings, highway-rail grade separations or rail relocations may be necessary.

Senate amendment

The Senate amendment authorizes study of techniques for alleviating impact of increased unit train traffic to meet national energy requirements in communities along rail corridors experiencing such increased traffic.

Conference substitute

Senate provision.

BRIDGES ON DAMS

House bill

This section increases the authorization for expenditures for bridges on Federal dams under 23 U.S.C. 320 from \$50 million to \$65 million from the Highway Trust Fund.

Senate amendment

No comparable provision.

Conference substitute

House provision.

APPALACHIAN DEVELOPMENT HIGHWAYS

House bill

Section 125 would amend existing law to permit financing the construction of the Appalachian highway system under a 90-10 percent Federal-State funding formula and add 150 miles to the system.

This section allows the total Federal share of funds for Appalachian highway projects to rise to a maximum of 90 percent when Federal-aid primary funds are combined with ARC highway funds.

Under this provision, the use of highway trust funds to take advantage of the higher Federal share would be at the discretion of the Governor of each of the Appalachian States. A State's share could range from the current level of 30 percent down to as low as 10 percent. Depending on the State's investment, the Federal share would range from 70 percent to 90 percent.

Senate amendment

No comparable provision.

Conference substitute

The Conference agreement provides that Appalachian Highways shall be funded at a Federal share of 80 percent with no transfer of primary apportionments to this category. The Agreement also provides an addition of 125 miles to the system which can be applied for by each of the 13 States in the Appalachian region. However the conferees would expect the Appalachian Commission to consider the House report. The provision also retains the amendment with respect to a bridge on the Appalachian system which is part of a flood control project.

OVERSEAS HIGHWAY

House bill

The Federal-Aid Highway Amendments of 1974 authorized to be appropriated out of the Highway Trust Fund \$109.2 million for reconstruction or replacement of deteriorated two-lane bridge structures on the Overseas Highway from the mainland to Key West, Fla.

This section increases the authorization for the Overseas Highway reconstruction program by \$33.8 million based on a total estimated cost for the project of \$179.4 million. The Federal share would be 80 percent or \$143 million.

Senate amendment

The 5-year authorization for construction of the Overseas Highway in the Florida Keys is increased from \$109.2 million to \$118 million.

Conference substitute

Senate provision.

Funds are authorized for the purpose of completing the project including preliminary engineering, construction engineering inspection, reconstruction or replacement of bridges and relocation or replacement

in kind of the aqueduct on those approaches and bridges which are replaced or reconstructed.

OBLIGATION LIMITATION

House bill

This section provides that the highway construction and safety program, function, and projects be approved in accordance with law, provided only that an obligation ceiling of \$10.9 billion not be exceeded. Obligations for emergency relief under section 125 of title 23, United States Code, would be exempted from the limitation.

Senate amendment

No comparable provision.

Conference substitute

House provision with the limitation set at \$8,500,000,000.

CARPOOL AND VANPOOL PROJECTS

House bill

This section amends the initial authority in the Emergency Highway Energy Conservation Act to use the two classes of highway funds for carpooling and vanpooling assistance by removing the demonstration connotation making certain that the assistance in acquiring vehicles only applies to passenger vans and not automobiles or buses, and making the Federal share consistent at 80 percent with most other Federal-aid highway programs.

Subsection (b) directs the Secretary of Transportation to serve as an advocate of carpooling and vanpooling by providing technical assistance, identifying and removing legal and regulatory barriers, and working with local and State governments as well as private and public employers and employees. There is authorized \$1 million for each of the fiscal years 1979 through 1981 to carry out this advocacy role.

Subsection (c) authorizes a program of grants and loans at an 80-percent Federal share to States, counties, municipalities, units of regional government, and metropolitan planning organizations to fund carpool and vanpool activities. There is authorized \$15 million for fiscal year 1979 and \$20 million for fiscal year 1980 to carry out this grant and loan program. The existing authorization of \$7.5 million for a similar purpose contained in section 120 of the 1974 Highway Amendments is repealed.

A study of the administrative effectiveness of carpooling and vanpooling programs within the Department of Transportation is called for with a report by September 30, 1979, and a plan by March 30, 1980, to centralize or modify programs within the Department to assure cost-effective delivery of ridesharing assistance and to avoid duplication of effort. A total of \$125,000 is authorized to do this study and develop the plan.

Subsection (h) exempts from economic regulation by the Interstate Commerce Commission vehicles carrying up to 15 persons in a single daily roundtrip for the purpose of commuting to and from work.

Finally, subsections (a) and (f) specifically incorporate into the legislative intent the policy established in the Department of Transportation regulations relative to not approving projects which will have an adverse effect on public transportation.

Senate amendment

Existing carpool and vanpool demonstration programs are consolidated under this section, and funded out of regular Federal-aid system apportionments. In addition, carpools and vanpools are exempted from certain ICC regulations and the requirements of the Fair Labor Standards Act.

This amendment also consolidates provisions for fringe parking facilities under section 412, title 23, United States Code.

Conference substitute

The Conference substitute adopts a combination of House and Senate provisions with \$4 million authorized for fiscal year 1979, \$10 million for 1980, and \$1 million for 1981.

The Senate provision exempting carpool and vanpool operations from requirements of the Fair Labor Standards Act was deleted based on the fact that in the opinion of the Department of Labor, operations intended to be exempted under the Senate bill are not subject to the Act.

The House provision prohibiting assistance to carpool or vanpool programs which adversely affect a mass transportation system is intended to preclude any assistance which will have an appreciable adverse impact on public transit. *De minimis* effects should not bar assistance.

ACCELERATION OF CONSTRUCTION OF INTERSTATE SYSTEM

House bill

This section provides a method by which funds already authorized can be reassigned to faster moving States by a "borrowing" procedure which still will not affect the ability of all States to utilize the interstate funds apportioned to them.

The procedure would allow any State, which has used up so much of its apportionment that they are incapable of awarding another contract, to "borrow" from already authorized funds any amount up to their next anticipated apportionment. The source of the funds would be those States which have not yet utilized any of the funds apportioned to them by the first day of the fiscal year for which apportioned.

A further alternative also allows the States to move faster by the use of bonding. This section allows for the first time the eligibility of interest on bonds for Federal participation. It is required that States must fully utilize the borrowing provisions provided under this section before interest becomes eligible for Federal participation, and further interest may only be paid on bonds issued after enactment of this act and shall not be paid on those issues which may have been utilized to retire or otherwise refinance bonds issued prior to enactment of the section.

Senate amendment

This section allows States which have obligated all of their present Interstate apportionments to obligate advances against their next annual apportionment.

The Secretary is restricted from allocating more funds to the States in advance of apportionment, than the total amount of Interstate

funds estimated to remain unobligated at the end of that year. The Secretary must give priority to applications involving completion of essential gaps. If a State receives an advance, its next year's apportionment would be reduced proportionately.

States may use Federal Interstate funds to pay both principal and interest on bonds issued after the date of enactment for Interstate construction. To date the use of Federal money has been limited to the payment of bond principal. States may take advantage of this section only if all other opportunities for accelerated Interstate funding (i.e., advances and reallocation by the Secretary) has been fully utilized.

Presently, Interstate funds apportioned to the States remain available for 4 years after which time they lapse and are reapportioned according to formula. This section reduces the period of availability to 2 years. Funds which lapse would be allocated on a discretionary basis by the Secretary to States with ready-to-build Interstate projects with preference given to the completion of essential gaps.

Conference substitute

The Conference substitute provides a reduction in the period of availability of Interstate funds to two years. The funds which then lapse go into a pool from which all of the states which have used up their regular Interstate apportionments may draw on a first come-first serve basis. These funds would be used for projects which are ready to proceed. The Secretary shall have no discretion as to the allocation of these funds once applied for by the states. It is the intention of the Conferees that unused funds from this pool will continue to be available in future years and that additions will be made to the pool each year as funds lapse.

Examples of projects which the Conferees understand are in a position to use this provision are the West Virginia Turnpike, which carries two Interstate routes, and Interstate Route 75 in Florida. It is the intent and expectation of the Conferees that funds available under this provision be used to construct these routes.

The Agreement further accepts the House provision with respect to bonding for completion of the Interstate System.

This section is intended to permit the use of Federal funds to pay the principal on bonds issued for Interstate construction prior to the date of enactment of this Act.

ACCESS CONTROL DEMONSTRATION PROJECTS

House bill

Section 130 authorizes the Secretary of Transportation to carry out projects to demonstrate whether the capacity of existing highways to move traffic safely and efficiently can be preserved, as a cost-effective alternative to extensive new construction, by imposition of access controls on existing highways on the Federal-aid primary and secondary systems which were constructed without such controls.

It authorizes the expenditure of \$50 million for the 4-fiscal-year period ending September 30, 1982, for projects located in five States and involving highways which are in good condition and not already subject to heavy industrial, commercial, or residential development. Eligible project costs include both structural and nonstructural meas-

ures such as acquisition of land or rights of access to highways from owners of adjoining property, construction of service drives or access drives to local streets connecting with the highway, and tunneling or reconstruction of intersections.

Senate amendment

No comparable provision.

Conference substitute

House provision limited to three projects and funding at \$30 million.

BIKEWAYS

House bill

This section authorizes \$25 million for each of the fiscal years 1979-82, of which \$12.5 million is from the Highway Trust Fund and \$12.5 million from general funds, for expenditure in urban and rural areas. These funds are available for expenditure only for bikeway projects and are intended to be supplementary to funds under the ongoing program of 23 U.S.C. 217. The Federal share would be 80 percent of total project cost.

Section 109 of title 23, U.S.C., is amended to insure that routes heavily used by nonmotorized traffic and light motorcycles are not severed or destroyed by any project approved under title 23 unless such project provides a reasonably alternative route or such a route exists.

Senate amendment

This section establishes a new categorical grant program for the construction of bikeways, and the improvement of existing roads and transportation systems for bicycle and pedestrian traffic. \$20 million is authorized annually from the Highway Trust Fund for these purposes.

In addition, the Secretary is prohibited from approving any Federal-aid project which would reduce present bicycle or pedestrian access to a greater extent than automobile access, unless a comparable route is provided or already exists. Bikelanes and various bicycle facilities may be approved as independent Federal-aid projects or parts of other improvements.

This section also requires the Secretary to establish standards for the design and construction of bicycle projects.

Conference substitute

Combines House and Senate provision and authorizes \$20 million annually, \$10 million from the Highway Trust Fund and \$10 million from general funds.

USE OF TOLL RECEIPTS

House bill

This section amends the act authorizing pooling of tolls on existing crossings of San Francisco Bay and other public transportation systems in the bay area. It amends that act to permit those tolls to pay the cost of constructing new approaches to the San Mateo Bridge in the San Francisco Bay area.

Senate amendment

No comparable provision.

Conference substitute

House provision.

LIMITATIONS

House bill

This section provides that to the extent that any section of this title provides new or increased contract authority under which outlays will be made from the general fund, such new or increased authority shall be effective only in such amounts as are provided in appropriations acts.

Senate amendment

No comparable provision.

Conference substitute

House provision.

STUDY—FACTORS AFFECTING TRANSPORTATION OPERATIONS

House bill

This section directs the Secretary of Transportation to make a full and complete investigation and study of the insurance problems affecting the safe and efficient operation of bridges, tunnels, and roads within the United States. The risk factors to be studied include, but are not limited to, structural, operational, environmental, and civil disturbance factors.

Senate amendment

No comparable provision.

Conference substitute

House provision.

BRIDGE DIVERSION STUDY

House bill

This section provides for a study of the need for, and ways and means of accomplishing, diverting some traffic from Interstate System bridges across the Mississippi River which are operating above design capacity to other bridges in the vicinity. A report is required within 2 years.

Senate amendment

This section authorizes Federal financial participation in analyses, studies, and planning to determine whether the public should acquire certain privately owned toll bridges.

Conference substitute

Both House and Senate provisions.

EAST-WEST TOLL ROAD—INDIANA STUDY

House bill

This section would require the Secretary, acting through the Federal Highway Administrator, to study the possibility of relieving the Indiana Toll Road Commission of obligations resulting from the use of certain Federal funds. The study will consider additional entrances and exits to the toll facility for metropolitan areas or cities of 25,000 or more population including their approximate cost and course of funding, methods of economical toll collections assuring fair and equitable payment from the users and ascertainment of urban toll-free

areas. Further, the study will determine the approximate cost and source of funding for improvements necessary to bring the toll facility up to interstate highway standards. Projection of maintenance costs and anticipated revenues for the facility until 1994 under various toll systems and charges will be developed along with a formula of toll distribution by which nearby communities directly affected by access to the toll facility may be reimbursed after expenditures for new interchanges, upgrading to interstate standards, projected maintenance and bond obligations and reserves have been provided for.

The study will also consider the cost to the State highway commission should tolls be removed and an estimate of time required to complete the improvements based upon alternative methods of financing including proceeds from toll revenue bonds, State financing sources solely, and funding principally provided by the Federal Government.

The results of the study will be reported to Congress by November 15, 1978.

Senate amendment

No comparable provision.

Conference substitute

House provision.

The Conferees agree that in the event the Indians Toll Road Commission study currently underway on the effects of continuing tolls on the highway is approved by all parties by January 1, 1979, the Secretary of Transportation is not required to conduct a study under this section.

BONDED INDEBTEDNESS STUDY

House bill

This section would require the Secretary to conduct a study leading to recommendations on alternate methods of making toll roads incorporated into the Interstate System prior to June 29, 1956, free to public travel. It would consider only that toll road mileage incorporated into the Interstate System prior to June 29, 1956, estimated in 1958 to comprise approximately 1,950 miles of toll roads, bridges, and tunnels in 26 States, and not the additional toll road mileage subsequently added to the present total of approximately 2,266 miles of toll facilities on the Interstate System. The study will determine the extent of outstanding bonded indebtedness for each State as of January 1, 1979, incurred by each State or public authority within each State prior to June 20, 1956, for the construction of toll roads or portions thereof incorporated into the Interstate System.

Further the study should determine a method of allocating the bonded indebtedness between portions of toll roads which have been incorporated into the Interstate System and those portions not included. Specific encumbrances preventing expeditious removal of tolls on the Interstate System's portion of these toll facilities shall be identified and recommended alternative methods for equitable payment of debt service for the purpose of making those portions incorporated into the Interstate System free to public travel determined.

Senate amendment

No comparable provision.

Conference substitute

House provision.

DEMONSTRATION PROJECT—RESTRICTED ACCESS

House bill

This section authorizes the Secretary of Transportation to carry out a demonstration project in a metropolitan area having a population of 500,000 or more to restrict access of motor vehicles to the central business district during peak traffic hours.

Senate amendment

No comparable provision.

Conference substitute

House provision.

DEMONSTRATION PROJECT—VENDING MACHINES

House bill

This section authorizes a demonstration project to permit the installation of vending machines in rest areas along the Interstate System. Such machines shall dispense food, drink, and other articles which the Secretary determines necessary to ascertain the need for, or the desirability of, providing this service to the traveling public.

This provision also directs the Secretary to issue a final report within 2 years of enactment on the results of the project, along with his recommendations.

Senate amendment

No comparable provision.

Conference substitute

House provision.

THOUSAND ISLANDS BRIDGE AUTHORITY

House bill

This section eliminates a restriction on Interstate Highway 81 near the Canadian border imposed by section 111 of title 23 restricting commercial activities within the right-of-way of the Interstate System.

Senate amendment

No comparable provision.

Conference substitute

House provision.

INTERSTATE ROUTE I-90

House bill

In completing the Interstate System the logical, least costly, and most efficient terminus of some toll-free interstate routes presently under construction is a connection to an existing toll facility on the Interstate System. Such a situation exists in the State of New York where I-88 joins I-90 and where I-87 joins I-90. This section provides that these connecting projects are authorized to be approved on the Interstate System notwithstanding the provisions of section 129 of title 23. Similarly, the construction of an additional lane on I-90 to facilitate the I-88 traffic is authorized so long as that traffic can travel on I-90 between Interchanges 25 and 26 free of tolls.

Senate amendment

No comparable provision.

Conference substitute

The Conference agreement would permit Federal funds to build an interchange between I-88 and I-90 if tolls are eliminated for traffic between exits 25 and 26 on I-90 in New York.

In addition, Federal funds may participate in constructing two additional lanes on I-90 between exits 25 and 26, and in modifying the interchange joining I-90 and I-87, if tolls are removed for traffic traveling between exits 24 and 26 on I-90.

HUNTINGTON BRIDGE

House bill

The Secretary of Transportation is authorized by this section to reimburse the Federal share of the construction cost of the new Huntington, W. Va. toll bridge, construction of which (other than piers) is begun after October 1, 1978, but not the cost of toll collection or service facilities, on the same basis and in the same manner as in the construction of free highways under 23 U.S.C. chapter 1 upon compliance with conditions set forth in this section.

Reimbursement shall be the Federal share of the costs of construction as applicable to a project under 23 U.S.C. 120(a) from West Virginia's primary apportionment when the State enters into an agreement with the Secretary.

Such agreement shall require: (1) The State to do the construction in accordance with the Secretarial approval standards; (2) all tolls, less actual cost of operation and maintenance, shall be applied to the repayment of actual construction costs, except for an amount equal to the Federal share of the costs; and (3) no toll shall be charged after the Federal share has been paid and the bridge shall be maintained and operated as a free bridge.

The bridge shall be designated as on the primary system, but not the interstate part of that system, before payment of any Federal funds. The primary mileage limitations in 23 U.S.C. 103(b) shall not apply to this designation.

The Federal share shall be paid in not more than 15 annual installments from West Virginia's apportioned primary funds. The first installment is due 1 year after the project agreement. Each payment is to be applied against the bridge's outstanding obligations.

Senate amendment

No comparable provision.

Conference substitute

No comparable provision.

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

House bill

This section changes the reporting date for the National Transportation Policy Study Commission from December 31, 1978, to July 1, 1979—an extension of 6 months—and clarifies the intent of Congress with regard to reimbursement for staff travel and per diem expenses.

Senate amendment

This section extends the reporting date, as does House provision, to July 1, 1979.

Conference substitute

House provision. It is the intention of the Committee that those persons employed by the National Transportation Policy Study Commission pursuant to Section 154 (h)(1) of Public Law 94-280, the Federal Aid Highway Act of 1976, shall not be denied the privilege of attaining the status of career tenure while employed by the Commission. A denial of such status for the employees of the Commission is one of the consequences that this section of the legislation sought to prohibit. The legislation was drafted with the intent of enabling the Commission to attract the most experienced and qualified persons by assuring that those employees subject to civil service laws and regulations would retain their civil service status without interruption or loss of status or privilege. To deny those employees the privilege of attaining career tenure status while employed with the Commission would inhibit the Commission in its efforts to attract and maintain qualified people and to provide the Congress and the President with the quality report mandated by the Federal Aid Highway Act of 1976.

METRIC SYSTEM SIGNING

House bill

This section prohibits the expenditure of Federal funds for the construction, installation, or modification of highway signs that will result in sign messages solely in the metric system, unless specifically authorized by Congress. Signs with dual legends in English and metric units would be permitted as long as the English units are given equal or greater emphasis.

Senate amendment

No comparable provision.

Conference substitute

House provision. This provision prohibits the expenditure of Federal funds for the construction, installation, or modification of highway signs that will result in sign messages solely in the metric system, unless specifically authorized by Congress. Signs with dual legends in English and metric units would be permitted as long as the English units are given equal or greater emphasis.

ENFORCEMENT OF VEHICLE WEIGHT LIMITATIONS

House bill

This section of the bill requires the Secretary of Transportation in consultation with each State to inventory the system of penalties in each State for violation of State weight laws and also inventory the existing system of issuing special permits.

Not later than January 1, 1980, and each subsequent year, each State shall submit to the Secretary a report containing data determined by the Secretary to be necessary in order for him to make a determination of whether the State has enforced its vehicle weight laws with respect to the Federal-aid highway system.

The Secretary is then required to submit such recommendations as he deems necessary in an annual report to the Congress.

Failure to certify or a determination by the Secretary that a State is failing to enforce its size and weight laws results in a 10 percent reduction in the States apportionment under section 104 of title 23, United States Code. If thereafter a State enforces its laws the reduction is restored, if not, the reduction is reapportioned to other States.

Senate amendment

Under present law, Federal-aid projects in a State cannot be approved until the State has certified to the Secretary that its vehicle weight and size limitation on its Federal-aid road systems are being enforced. This section clarifies the ability of the Secretary to administer the Federal weight limitations by requiring that such certification must be to the satisfaction of the Secretary.

Conference substitute

Same as House provision.

FRANCONIA NOTCH

House bill

This section to finance improvements of highways on Federal-aid systems serving as alternative routes around Franconia Notch in the State of New Hampshire for traffic whose use of such routes is occasioned by construction of Interstate route 93 through the Notch to less than full interstate standards. For this purpose, the provision authorizes the use of Interstate System funds in an amount representing the difference between the Federal share of the costs of a conventional, four-lane interstate facility and that of a modified design developed for the Franconia Notch Parkway.

Senate amendment

No comparable provision.

Conference substitute

House provision.

LOTTERY TICKETS

House bill

This section directs the Secretary of Transportation to carry out a demonstration project permitting a State which runs a lottery to sell its own lottery tickets by means of State employees or vending machines at publicly owned and controlled rest and recreation areas and in safety rest areas on the rights-of-way of the Interstate System in such State.

The provision also requires that any agreement previously entered into by the State and the Secretary which would prohibit such a demonstration be modified to permit such a project.

State amendment

No comparable provision.

Conference substitute

No comparable provision.

BYPASS HIGHWAY

House bill

This section authorizes the Secretary of Transportation to carry out a demonstration project on the Federal-aid primary system for the construction of a bypass highway from a point south of Prairie Creek Redwood State Park through the drainage of May Creek and Boyes Creek to extend along the eastern boundary of Prairie Creek Redwood State Park within Humboldt County, Calif. The purpose of the demonstration project is to determine the extent to which the bypass highway will divert motor vehicle traffic around the park so as to best serve the needs of the traveling public while preserving the natural beauty of the park. The section provides \$50 million from the Highway Trust Fund for this purpose.

Senate amendment

No comparable provision.

Conference substitute

The Conference agreement modifies the House provision to limit the Federal share to 90 percent and provides that the funding be \$10 million for fiscal year 1979 and \$20 million for each of the succeeding two fiscal years.

COLUMBIA RIVER BRIDGE STUDY

House bill

This section requires that a feasibility study of the additional bridge across the Columbia River with recommendations be submitted not later than January 1, 1979.

Senate amendment

No comparable provision.

Conference substitute

House provision.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROJECT

House bill

This section amends the existing authorization in section 147 of the Federal-Aid Highway Act of 1973 to carry out demonstration projects for public transportation on highways in rural and small urban areas by directing that a rural highway public transportation demonstration project consisting of express and scheduled bus service be carried out in and in the vicinity of the Sherman-Denison, Tex., area to Dallas-Fort Worth.

Senate amendment

No comparable provision.

Conference substitute

House provision. It is the intention of the Conferees that if funds and authority are not available under Section 147 of the Federal-aid Highway Act of 1973 then the funding of the project shall be carried out under Section 315 of Title III of this Act.

MULTIMODAL CONCEPT

House bill

This section authorizes \$9 million out of the Highway Trust Fund for the preparation of preliminary engineering and design plans and the construction of models in connection with the Brunswick, Ga., to Kansas City, Mo., route described in section 143 (a) (1) of the Federal-Aid Highway Act of 1973.

Senate amendment

No comparable provision.

Conference substitute

House provision.

ACCELERATION OF PROJECTS

House bill

This section requires that the Secretary submit a report to Congress on the results of the demonstration project authorized by section 141 of the Federal-Aid Highway Act of 1976 (90 Stat. 444-445).

Senate amendment

No comparable provision.

Conference substitute

House provision.

BLOOMINGTON FERRY BRIDGE

House bill

This section makes available \$200,000 from the Highway Trust Fund to the State of Minnesota for the purpose of preparing any environmental impact statements required by Federal law in connection with the construction of the Scott County-Hennepin County Highway 18 Bridge (Bloomington Ferry Bridge) in the vicinity of Bloomington, Minn.

Senate amendment

No comparable provision.

Conference substitute

The Conferees adopted the House provision, however, it is the intent of the Conferees that this providing of funds for completion of the Environmental Impact Statement be limited to this one case.

DEMONSTRATION PROJECT OF INTEGRATED MOTORIST INFORMATION SYSTEM

House bill

This section authorizes the Secretary to engage in a demonstration using sophisticated roadway management technologies to coordinate traffic flows on major and arterial roads within a high-density traffic corridor.

Federal share in the project is set at \$30 million for the 4 fiscal years ending September 30, 1982, and covers all costs related to construction and design of the project.

Senate amendment

This section authorizes \$1.5 million for fiscal year 1979 and \$28.5 million for fiscal year 1980 for a traffic management demonstration project. The Secretary is directed to conduct an investigation of the use of automated roadway management system to increase traffic capacity and driver safety in heavily traveled transportation corridors. The Federal share payable is 90 percent.

Conference substitute

The Conferees adopted the Senate provision with a modification of funding to provide that funds be authorized at the level of \$1.5 million for fiscal year 1979, \$2.5 million for fiscal year 1980 and \$26 million for fiscal year 1981.

DULLES AIRPORT HIGHWAY ACCESS

House bill

This section will permit carpools and vanpools to utilize the Dulles Airport Access Highway during rush hours to improve the flow of traffic entering and leaving the Nation's Capital. The section requires the use of existing access points.

Senate amendment

This section requires completion of the ongoing study of commuter access to the Dulles Road within 90 days.

Conference substitute

Senate provision.

MAINE TURNPIKE

House bill

This section will permit the State of Maine to continue to impose and collect tolls on the Maine Turnpike provided the State meets specified requirements similar to those imposed upon other States in the past.

The State of Maine must repay to the Federal Government the sum of \$3,055,000, representing the Federal share of the cost of constructing two interchanges or connections with the turnpike. These interchanges, at West Gardiner in Kennebec County and York in York County, were constructed with Federal assistance on the condition that the facility become toll free upon the retirement of bonds issued to finance its construction.

In the case of a third connection, constructed with Federal assistance, at a location known as exit 6A on the turnpike, the State must remove any toll-collection facility on Interstate 295 at that point. The State of Maine and its turnpike authority also must enter into an agreement assuring the toll-free operation of a specified interchange or connection with the Maine Turnpike.

Senate amendment

The State of Maine expended Federal-aid highway funds to construct two interchanges along the Maine Turnpike. In order to be eligible for Federal highway assistance, the State and the Toll Authority agreed to lift the tolls upon retirement of revenue bonds.

The State has now decided to retain tolls on the turnpike following retirement of the turnpike bonds. This amendment allows the State to repay to the Highway Trust Fund Federal funds received for construction of the interchanges.

The State is also given 3 years following bond retirement to remove tolls from an interchange connecting Interstate 295 and the Maine Turnpike in order to comply with section 129(c), title 23, United States Code.

Conference substitute

Senate provision.

INTERDEPARTMENTAL COORDINATION STUDY

House bill

This section calls for a study by the Secretary of Transportation through the Federal Highway Administration and in cooperation with the Secretaries of the Departments of Energy, Housing and Urban Development, Commerce, the Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget. The study would consider all factors involving the Clean Air Act Amendments of 1977, the Energy Policy and Conservation Act, the National Mass Transportation Assistance Act of 1974, and this act, the Federal-Aid Highway Act of 1978.

This study is to examine the need to reconcile the various requirements of each of these laws, and if conflicts exist between their requirements, to identify them and investigate possible legislative or other alternatives to resolve such conflicts.

Senate amendment

No comparable provision.

Conference substitute

The Conferees adopted the House provision with the addition of a requirement to study the effects of imposing tolls as a means of reducing vehicle traffic and air pollution.

INCLUSION OF ROUTES IN INTERSTATE SYSTEM

House bill

This section requires the Secretary of Transportation to make a full and complete investigation and study of whether Alaska and Puerto Rico should have routes on the Interstate System and report to the Congress promptly by January 1, 1979.

Senate amendment

The Secretary is instructed to report to Congress by January 15, 1980, the desirability of designating Interstate routes in Alaska and Puerto Rico. The study shall assess the need for redesigning intercity routes to greater than Federal-aid primary standards in both of these areas.

Conference substitute

Senate provision with reporting date set at July 1, 1979.

ROUTE DESIGNATION

House bill

The Secretary of Transportation is directed to designate specified and named routes as part of the Interstate System not later than 60 days after the date of enactment of this act.

Senate amendment

No comparable provision.

Conference substitute

House provision.

ACCELERATION OF BRIDGE PROJECTS

House bill

This section authorizes a demonstration project on the feasibility of reducing the time between a request for project approval through completion of construction of replacement bridge projects. There is authorized \$30 million and required a detailed report.

Senate amendment

No comparable provision.

Conference substitute

The Conference substitute is the same as the House provision except that two projects are authorized instead of one, funding is increased by \$24 million and the Federal share is 90 percent. It is the intent and expectation of the Conferees that the projects approved under this provision will be the U.S. Grant Bridge in the vicinity of Portsmouth, Ohio, and the east end bridge over the Ohio River at Huntington, West Virginia. \$54 million of the sums available for apportionment under the bridge program in fiscal year 1979 is set aside to carry out this program.

SYSTEM DESIGNATION

House bill

No comparable provision.

Senate amendment

The Federal-aid secondary system is presently limited to "rural major collector routes" in areas less than 5,000 in population. All other areas are eligible for urban highway assistance on arterial and collector routes. This section limits the Federal-aid urban system to areas of 50,000 or more and amends the definitions of the secondary and urban systems to reflect this change.

Conference substitute

No comparable provision.

URBAN AND SECONDARY SYSTEMS APPORTIONMENT

House bill

No comparable provision.

Senate amendment

To maintain consistency with the proposed population cutoff for urban highway assistance, the population factor in the apportionment

formula for secondary road funds is enlarged to include the population in areas between 5,000 and 50,000.

Conference substitute

No comparable provision.

EMERGENCY RELIEF

House bill

No comparable provision.

Senate amendment

Federal financial assistance for emergency repair and reconstruction of roads on the Federal-aid systems is presently funded 40 percent from the general funds and 60 percent for the trust fund. This section funds the program entirely from the trust fund.

Conference substitute

Senate provision.

SECONDARY SYSTEM—TRANSIT

House bill

No comparable provision.

Senate amendment

Secondary system highway funds, like urban system funds, are made available for public transportation projects. Operating expenses are eligible for assistance.

Conference substitute

No comparable provision.

URBAN SYSTEM ALLOCATION

House bill

No comparable provision.

Senate amendment

For urbanized areas of 200,000 or more, States are instructed to allocate their Federal urban system funds according to population, unless the State chooses to use an alternative formula approved by the Secretary. Cities of 200,000 or more within urbanized areas must receive fair and equitable treatment.

States shall distribute funds to urbanized areas of less than 200,000 population on a fair and equitable basis.

Conference substitute

No comparable provision.

ELIMINATION OF CATEGORIES

House bill

No comparable provision.

Senate amendment

For the purposes of consolidation and flexibility, three special categories are repealed: Access highways to lakes, highways crossing Federal projects, safer off-system roads, and priority primary.

Conference substitute

No comparable provision.

TOLLS FOR CLEAN AIR PURPOSES

House bill

No comparable provision.

Senate amendment

Title 23, United States Code, states that, with the exception of certain toll bridges and tunnels, all highways constructed with Federal-aid funds shall be free from tolls. This section changes that criteria to permit the imposition of tolls on urban highways where the tolls are part of a State implementation plan, required by the Clean Air Act.

Conference substitute

Senate provision included as part of interdepartmental study.

CONNECTOR PRIMARY DEMONSTRATION

House bill

No comparable provision.

Senate amendment

The Secretary, in cooperation with the States of New Mexico and Texas, is directed to carry out a demonstration project to upgrade primary routes between Los Cruces, N. Mex., and Amarillo, Tex., and between Lubbock, Tex., and Interstate 10. The project is designed to demonstrate ways in which Interstate System service can be supplemented by improving heavily traveled primary routes.

The States will use their regularly apportioned primary funds to carry out the program. In order to give these routes priority consideration, the Federal matching share is increased to 90 percent.

Conference substitute

The Senate provision was accepted with the following modifications. Any portion or segment of the two Connector Primary Demonstration projects (Lubbock, Texas to Interstate 10; Las Cruces, New Mexico to Amarillo, Texas) can be funded by either of two mechanisms: (1) the State can use its regularly apportioned primary funds with a 90 percent Federal share, or (2) the State can use funds awarded by the Secretary through the priority primary discretionary program established in Section 104(c) of this bill at a 75 percent Federal share even though the route is not a designated priority primary route. The exact location of these routes will be determined by the States. Once funds are obligated for any portion or segment of these programs the funding mechanism cannot be changed for that portion or segment.

TECHNICAL AMENDMENTS

House bill

No comparable provision.

Senate amendment

A reference to the priority primary section, which has not been reauthorized, is deleted from title 23, United State Code in this section.

Conference substitute

No comparable provisions.

UTILITIES ON RIGHTS-OF-WAY

House bill

No comparable provision.

Senate amendment

This section requires that in determining whether any right-of-way on a Federal-aid system should be used for accommodating any utility facility, the Secretary is to evaluate a number of factors including loss of agricultural land and environmental and economic effects.

Conference substitute

Senate provision modified to require Secretary primarily to consider safety.

COASTWISE TRADE

House bill

No comparable provision.

Senate amendment

This section provides that for 5 years, no provision of law shall prohibit the transportation within Alaska of persons or cargo by foreign-built hovercraft.

Conference substitute

Senate provision.

BALTIMORE-WASHINGTON PARKWAY

House bill

No comparable provision.

Senate amendment

This section amends existing law to remove the requirement that the reconstruction of the Baltimore-Washington Parkway be to six lanes. In addition, it permits the geometric and construction standards to be those agreed upon by the Secretary of Transportation and the Secretary of Transportation of the State of Maryland.

Conference substitute

Senate provision.

STUDY—URBAN BLIGHT REDUCTION

House bill

No comparable provision.

Senate amendment

This section requires a study of the potential for reducing urban blight adjacent to Federal-aid primary and interstate highways located in central business districts.

Conference substitute

Senate provision.

RAIL OPERATION PROJECTS IN NONHIGHWAY AREAS

House bill

No comparable provision.

Senate amendment

This section authorizes the Secretary to approve the use of funds apportioned under section 104 of title 23, United States Code, for projects for operating the Alaska Railroad for purposes of linking with highways or other transportation modes receiving Federal financial assistance from these funds.

Conference substitute

Senate provision modified to limit expenditures to 5 percent of primary system apportionments.

COMMISSION

The Conference agreement establishes a National Commission to study the potential for alcohol fuels and formulate the policy for the development of such fuels as an energy source.

TITLE II—HIGHWAY SAFETY ACT OF 1978

SHORT TITLE

House bill

This section provides that the title may be cited as the “**Highway Safety Act of 1978**”.

Senate amendment

No comparable provision.

Conference substitute

House provision.

HIGHWAY SAFETY AUTHORIZATIONS

House bill

Appropriations are authorized for a 4-year period from fiscal year 1979 through fiscal year 1982.

The basic authorization for programs under section 402 would be \$200 million per year for those areas administered by the National Highway Traffic Safety Administration and \$25 million per year for those areas administered by the Federal Highway Administration.

The authorization for the bridge replacement program has been increased from \$180 million annually to \$1.5 billion annually. The authorization for carrying out 23 U.S.C. 151 relating to pavement marking has been increased to \$75 million annually. The authorization for carrying out 23 U.S.C. 152 (high-hazard locations) and 23 U.S.C. 153 (roadside obstacles) has been increased to \$150 million annually.

This provision also has authorized out of the highway trust fund \$75 million annually for enforcement of the 55-mile-per-hour speed limit.

The authorization for research and development programs would be \$50 million per year for the National Highway Traffic Safety Administration and \$10 million for the Federal Highway Administration. The authorization for schoolbus driver training would be \$7.5

million annually. This section also provides \$5 million in fiscal year 1980, \$10 million in fiscal year 1981, and \$15 million in fiscal year 1982 for carrying out the innovative grants program.

Senate amendment

Section 412(a) authorizes to be appropriated, for carrying out the purposes of section 402 relating to highway safety programs, by the National Highway Traffic Safety Administration, out of the highway trust fund, \$175 million for fiscal year 1979, \$175 million for fiscal year 1980, \$200 million for fiscal year 1981, and \$200 million for fiscal year 1982.

Section 412(b) provides that funds in accordance with section 151 of title 23 of the United States Code shall be available for carrying out the provisions of section 402 by the Federal Highway Administrator.

Section 412(c) authorizes to be appropriated, for carrying out the provisions of section 411, relating to highway safety research and development, by the National Highway Traffic Safety Administration, out of the highway trust fund, \$50 million for each of the 4 fiscal years beginning with 1979 and continuing through 1982.

For fiscal years 1979 and 1980 \$25 million per year is authorized for implementation of section 402 safety requirements and guidelines.

Section 4 authorizes to be appropriated for carrying out sections 307(c) and 411 of title 23, United States Code (relating to highway safety research and development) by the Federal Highway Administration, out of the highway trust fund, \$10 million for each fiscal year beginning in 1979 and continuing through 1982.

For fiscal years 1979 and 1980 \$525 million per fiscal year is authorized for bridge rehabilitation and replacement.

For fiscal years 1979 and 1980 \$265 million per fiscal year is authorized for the highway safety improvement program.

Conference substitute

The authorizations are as contained in the Senate amendment except as hereafter noted. For 55 mile per hour enforcement, \$50 million is authorized for FY 1979 and \$67.5 million for each of the fiscal years 1980, 1981 and 1982. The authority for enforcement and incentive grants in connection with the 55 mile per hour speed limit does not permit the contractual obligation of the U.S. but requires a specific appropriation prior to any such expenditure. School bus driver training is authorized at \$2.5 million annually. \$20 million is authorized for accident data acquisition and \$16 million for safety education.

For the bridge program, \$900 million is authorized in fiscal year 1979, \$1.1 billion in fiscal year 1980, \$1.3 billion in 1981 and \$900 million in fiscal year 1982. For hazard elimination, \$125 million is authorized in fiscal year 1979, \$150 million for each of the fiscal years 1980 and 1981, and \$200 million for fiscal year 1982. The increased authorization for fiscal year 1982 is provided in anticipation of the elimination of the separate pavement marking category to be folded into the hazard elimination category in fiscal year 1982. For rail highway crossings, \$190 million is authorized for the combined on and off-system rail highway crossing category.

All other safety authorizations are the same in both bills.

RAIL-HIGHWAY CROSSINGS

House bill

The authorization from the highway trust fund for rail-highway crossing projects on the Federal-aid system would be increased to \$150 million annually. The authorization from the general fund for rail-highway crossing projects off the Federal-aid system would be increased to \$100 million annually.

In addition, the section permits certain unobligated amounts available for rail-highway crossings to be reapportioned to States who have obligated all of their apportionment for that period. Future-year apportionments are equalized accordingly.

Senate amendment

This section consolidates the two existing rail-highway crossing categories for on-system and off-system roads and provides an authorization of \$190 million.

Rail safety projects (including the separation or reconstruction of grade crossings and the relocation of highways) are eligible items for Federal-aid highway funds. In cases where a hazardous crossing can be improved less expensively by relocating a segment of railway, the Secretary may approve the use of Federal-aid highway funds for this purpose.

Conference substitute

Senate provision.

MINIMUM APPORTIONMENT

House bill

This section would amend subsection (c) of section 402 by striking the language which limits the Virgin Islands, Guam, and American Samoa to receiving one-third of 1 percent of the total highway safety apportionment. The amendment would increase the share of each of these territories to one-half of 1 percent, the current minimum apportionment for each State.

Senate amendment

No comparable provision.

Conference substitute

No comparable provision.

NATIONAL MAXIMUM SPEED LIMIT

House bill

This section amends section 154 of title 23, United States Code (national maximum speed limit), to establish a graduated system of minimum standards to measure the effectiveness of State speed limit programs, and a sliding scale penalty to supplement the section 141 sanction for States failing to meet published compliance standards.

It provides for a penalty, on a sliding scale, affecting a maximum of 5 percent of the apportionment funds under section 104 (b) (1), (b) (2), and (b) (6) of title 23, United States Code, for fiscal years 1980-82 and a maximum of 10 percent of such apportionments there-

after. Any apportionment withheld from a State would be restored at such time as the speeds on the State's public highways have fallen to the level specified for the year for which the apportionment was withheld.

Conversely, the provision also provides for incentive grants where the speeds on a State's public highways are below the fixed percentage for that period.

Senate amendment

The national speed limit provisions of section 154 of title 23, United States Code, are amended to require States to submit data on the percentage of vehicles exceeding the 55-mile-per-hour speed limit.

If, at the beginning of fiscal year 1980, a State has not achieved a 40-percent compliance rate, its fiscal year 1981 Federal-aid primary, secondary, and urban system funds will be reduced up to 5 percent. The next year the compliance rate must be 50 percent, and the next, 60 percent. In 1982, States must attain a 75-percent compliance rate, or be subject to a 10-percent reduction in their Federal-aid funds (other than Interstate).

Conference substitute

Accepted the House provision except that the amount of the incentive grant is reduced from 12.5 percent to 10 percent. It is the intention of the Conferees that the effectiveness of the incentive grants program be evaluated during the next four years in order to assist the Congress in deciding whether to continue the program in the subsequent years.

ACCIDENT DATA

House bill

This section would authorize to be apportioned to the Secretary of Transportation from the highway trust fund \$10 million in each of fiscal years 1979 through 1982, to advance the National Highway Traffic Safety Administration's accident data system for the acquisition, storage, and retrieval of highway accident statistics, and particularly the advancement of an accident sampling procedure for the reporting of highway accidents on a nationwide basis.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute adopts the House provision with the funding level reduced to \$5,000,000 per fiscal year.

HIGHWAY SAFETY PROGRAMS

House bill

Subsection (a) of this section amends section 402 of title 23, United States Code, to make it clear that the Secretary has the authority to amend or waive standards on a temporary basis for the purpose of evaluating programs by States that employ a process of identifying the causes of accidents, adopting measures to reduce the frequency and severity of accidents, and evaluating the results of these measures.

Subsection (b) amends 23 U.S.C. 402 to make it clear that the highway safety program should be administered through a State highway safety agency. This takes effect January 1, 1979.

In addition, the State safety program is to provide for programs encouraging the use of safety belts.

Senate amendment

Chapter 4 of title 23, United States Code, is completely revised. As revised, section 402 directs each State to have a highway safety program designed to reduce traffic deaths and injuries by identifying the cause of motor vehicle accidents, by adopting measures to reduce the frequency and severity of accidents and by evaluating the effectiveness of such measures. Each State highway program shall achieve uniformity through compliance with standards issued by the Secretary in the following areas: Data collection in driver licensing, vehicle titling and registration, theft prevention, and traffic records; laws and practices that affect interstate motorists; rules of the road; traffic control devices; and highway design, construction, and maintenance. As part of its highway program, each State shall consider guidelines which the Secretary is authorized to issue on all aspects of highway safety including traffic safety education, motorcycle safety, pedestrian safety, emergency medical services, traffic adjudication systems, vehicle inspection and maintenance, pupil transportation, and identification of high-accident-rate locations. The standards shall be developed by the Secretary in cooperation with the public and private sectors.

Conference substitute

The Conferees agreed to the House language regarding Highway Safety Programs in light of a basic agreement in principle between the Senate and the House that States should have flexibility to tailor highway programs to their individual needs and the stated intent of the House to review the desirability of whether to retain as mandatory the existing standards.

INNOVATIVE PROJECT GRANTS

House bill

This section would add a new section 407 to title 23, United States Code, to authorize the Secretary to make grants to States for the development of innovative approaches to highway safety problems. It is intended that the Federal share of these projects be the same as those projects carried out under section 402. In administering the grants, the Secretary would be directed to devise criteria and procedures after consulting with the States, their political subdivisions, Federal departments and agencies, and such other public and private organizations as he deems appropriate. Application for a project would be made by a State in such form and with such information as the Secretary would prescribe. The Secretary would be directed to report annually on the projects carried out under this section.

Senate amendment

No comparable provision.

Conference substitute

House provision.

HIGHWAY SAFETY EDUCATION AND INFORMATION

House bill

This section authorizes a total of \$16 million for a national highway safety campaign to vigorously promote the cause of highway safety through the use of mass media, including radio and television.

The Secretary of Transportation, acting through the Federal Highway Administration, shall carry out six pilot projects to develop and evaluate techniques, methods, and practices to achieve the most effective means of reducing traffic accidents, injuries, and deaths.

Each pilot project is to be in operation not later than 180 days after funds are appropriated and is to be conducted for a 1-year period. The Secretary, through the Federal Highway Administration, is to report to Congress within 90 days following the 1-year pilot project period on the results of the project, including but not limited to, an evaluation of the effectiveness and a statistical analysis of the traffic accidents and fatalities within the project area during the 1-year study period. The sum of \$6 million is authorized to be appropriated out of the highway trust fund to carry out the pilot projects and required reports, evaluations, and analyses. These funds are to remain available until expended.

A report on the evaluation and on steps taken by the Federal Highway Administration to implement the recommendation of such evaluation is to be submitted to Congress by the Secretary, acting through the Federal Highway Administration, on July 1 of each year in which the campaign is in progress. The sum of \$10 million is authorized to be appropriated from the highway trust fund for carrying out the campaign, evaluation, and the necessary report. These funds shall remain available until expended.

Senate amendment

No comparable provision.

Conference substitute

House provision.

MOTORCYCLE HELMET STUDY

House bill

This section directs the Secretary of Transportation to make a full and complete study of the effect of the provision of the Highway Safety Act of 1976 relating to the requirement, or lack thereof, concerning the wearing of safety helmets by operators and passengers on motorcycles.

Senate amendment

No comparable provision.

Conference substitute

House provision.

STUDY OF OUTSIZED VEHICLES

House bill

This section requires a study by the Secretary of "outsized vehicles constructed in a manner which exceed the standardized industry con-

figurations." One type of highway vehicle of concern is the double-bottom tanker which is used in several States. The stability of this type of vehicle has been questioned and Congress needs further information in this regard.

Senate amendment

No comparable provision.

Conference substitute

House provision.

NATIONAL DRIVER REGISTER

House bill

Sections 220 through 230 establish a fully automated national driver register (NDR) within the Department of Transportation to: (1) meet the longstanding need for a technologically improved register that can provide a rapid response to the inquiries of State licensing authorities who are concerned about identifying problem drivers, and (2) assist the State in electronically exchanging information regarding the motor vehicle driving records of certain problem drivers.

Senate amendment

No comparable provision.

Conference substitute

Some States have expressed concern about the problems that may be associated with full State participation in a mandatory National Driver Register system. Accordingly, the conference substitute directs the Secretary, in cooperation with the States, to conduct a one-year study of these problems including the cost of the automatic data processing and electronic communications equipment that would be needed by the States and the Department of Transportation to meet the requirements of the House bill.

Under present law, State participation in the National Driver Register is voluntary. The conferees believe this study should particularly examine the effect that making the system mandatory might have on the cost and effectiveness of the NDR system. As the Congress has a significant interest in this issue, it is hoped that the Department of Transportation can rapidly provide an interim report to the Congress on these matters.

MARIJUANA REPORT

House bill

This section requires a report to Congress by December 31, 1979, concerning efforts to detect and prevent marijuana use by operators of motor vehicles.

Senate amendment

No comparable provision.

Conference substitute

The Conference Committee accepted the House provision with an addition suggested by the Senate that the Secretary of Transportation would have discretion to report on other controlled substances that

might adversely affect driver behavior. The conferees intend that the Department of Transportation use existing research on marijuana and other controlled substances carried out by other Federal agencies and in the private sector, in order not to duplicate already existing studies. The conferees further intend that the Department of Transportation coordinate with other agencies such as the Department of Health, Education, and Welfare, and the Drug Enforcement Agency so that any information gained from this study may be useful to as many agencies as possible.

SAFETY BELT PROGRAM

House bill

This section requires each State to spend at least 3 percent of its appropriation for each fiscal year of the amounts authorized to carry out section 402 of title 23 of the United States Code relating to highway safety programs for programs to encourage the use of safety belts.

Senate amendment

No comparable provision.

Conference substitute

House provision with required percentage reduced to 2 percent.

SAFETY BELT STUDY

House bill

This section provides for a National Academy of Sciences study of means of encouraging use of safety belts.

Senate amendment

No comparable provision.

Conference substitute

House provision.

PROHIBITION

House bill

This section prohibits the use of moneys authorized by this title for the purchase of passive restraint systems for State-owned motor vehicles (including political subdivisions thereof) except for vehicles used in educational programs.

Senate amendment

No comparable provision.

Conference substitute

House provision.

Conferees want to clarify in regard to section 233 that the purchase of a vehicle with Title II funds that comes equipped with a passive restraint system is not prohibited by this provision. The provision bans retrofitting vehicles with passive restraint systems with funds from Title II and using Title II funds for passive restraints on vehicles purchased with non-Title II funds. Also, section 233 clearly excludes from its coverage "a motor vehicle primarily used in an educational program."

EFFECTIVE DATE

House bill

Sections 220 through 233 are to take effect October 1, 1978.

Senate amendment

No comparable provision.

Conference substitute

No comparable provision.

HIGHWAY SAFETY IMPROVEMENT PROGRAM

House bill

No comparable provision.

Senate amendment

Three existing highway safety construction programs (pavement marking, elimination of high hazards, and roadside obstacles) are combined into a consolidated safety program. States are required to develop and implement a continuous highway safety improvement program which includes procedures for selection, scheduling, construction, and evaluation of highway safety construction projects; 30 percent of a State's apportionment must be spent off the Federal-aid system.

Conference substitute

The Conference agreement consolidates the high hazard and roadside obstacle programs but continues the separate pavement marking demonstration for three years. It is the intent to end the pavement marking program after the three-year period and fund this activity under the new consolidated hazard elimination program and the safer off-system road program.

Under the consolidated hazards elimination program each State is required to conduct an engineering survey of all public roads to compile a full and complete inventory of hazards to motorists and pedestrians.

The conferees intend that in compiling the inventory, the best available data, information, techniques, and devices be used, including, but not limited to, accident, police and citizen reports, and on-site inspections by qualified engineering personnel. The inventory should be continuously updated and should serve as the basis for establishing priorities for each State's hazards elimination program. At a minimum, each State program should include the following: replacement of existing sign and light supports which are not designed to yield or breakaway on impact with yielding or breakaway sign and light supports and the installation of appropriate signs, markings, and other warning devices at curves, blind intersections, and narrow bridges and their approaches.

Funds authorized to carry out this section would be available for highway safety improvement projects as defined in chapter 1 of title 23, United States Code. The conferees do not intend that the funds for fiscal years 1979, 1980, and 1981 be used for pavement marking projects since the pavement marking demonstration program has been extended

through fiscal year 1981. Pavement marking projects would be eligible after fiscal year 1981 and funding for the hazard elimination program has been adjusted accordingly.

CHAPTER 4 REVISION

House bill

No comparable provision.

Senate amendment

This section amends and revises chapter 4, title 23 of the United States Code.

Section 401 directs the Secretary of Transportation to assist and cooperate with the public and private sector to increase highway safety. "State" is defined as including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Section 402 directs each State to have a highway safety program designed to reduce traffic deaths and injuries by identifying the cause of motor vehicle accidents, by adopting measures to reduce the frequency and severity of accidents and by evaluating the effectiveness of such measures. Each State highway program shall achieve uniformity through compliance with standards issued by the Secretary in the following areas: Data collection in driver licensing, vehicle titling and registration, theft prevention, and traffic records; laws and practices that affect interstate motorists; rules of the road; traffic control devices; and highway design, construction, and maintenance. As part of its highway program, each State shall consider guidelines which the Secretary is authorized to issue on all aspects of highway safety including traffic safety education, motorcycle safety, pedestrian safety, emergency medical services, traffic adjudication systems, vehicle inspection and maintenance, pupil transportation, and identification of high-accident-rate locations. The standards shall be developed by the Secretary in cooperation with the public and private sectors.

Section 403 sets out the formula for apportioning funds. Under section 403(a) funds authorized to be appropriated to carry out section 402 of this chapter are to be used to aid the States to conduct highway safety programs approved in accordance with section 406 relating to program submission and approval and shall be subject to a deduction not to exceed 5 percent for administrative costs. The remainder shall be apportioned among the States as follows: 75 percent of the funds shall be apportioned in the ratio which the population of each State bears to the total population of all States; and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States. "Public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage is to be determined as of the end of the calendar year preceding the year in which funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than one-half of 1 percent of the total apportionment, except that the apportionments to the Virgin Islands, Guam and American Samoa shall not be less than one-third of 1 percent of the total apportionment.

Section 403(b) permits the Secretary to apportion to the States up to 25 percent of the highway safety funds appropriated to carry out high-priority safety programs including enforcement of the 55-miles-an-hour speed limits and programs to increase safety belt use.

Section 403(c) directs the Secretary to apportion the highway safety funds on October 1 of each fiscal year at which time the funds shall be available for obligation under section 406.

Section 403(d) states that sums apportioned to a State for its highway safety program are available to that State for 3 years after the close of the fiscal year for which such sums are authorized.

Section 403(e) states that funds available in this chapter shall not be appropriated for highway construction maintenance or design (other than design of safety features of highways).

Section 404 requires each State to provide that the Governor of the State be responsible for the State's highway safety program and that the program be administered through a highway safety agency which has the authority facilities and organization to carry out the highway safety program to the satisfaction of the Secretary.

Section 405(a) authorizes State political subdivisions to develop and carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such highway safety programs are approved by the Governor. States are required to assist political subdivisions in identifying highway safety problems and developing measures to reduce the frequency and severity of accidents.

Section 405(b) provides that States shall expend not less than 40 percent of Federal funds apportioned to the States under section 403 in political subdivisions to carry out local highway safety programs.

Section 405(c) permits the Secretary to waive section 405(b) when he determines that there is an insufficient number of local highway safety programs to justify the expenditure in such State of such percentage of Federal funds during the fiscal year.

Section 406(a), (b), and (c) details a program approval process. Each year the State highway safety agency shall submit to the Secretary for approval a proposed highway safety program for the ensuing year together with a projection of future highway safety efforts. The Secretary is to promptly review the State's compliance with the program development process specified by section 402 and the State's compliance with the uniform requirements issued pursuant to such section. The Secretary may then approve the program in whole or in part and such approval shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. The Secretary is not allowed to withhold approval of a State's program in its entirety except upon a finding that the State is failing to make reasonable implementation of the requirements specified in section 402, considered as a whole or upon a finding that the State's performance has been substantially deficient in identifying highway safety problems, developing countermeasures, and evaluating results.

Section 407 provides that the Federal share payable on account of any program shall not exceed 70 percent of the total cost of such program except as provided in section 409 relating to Indian programs.

Section 408 allows the Secretary to make arrangements with other Federal departments and agencies for assistance in the preparation of uniform requirements for the highway safety programs contemplated by section 402 and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration.

Section 409 provides for the application of chapter 4 of title 23 to Indian reservations. "State" and "Governor of a State" includes the Secretary of Interior; "political subdivision of a State" includes an Indian tribe except that, notwithstanding section 405(b), 95 percent of the funds apportioned to the Secretary of Interior for these purposes shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions.

Section 410(a) authorizes the Secretary to use funds appropriated to carry out this subsection to carry out safety research which he is authorized to conduct by section 307(a) of title 23 of the United States Code. In addition, the Secretary may use funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for: (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which the Secretary deems will promote the purposes of this section.

Section 410(b) authorizes the Secretary to carry out safety research on the following: (1) The relationship between drug use, highway safety, and drivers of motor vehicles; (2) driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

Section 410(c) authorizes the Secretary to make grants and contracts available to public and private agencies, institutions, and individuals to carry out section 410(b) research.

Section 410(d) authorizes the Secretary, where he deems it to be in furtherance of the purposes of section 402, to vest in State or local agencies title to equipment purchased for demonstration projects with funds authorized by this section.

Section 410(e) directs the Secretary to make grants each fiscal year to those States which develop the most innovative approaches to highway safety problems in accordance with criteria to be devised by the Secretary in consultation with the States, their political subdivisions, appropriate Federal department and agencies, and private sector organizations. There are authorized to carry out the purposes of this subsection, not to exceed \$5 million for fiscal year 1980, \$10 million for fiscal year 1981, and \$15 million for fiscal year 1982.

Section 411 establishes in the Department of Transportation a National Highway Safety Advisory Committee, composed of the Secretary, the Federal Highway Administrator, the National Highway Traffic Safety Administrator, and 35 members appointed by the President. Members of the Committee who are not employees of the United States shall, while engaged in the business of the Committee,

be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem. The purpose of the Committee is to advise, consult with, and make recommendations to, the Secretary on matters relating to highway safety. The Committee is authorized (1) to review research projects in the field of highway safety and make recommendations to the Secretary and (2) review, prior to issuance, requirements proposed to be issued by order of the Secretary under the provisions of section 402 and to make recommendations thereon. The recommendations are to be published with the Secretary's determination or order.

Section 412(a) authorizes to be appropriated, for carrying out the purposes of section 402 relating to highway safety programs, by the National Highway Traffic Safety Administration, out of the highway trust fund, \$175 million for fiscal year 1979, \$175 million for fiscal year 1980, \$200 million for fiscal year 1981, \$200 million for fiscal year 1982.

Section 412(b) provides that funds in accordance with section 151 of title 23 of the United States Code shall be available for carrying out the provisions of section 402 by the Federal Highway Administrator.

Section 412(c) authorizes to be appropriated, for carrying out the provisions of section 411, relating to highway safety research and development, by the National Highway Traffic Safety Administration, out of the highway trust fund, \$50 million for each of the 4 fiscal years beginning with 1979 and continuing through 1982.

Conference substitute

No comparable provision.

TITLE III—URBAN MASS TRANSPORTATION

SHORT TITLE

The short title of the House bill is cited as "The Urban Mass Transportation Act Amendments of 1978." The short title of the Senate amendment is cited as "The Federal Public Transportation Act of 1978."

Conference substitute

The Conference substitute retains the Senate short title.

FINDINGS AND PURPOSES

The House bill contains no statement of Congressional findings. The Senate amendment contains a statement of findings and purposes regarding the Federal public transportation program.

Conference substitute

The Conference report deletes the Senate provision.

SECTION 3¹—DISCRETIONARY GRANT PROGRAM

The House bill amends section 3 to add a category of joint development and urban initiative projects, related to mass transportation proj-

¹ All section references, unless otherwise noted, are to the Urban Mass Transportation Act of 1964, as amended by this Act.

ects, which enhance coordination between forms of transportation and which enhance coordination urban economic development. The House bill also amends section 3 to allow funds under the advance land acquisition loan program to be used for reconstruction and renovation of facilities.

The Senate amendment restructures the section 3 program to be the source of grants for the construction of new fixed guideway systems or extensions, the modernization of existing systems, the acquisition of rolling stock, the introduction of new technology, joint development projects and urban initiative projects, and projects made necessary by the Northeast Corridor project.

The Senate amendment also contains provisions requiring a designated recipient for major fixed guideway projects, allowing the Secretary to determine the appropriate remedy for violations of schoolbus operation agreements under section 3(g) of the Act, and a provision allowing the Secretary to approve projects using funds from both sections 3 and 5. References to planning in section 3 are revised to conform to the planning provisions of the Senate planning amendment.

Section 3(h), which allowed capital funds to be used for operating purposes, is repealed in both the House bill and Senate amendment.

Conference substitute

As in the Senate amendment, the conference substitute provides more specificity than exists at present with regard to the activities eligible under Section 3. The types of projects which could be financed with section 3 funds would include the construction of new fixed guideway systems and extension, the acquisition, construction, and reconstruction of mass transportation facilities and equipment, the introduction of new technology into public transportation service, joint development and urban initiative activities, and the mitigation of any adverse effects resulting from the implementation of the Northeast Corridor project. The conference substitute adopts the language of the House bill concerning joint development and urban initiative activities. Explicit references to section 13(c) of the Act from the Senate amendment are unnecessary in the conference substitute since the present law requires the application of section 13(c) to all projects funded under the provisions of section 3.

The conference substitute permits the use of advance land acquisition loans for facility reconstruction and renovation as provided in the House bill, deletes the designated recipient requirement from the Senate amendment, retains the Senate provisions establishing a letter of intent procedure, deletes the Senate amendments to section 3(g), and clarifies the Secretary's authority to approve applications for comprehensive programs encompassing section 3 and 5 eligible activities.

SEC. 4 AUTHORIZATIONS

Both the House bill and the Senate amendment amend section 4 to prohibit the obligation of remaining section 4(c) contract authority after September 30, 1978. The House bill authorized \$1,675,000,000 per year for fiscal years 1979 through 1983 for the discretionary capital program and the section 9 program. The Senate version authorized the following appropriations for section 3: \$1,250,000,000 for fiscal year

1979, \$1,324,000,000 for fiscal year 1980, \$1,405,000,000 for fiscal year 1981, \$1,490,000,000 for fiscal year 1982, and \$1,580,000,000 for fiscal year 1983.

Of these amounts, up to \$200 million would be earmarked annually for joint development/urban initiative projects, and no more than \$45 million of the total section 3 authorization would be available for Northeast Corridor projects.

The House bill earmarks the percentage of each year's authorization which may be used for each major category of section 3 programs and allows some transferability between categories.

The Senate amendment consolidates and centralizes the authorizations for all other sections of the UMTA program within section 4. The House bill leaves intact each program's authorization as part of its enabling section or in section 12(d).

Interstate transfer

The House bill contains an annual authorization of \$675 million for Interstate transfer substitute transit projects. The Senate amendment contains no specific ceiling and authorizes such sums as may be appropriate.

Planning set aside

The Senate amendment provides a 2 per cent set-aside from each year's appropriation for sections 3, 5 and 18 to be used for planning and technical studies. Up to 1½ percent of the section 5 appropriation may be set aside for the deployment of innovative techniques and methods and for incentive grants by particularly effective transit systems. The Senate amendment deletes planning language from existing section 4 to conform to the new planning section in the Senate amendment.

Reporting requirements

The House bill requires annual reports on the level of need for transit expenditures for the subsequent 10 year period as well as monthly financial reports on the status of the UMTA program. The Senate amendment requires an annual report on the status of the UMTA program, including the financial status, and a biennial report on projected authorization requests for sections 3 and 5.

Conference substitute

The conference substitute follows the Senate amendment with regard to the structure of section 4, except that authorizations for section 5, 21 (Terminal Development), and 22 (Intercity bus operating assistance) are located in those sections. All other authorizations under the Act (sections 3, 11(b), 18 and miscellaneous) are consolidated into section 4.

The conference substitute does not contain categories within the section 3 program. However, it requires that at least \$350 million must be expended for the reconstruction and improvement of existing public mass transit systems. As used in this program, the terms "reconstruction" and "improvement" are intended to mean the modernization and rehabilitation of facilities and equipment in all types of transit systems. As in the Senate amendment, the conference substitute

earmarks up to \$200 million annually for joint development/urban initiative projects and \$45 million of the section 3 authorization for Northeast corridor projects.

The conference substitute authorizes up to 5½ percent of the section 4(c)(3) appropriation to fund the section 8 planning and technical studies program, as well as the program for deployment of innovative techniques and methods in the management and operation of transit services. These projects may involve capital or operating assistance or other activities eligible under the Act. The conference substitute does not adopt the incentive grant portion of the Senate provision.

The Interstate transfer provision in the conference substitute does not contain any limit on the amounts which may be appropriated each year.

The conference substitute requires a biennial report on sections 3 and 5 authorization requests and requires periodic financial reports on a quarterly basis. The conferees intend that this quarterly report should be structured so as to give the appropriate Congressional committees a full description of the financial status of the UMTA program and a regular update on the status of UMTA's intentions regarding major spending commitments.

The following chart sets out authorization levels contained in the conference substitute for all programs authorized in section 4.

[In millions]

	1979	1980	1981	1982	1983
Sec. 3.....	1,375	1,410	1,515	1,600	1,580
Sec. 5.....	1,515	1,580	1,665	1,765	
Sec. 18.....	90	100	110	120	
Miscellaneous.....	90	95	100	105	
Transportation centers.....	10	10	10	10	

SECTION 5. URBAN MASS TRANSIT PROGRAM

Both the House bill and the Senate amendment substantially revise the section 5 formula program to provide additional operating assistance and constitute the source of routine capital activities, primarily bus purchasing under the UMTA grant program.

The House bill leaves intact the existing basic formula grant program of \$850 million in 1979 and \$900 million in 1980, authorizes an additional \$125 million to replace funds used during the Transition Quarter, and authorizes \$900 million per year for fiscal years 1981 and 1982. It also adds two new components to the basic program. The first, authorized at \$250 million, is a "second-tier" of operating and capital assistance, 85 percent of which is targeted at urbanized areas of over 750,000 in population. The second is a formula program, only for bus purchases to be appropriated on a population/population density formula.

The Senate amendment substantially restructures existing section 5 to consolidate various categorical programs into one section, incorporating several new apportionment factors in addition to population and population density. The new formula divides up a single annual section 5 authorization as follows: 54 percent apportioned on the basis

of population and population density, 4.5 percent on the basis of commuter rail train mileage, 4.5 percent on the basis of fixed guideway route mileage, 14 percent as a "second tier" of which 85 percent would go to urbanized areas over 750,000, and 23 percent on the basis of factors for bus seat miles and bus age. These latter funds are only useable for capital projects, primarily bus purchase and related facilities.

The annual authorizations in the Senate amendment are from new budget authority; any remaining contract authority is frozen and will lapse in 1980.

Both the House bill and the Senate amendment allow unobligated apportionments to be recycled, although the House bill requires the recycled bus funds to be reapportioned subject to the original limitation on their use.

The Senate amendment deletes the existing Federal share of 50 percent of operating deficits, replacing it with a one-third limitation on Federal participation in total operating costs. The Senate amendment also makes major changes in the present maintenance-of-effort requirement. The maintenance-of-effort provision is terminated after fiscal year 1981. This provision is also revised to remove the current requirement that Federal funds are to be "supplementary" to local funds, to exclude reimbursements for transportation of school children from maintenance-of-effort calculation, to allow revenues from fare increases to substitute for reduced local subsidies, and to allow proportionate reductions in maintenance-of-effort contributions where local cost efficiencies are achieved. The House bill excludes the school transportation reimbursements from the maintenance-of-effort calculation.

The Senate amendment conforms the planning requirements in section 5 to the new UMTA planning section. The Senate amendment also includes a provision, identical to a provision in section 3, requiring that an applicant have legal, technical and financial capacity, and that there be satisfactory continuing control of project facilities and equipment.

The House bill requires a section 5 applicant to give the Secretary assurances that no fare increases or substantial service changes will occur unless notice and opportunity for a hearing are given, and the energy, economic environmental, and social impacts of such change have been considered.

Conference substitute

The conference substitute combines elements of both the House bill and the Senate amendment. As in the House bill, the base formula program is retained, using remaining contract authority for 1979 and 1980. Separately authorized second tier and capital programs are created. The second tier program is apportioned on a population and population/density basis, with 85 percent of the funds going to urbanized areas over 750,000 in population, and 15 percent of the funds going to urbanized areas under 750,000 in population. Second-tier apportionments are intended to be made by taking a ratio of the urbanized area's population/density against that of all urbanized areas in the size category (over or under 750,000) in which that urbanized area falls.

The eligible uses of bus capital program funds include bus purchases, related equipment, and construction of bus related facilities.

However, combined section 3 and 5 projects authorized by the amended section 3(h) would be able to use bus capital program funds for other eligible capital projects.

An apportionment formula based on population and population/density is provided for only the first two years of the bus capital program. The Secretary is required to study alternative approaches for the distribution of bus formula funds. The apportionment factors for subsequent years of the program will be considered by Congress prior to fiscal year 1981, following receipt of the Secretary's study.

The Conference substitute contains a new fixed guideway/commuter rail portion of the program to replace the current section 18 commuter rail program in the House bill. Two-thirds of the funds appropriated for this program will be apportioned on a commuter rail train mile/route mile formula, and one-third will be apportioned on a fixed guideway route mile basis. Apportioned funds may be used for any eligible capital or operating assistance project on any fixed guideway system in the urbanized area.

The structure of section 5 as revised by this bill requires separate calculations of apportionments for each portion of the program. However, the Secretary has the flexibility to structure the grant process so that grants may be made combining funds apportioned under different portions of the program, as long as restrictions on eligible uses of apportioned funds are observed.

Authorization levels for each portion of the section 5 program in the Conference substitute are as follows:

	1979	1980	1981	1982
Base.....	850	900	900	900
2d tier.....	250	250	250	250
Commuter rail/fixed guideway.....	115	130	145	160
Bus capital.....	300	300	370	455

The Conference substitute retains the current law concerning the limitations on Federal participation in operating costs.

It also incorporates the maintenance of effort provision of the Senate amendment as modified. The provision retains the "supplementary to and not in substitution for" language of existing law. The conferees recognize the need to reverse an UMTA policy which requires a total loss of section 5 funds for *any* failure to meet the required maintenance-of-effort and it is their intent that the existing language be interpreted to allow less drastic sanctions in such instances. For example, it would permit the Secretary to reduce Federal section 5 assistance in an amount commensurate to the amount by which the locality falls short of meeting its maintenance-of-effort requirement.

The conference substitute conforms the planning and programming requirements to new section 8 of the UMT Act.

It also adopts the House provision which requires public hearings before fare increases or substantial service changes. This section recognizes that major changes in either transit fares or services can have serious consequences for the millions of citizens who rely on public transit systems throughout the country. It is the intent of the Conferees in accepting the House language, that public hearings be

held prior to increases in general levels of fare and prior to any substantial change in general levels of service.

SECTION 8—PLANNING

The House bill contains a new planning provision, in addition to the existing planning provision found in sections 3, 4, 5, and 9. The new planning section contains new basic goals for the planning process, requires the planning process to be carried on by responsible local officials in cooperation with the State, and further requires that a program of projects be submitted for approval of the Secretary.

The Senate amendment deletes existing planning requirements in sections 3, 4, and 5 in their entirety and repeals existing section 9. In place of these scattered requirements, the Senate amendment establishes a single planning requirement and authorization section. The basic planning goals are similar to those in the House bill. A program of projects is required to be submitted for the Secretary's approval.

The Senate amendment also clarifies that the local planning process in urbanized areas is to be carried on by the metropolitan planning organization in cooperation with the State. Outside urbanized areas, the planning process is to be carried out by the State in consultation with local officials. It also provides a one year period for a redesignation process whereby a different metropolitan planning organization can be designated solely by agreement of 75 percent of the units of local government representing 90 percent of the population. After the one year period, redesignation would be accomplished by joint agreement among the Governor and units of local government.

Conference substitute

The conference substitute adopts the House language on basic planning goals, deletes existing planning requirements, and repeals section 9. It incorporates the provisions of the Senate amendment regarding the conduct of the planning process in an urbanized area. Redesignation of metropolitan planning organizations during the one year period would be allowed, if done in cooperation with the Governor.

The conference substitute revises the redesignation provision to clarify that the redesignation standards apply to continuous urbanized areas represented by a single metropolitan planning organization.

FELLOWSHIP ASSISTANCE

Both the House bill and the Senate amendment remove many restrictions on the existing section 10 program for training fellowships. The House bill retains a limit of \$12,000 on Federal participation in each fellowship.

Conference substitute

The House provision is adopted, with a limitation of \$24,000.

TRANSPORTATION CENTERS

The House bill establishes a program of grants for the purpose of establishing and operating Transportation Research Centers at non-profit institutions of higher learning authorized at \$10 million per year.

Conference substitute

The House provision is adopted.

DEFINITIONS AND GENERAL PROVISIONS

Both the House bill and the Senate amendment consolidate into section 12 of the Act, definitions presently contained in various other sections of the Act and thereby makes them applicable to the entire Act. In addition, both the bill and the Senate amendment add new subsections to existing law.

The House bill amends section 12 to permit the Secretary to require the recipients of UMTA funds to award contracts based on factors other than initial costs such as consideration of performance, standardization, life cycle costs, and other factors the Secretary may determine relevant. It also requires the Secretary to evaluate the procurement process used by recipients of UMTA funds to purchase all types of rolling stock and other technical equipment.

Both the House bill and the Senate amendment allow a State or local public body to petition the Interstate Commerce Commission for an exemption from the Interstate Commerce Act for mass transportation services operated by State or local bodies or provided by contract for states or local public bodies across State lines.

The House bill contains an amendment to section 12 of the Act to permit a local public body, in advertising for bids for buses or light rail vehicles, to provide specifications based upon its determination of local requirements for safety, comfort, maintenance and life cycle costs for all passenger amenities, including passenger seats and interior lighting.

Conference substitute

The conference substitute adopts the Senate definitions with House modifications.

The conference substitute adopts the language of the House bill concerning the exemption from the Interstate Commerce Commission which the conferees believe better achieves their purpose by leaving it to the discretion of the Interstate Commerce Commission to determine on a case-by-case basis whether the application for an exemption meets the criteria of the provision. Under the language of this provision the Interstate Commerce Commission has the power to restrict exemptions to a particular service or portion of a service. For example, an exemption can be restricted as to include an intercity bus carrier from being completely deregulated through the expediency of signing a contract with a local public body.

The conference substitute also includes provisions from the House amendment concerning the use of specifications in connection with grant activity under the Act. The conference substitute limits the scope of the original provision to contracts for the acquisition of seats for buses and requires that those specifications be functional specifications.

REPORTING SYSTEM

The House bill requires the Secretary to report to Congress by January 1, 1979, on the systems prescribed under section 15 of the UMT Act.

Conference substitute

The Conference substitute retains this provision, but changes the reporting date to July 1, 1979.

ELDERLY AND HANDICAPPED PROGRAM

The House bill amends section 4 of the UMT Act to continue the funding for the section 16(b) special transportation program out of section 16(b) special transportation program out of section 3 authorizations. The Senate amendment ends this separate set-aside, requires that a portion of each urbanized area's section 5 apportionment, determined jointly by the recipient and the Secretary, be used for section 16(b) projects. The Senate amendment also deletes the definition of "handicapped person" which is moved to section 12.

Conference substitute

The conference substitute adopts the House provision with regard to the funding source and deletes the definition of "handicapped person" in section 16.

COMMUTER RAIL PROGRAM

The House bill repeals section 17 and revises section 18 to be a categorical program of capital and operating assistance for all commuter rail systems. The Senate amendment terminates the section 17 program as of September 30, 1978 and repeals the section 18 program in favor of including commuter rail assistance within the section 5-formula program. This language would not preclude reimbursement for eligible section 17 services operated prior to the termination date of the program.

Conference substitute

The conference substitute accepts the Senate amendment.

FORMULA GRANT PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

Both the House bill and the Senate amendment create categorical programs for capital and operating assistance for areas not within urbanized areas.

The provisions of both bills apportioned funds to each State on a formula based on non-urbanized area population. The Senate amendment apportioned funds to each State for distribution by the Governor pursuant to a plan and program for non-urbanized area public transportation services. Two percent of each year's appropriation would be set-aside for planning purposes. The House bill provides that up to 15 percent of each State's apportionment may be used for administration and technical assistance in lieu of a planning requirement.

Section 13(c) of the Act is applicable to the small urban and rural program under both bills and each permits a waiver by the Secretary of Labor. The House bill also allows the Secretary of Transportation to waive other provisions of the Act which are inconsistent with the needs of public transportation in areas other than urbanized areas. The House bill requires the Secretary to conduct an evaluation of rising insurance rates for rural and special services.

Conference substitute

The conference substitute creates a "formula grant program for areas other than urbanized areas" under which funds will be apportioned to the Governor based on non-urbanized area population. Funds will be available for projects included in a program of projects submitted to the Secretary for his approval. The Secretary must approve the program based on a finding that it provides a fair and equitable distribution within the State, including the State's Indian reservations, and provides for coordination of other federally-assisted transportation projects.

Eligible recipients under the conference substitute include public bodies, non-profit organizations and operators of services. Private providers of service are eligible through purchase of service agreements with a local public body for the provision of public transportation services.

Up to 15 percent of the apportionment may be used for planning, administration, coordination, and technical assistance.

The conference substitute contains the House provision on local share as well as the provision of the Senate amendment allowing other unrestricted Federal funds to constitute up to 50 percent of the local match.

The Secretary is authorized to establish terms and conditions of this program which are appropriate to the special needs of public transportation in rural and small urban areas. The Secretary is instructed to develop requirements for this new program which are simplified, contain a minimum of red tape, and which will facilitate the prompt and orderly implementation of the program. The conferees are concerned that ongoing programs receiving Federal assistance should not be adversely affected by delays resulting from the implementation of this program. It is also the intent of this provision that the Secretary's flexibility in adopting the terms and conditions of this program would allow individual modifications or waivers of the program's requirements where justified by the unique nature of the program. However, the Secretary would not be authorized to waive or modify basic provisions of the Act, such as sections 3(f) and 3(g), nor is the language to be interpreted to affect or discharge the Secretary's responsibilities under other provisions of Federal law.

The purpose of the provisions granting the Secretary of Labor authority to waive application of section 13(c) in regard to particular grants of assistance to non-urbanized areas is to eliminate bureaucratic red tape and avoid delay in cases and situations where section 13(c) protections are not appropriate.

NONDISCRIMINATION

The Senate amendment consolidates into one new section of the Act the Urban Mass Transportation Administration's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Conference substitute

The conference substitute retains this provision.

HUMAN RESOURCE PROGRAM

The Senate amendment authorizes the Secretary to undertake or assist programs, such as employment training, minority and female employment, and minority business enterprise, addressing human resource needs in the field of public transportation.

Conference substitute

The conference substitute retains this provision.

LOAN FORGIVENESS

Both the House bill and the Senate amendment contain a provision authorizing the Secretary to convert outstanding capital loans to grants under certain circumstances. The House bill requires that such a loan may be converted only to a section 3 grant; the Senate amendment allows the loan to be converted to either a section 3 or section 5 capital grant.

Conference substitute

The House language is adopted.

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

The Senate amendment exempts manufacturers of retreaded tires from certain reporting requirements of section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966.

Conference substitute

The Senate provision is adopted.

BASIC TRANSPORTATION SYSTEM STUDY

The House bill requires the Secretary to report to Congress, within one year, the results of an investigation and study of establishing a "no frills" low-cost, basic mass transportation system.

Conference substitute

The House provision is accepted.

WATERBORNE DEMONSTRATION PROJECT

The House bill authorizes \$25 million for a high-speed, over-the-water demonstration project in the New York metropolitan area. There is no similar Senate provision.

Conference substitute

The House provision is accepted; however, the date of the Secretary's report to the Congress is extended one year.

STUDY OF DISTRIBUTION OF FUNDS

The Senate amendment requires the Secretary of Transportation, in consultation with the Environmental Protection Agency to prepare and submit to the Congress, within one year of the date of enactment

of the Federal Public Transportation Act of 1978, recommendations concerning the use of the nature and extent of air pollution as a criterion in the distribution of Federal mass transit funds. As part of this study, the Secretary is to make findings with respect to alternative approaches to developing criteria for allocating mass transit funds which would assure that areas with extensive air pollution receive proportionately greater amounts of funds than areas with a lesser extent of air pollution.

Conference substitute

The conference substitute requires the Secretary to complete this study by January 1, 1980.

The conference substitute also requires the Secretary to conduct a study of alternative methods of distributing, by formula, funds apportioned under section 5(a)(4) of the Urban Mass Transportation Act of 1964 as amended by this Act. As adopted by the Conference Committee, this provision requires the Secretary to report back to the Congress his findings concerning a fair and equitable formula program for the distribution of such capital assistance, including the evaluation of factors such as vehicle miles, seat miles, fleet size, population and population density, and such other factors as the Secretary may consider necessary or appropriate to achieve the goals. The conferees further agree to an interim population-population density formula for fiscal years 1979 and 1981 pending completion of the study by the Secretary. Congress will enact a new formula or reenact the interim formula for fiscal year 1981 and subsequent years, based in part or in whole, on the Secretary's formula.

RAIL RETROFIT EVALUATION AND LIGHT RAIL EVALUATION

The House bill contains two provisions requiring the evaluation of systems with respect to compliance with the requirements of section 504 of the Rehabilitation Act of 1973. One requires the Secretary to provide assistance to operators of fixed guideway systems to develop detailed estimates of the cost of making such systems accessible to handicapped persons; the other requires the Secretary to evaluate light rail and commuter rail modes to determine the desirability of, and methods for, making such modes accessible to handicapped persons. During this latter study, projects involving construction of, or improvements to, such modes could not be disapproved or delayed because of failure to meet accessibility requirements as long as the use of such facilities by handicapped persons in the future is not precluded.

The Senate amendment contained no similar provisions.

Conference substitute

The House provision is accepted with an amendment deleting the exemption provision.

TERMINAL DEVELOPMENT PROGRAM

The House bill contained provisions establishing a new grant program for the Urban Mass Transportation Administration. Under the provisions, the Secretary would be permitted to make capital grants

to states and local bodies to acquire, construct, or alter facilities that are used primarily for intercity bus services and to coordinate intercity bus service with other modes of transportation. Forty million dollars per year, for fiscal years 1979 through 1982, was authorized for this transit-related development program of terminal construction.

Conference substitute

The House provision is accepted.

INTERCITY BUS SERVICES

The House bill created a new operating assistance program to provide Federal assistance to state and local public bodies to pay up to 50 percent of the net cost of purchase of service agreements with private intercity bus companies for service to rural areas and small urban communities. The term "intercity bus" was defined in the House bill. In addition, the House bill required the Secretary of Transportation to study and evaluate the needs of the intercity bus industry for subsidies for services provided outside urbanized areas.

Conference substitute

The House provision is accepted with an amendment concerning deficit operations and route related costs and profits.

This criterion is intended to assure that funds will not be siphoned off from profitable routes of an intercity bus company. This would not preclude addition of service which would otherwise not be commercially profitable.

AMTRAK PROVISION

The Senate amendment contained a provision to require that proper notice would be served in connection with the proposed discontinuance of any trains or routes under the Final Route Reexamination Recommendations. In addition, the provision permitted a State, region or local agency to request a continuation of the service provided that the National Railroad Passenger Corporation was reimbursed for any operating losses and capital loss associated with the continued service. The House bill contained no similar provision.

Conference substitute

The conference substitute does not include this provision.

TITLE IV--PLANNING

PLANNING

House bill

The planning requirements of the section generally follow those in existing law with continued cooperation between State and local officials and the Secretary and are only intended to apply to urbanized areas as in existing law. The transportation planning process for urbanized areas themselves will continue to be carried on cooperatively between the States and responsible local officials.

The general planning provisions for both highway programs under section 134 of title 23 and a new section 8 of the Urban Mass Transportation Act are almost identical. The new section 8 further adds a

proviso for the maximum participation of private enterprise and an authorization for the Secretary to conduct certain planning studies.

Senate amendment

This section of the bill would amend the highway planning provisions in 23 U.S.C. 134 and add a new public transportation planning section in the Urban Mass Transportation Act to create parallel planning requirements for both programs. This amendment would consolidate all existing UMT Act planning requirements into a new section 8.

The same language in the new section 8 would be incorporated into section 134 of title 23 to subject the highway and public transportation projects in urbanized areas to the same statutory planning requirements. This new planning section would formalize the joint administration of the planning process.

New section 8(a) would require transportation plans and programs to be based on considerations of transportation needs, land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives. It would require review of alternative operating strategies and investment potentials to make more efficient use of existing resources and to provide a basis for the selection of major transportation investments. It would also require the planning effort to be continuing, cooperative and comprehensive to the degree appropriate for the complexity of an area's transportation problems.

Conference substitute

The provisions relating to planning are contained in titles I and III. The provision in title I is a revision of subsection (a) of section 134 of title 23, U.S. Code as in House bill and of subsections (b) and (c) of such section 134 as in Senate Amendment, with clarifying changes in subsection (b) as it applies to urbanized areas.

BUY AMERICAN

House bill

This section provides that all articles, materials and supplies purchased with grant funds authorized by this act shall have been mined, produced, or manufactured in the United States, unless a waiver is granted by the Secretary when he determines such requirement to be inconsistent with the public interest or when cost, availability, or quality factors make it unreasonable.

Senate amendment

This section prohibits the Secretary from obligating funds authorized by this act for any project, unless the materials used in construction are produced in the United States. The domestic preference requirement only applies to projects whose total cost exceeds \$1 million.

Several other exceptions exist, including the stipulation that using American goods will not increase the cost of the project more than 10 percent.

Conference substitute

Senate provision with a reduction to \$500,000 on the minimum amount of cost to which this provision applies and the coverage of the provision is made coextensive with that of the House provision.

RULE AND REGULATION REVIEW

House bill

This section provides that simultaneously with the promulgation or repromulgation of any rule or regulation under title 23, United States Code, the Urban Mass Transportation Act of 1964, any other act amended by the Surface Transportation Assistance Act of 1978, or of the Surface Transportation Assistance Act of 1978, the Secretary of Transportation shall transmit a copy of any such rule or regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

The rule or regulation would become effective at the end of 60 calendar days of continuous session of Congress if no committee of either House has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation and neither House has adopted such a resolution. A rule or regulation that would not become effective at the end of 60 days of continuous session, under the criteria stated above, would become effective at the end of 90 calendar days of continuous session if not disapproved by Congress. Disapproval by Congress would be accomplished by both Houses of Congress adopting a resolution of disapproval within 90 calendar days of continuous session or by one House adopting a resolution of disapproval within 60 calendar days of continuous session that is not then disapproved by the other House within 30 days of continuous session.

Senate amendment

No comparable provision.

Conference substitute

No comparable provision.

RESTRICTION ON USE OF FUNDS

House bill

This section prohibits the use of any funds authorized to be appropriated pursuant to part II of the Interstate Commerce Act, as amended, for the purpose of enforcing the antilock requirements contained in Federal motor vehicle safety standard (FMVSS) 121 (40 CFR 571.121), during the 2-year period beginning on the date of enactment of this act.

Senate amendment

No comparable provision.

Conference substitute

No comparable provision. FMVSS 121 became effective for air-braked trailers on January 1, 1975 and for air-braked trucks and buses on March 1, 1975. The Standard establishes requirements for the service, emergency and parking brake systems of these vehicles, including a requirement that the vehicles stop without uncontrolled lockup of the wheels. This in effect generally requires an "anti-lock" device to comply with the "no lock-up" requirements.

FMVSS 121 has been an extremely controversial Standard. It was conceived out of a legitimate concern over skidding and difficulty in stopping buses and trucks, and jackknifing in the case of the latter. But its history has been marked by significant controversy.

On April 17, 1978, the U.S. Court of Appeals for the Ninth Circuit overturned the Standard based primarily on inadequate reliability testing. The petition of the National Highway Traffic Safety Administration for certiorari was denied by the U.S. Supreme Court.

It is the intent and expectation of the Conferees that Congressional hearings will be held on this subject in the 96th Congress. The deletion of the House provision is not to be construed as an endorsement of the Standard.

IMPROVED MANAGEMENT

House bill

This provision requires the Secretary of Transportation, under his regulatory authority, to establish timetables for the various classes of proceedings used to carry out the highway and public transportation programs. These must be reviewed annually and modified, replaced or supplemented as the findings of such reviews warrant.

As an incentive to adherence to such timetables, this provision also requires that, at any time the Secretary determines that the established deadline will not be met, he must publish the reasons for such noncompliance in the Federal Register along with a revised timetable for the given proceeding.

Senate amendment

No comparable provision.

Conference substitute

No comparable provision.

JOINT STATEMENT OF MANAGERS REGARDING THE
CONFERENCE AGREEMENT ON THE HIGHWAY TRUST
FUND PROVISIONS OF H.R. 11733 ("HIGHWAY REV-
ENUE ACT OF 1978"—TITLE V OF THE HOUSE BILL
AND TITLE IV OF THE SENATE BILL)

A. FIVE-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES

House bill

The House bill extends the existing highway excise taxes allocated to the Highway Trust Fund at the present law rates for 5 years; that is, the rate reductions or expirations of highway taxes now scheduled for October 1, 1979, are deferred until October 1, 1984.

Senate amendment

Same as the House bill.

Conference agreement

The conference agreement includes this provision.

B. FIVE-YEAR EXTENSION OF HIGHWAY TRUST FUND

House bill

The House bill extends the Highway Trust Fund for 5 years, or from September 30, 1979, through September 30, 1984.

Senate amendment

Same as the House bill.

Conference agreement

The conference agreement includes this provision.

C. MODIFICATION OF THE TRUST FUND "BYRD AMENDMENT"

The House bill modifies the operation of the present trust fund "Byrd Amendment," which currently provides for reductions in apportionments only for the Interstate System when anticipated trust fund revenues will be inadequate to cover existing expenditures, so that any reductions would be made on a *pro rata* basis from all apportioned highway trust fund programs. This provision applies to fiscal years beginning after September 30, 1978.

Senate amendment

Same as the House bill.

Conference agreement

The conference agreement includes this provision.

D. EXEMPTION FROM FUEL TAXES FOR TAXICABS

House bill

Under present law, gasoline and other motor fuels used in taxicabs are subject to the current Federal excise taxes of 4 cents per gallon.

The House bill provides an exemption from (or refund or credit of) the 4-cents-per-gallon excise taxes on gasoline and other motor fuels used in taxicabs for qualified taxicab services if certain conditions are met. First, it applies if the taxicabs are not prohibited from ride sharing (under company policy or the rules of a Federal, State or local authority having jurisdiction over a substantial portion of the transportation furnished by the taxicabs). (However, shared rides are not to be required without the consent of passengers.) Second, in the case of 1978 or later model taxicabs acquired after 1978, the fuel economy of the model type of vehicle must exceed the fleet average fuel economy standard applicable under the Motor Vehicle Information and Cost Savings Act (as amended).

This exemption applies only to fuel used in furnishing qualified taxicab services, which means generally the furnishing of nonscheduled passenger land transportation for a fixed fare by a taxicab which is operated by a person who is licensed to engage in the trade or business of furnishing this transportation by Federal, State, or local authority having jurisdiction over a substantial portion of this type of transportation furnished by this person.

Senate amendment

No provision.

Conference agreement

The conference agreement, with one exception, follows the House bill in determining which taxicabs and taxicab services will not bear the burden of the 4-cents-per-gallon tax. The conference agreement provides an exception to the requirement that new taxicabs be fuel-efficient for vehicles manufactured by small manufacturers (that is, manufacturers who produce less than 10,000 vehicles per year).

The conference agreement deletes the provision of the House bill which allows tax-free sales of fuel and provides only a refund or credit procedure for the tax paid on fuel used in providing qualified taxicab services.

A purchaser who uses the fuel for qualified taxicab services may file for a refund for any quarter if the refund of tax due is \$50 or more as of the end of the quarter. Only one claim for refund may be filed for any one quarter to reduce paperwork and facilitate the administration of this provision. Any amounts not otherwise refunded may be claimed on the purchaser's income tax return for the year.

The conference agreement follows the House bill in beginning the exemption in 1979, but it provides the exemption from the fuel tax for taxicabs for only two years, 1979 and 1980. This two-year limitation on the fuel tax exemption is intended to permit the Congress to determine the effectiveness of the exemption in encouraging more energy-efficient taxicabs and in removing barriers to ride sharing. This determination is to assist the Congress in deciding whether the exemption is to be extended or not. The conferees expect that the Treasury De-

partment and the taxicab industry will determine, and report to the tax-writing committees before the end of the two-year exemption period, the extent to which government (and other) barriers to ride sharing have been removed and more energy-efficient vehicles purchased. It is further expected that the taxicab industry will make available to the Treasury Department its findings in these areas to permit Treasury time to evaluate the findings prior to their presentation to the Congress.

The conference agreement is expected to reduce budget receipts by \$15 million in fiscal year 1979, \$35 million in fiscal year 1980, and \$20 million in fiscal year 1981.

E. HIGHWAY COST ALLOCATION STUDY

House bill

The House bill contains a requirement for a highway cost allocation study by the Secretary of Transportation (with assistance of the Congressional Budget Office in designing the study), which is to determine the costs of Federal-aid highways occasioned by the use of different types of vehicles and the proportionate share of such highway costs attributable to each category of users and vehicles. A final report is due to the Congress on or before January 15, 1982, with progress reports due on or before January 15, 1980, and January 15, 1981.

The final report by the Secretary of Transportation is to include recommendations regarding any alternative tax structures which the Secretary believes would more nearly achieve an equitable distribution of the tax burden among persons and vehicles using Federal-aid highways, and include the projected impact of such tax structures on affected industries and other users.

Senate amendment

Title IV of the Senate amendment contains the same provision. Title I of the Senate amendment (sec. 122) provides for the same type of cost allocation study, with a final report to the Congress on or before January 15, 1982.

Conference agreement

The conference agreement includes the House provision, which is the same as the Title IV provision of the Senate amendment. The term "Federal-aid highways" used in the context of the cost allocation study provision is intended to include all programs and projects financed by the Highway Trust Fund.

F. STUDY OF HIGHWAY EXCISE TAX STRUCTURE

House bill

The House bill directs the Secretary of the Treasury, in consultation with the Secretary of Transportation and the staff of the Joint Committee on Taxation, to review and analyze each excise tax now dedicated to the Highway Trust Fund with respect to such factors as the ease or difficulty of administration and compliance burdens. This study is to be conducted in conjunction with the cost allocation study. A final report (to the House Ways and Means and Senate Finance Committees) is due on or before April 15, 1982, with interim reports due on or before April 15, 1980, and April 15, 1981.

The final report is also to include recommendations regarding possible improvements in excise taxation which would enhance tax administration, equity and compliance, as well as any recommendations on a new system of raising revenues to fund the Highway Trust Fund which would meet the afore-mentioned objectives concerning tax administration, equity and compliance.

Senate amendment

Same as the House bill.

Conference agreement

The conference agreement includes this provision.

HAROLD T. JOHNSON,
RAY ROBERTS,
JAMES J. HOWARD,
GLENN M. ANDERSON,
ROBERT A. ROE,
AL ULLMAN,
DAN ROSTENKOWSKI,
JAMES CORMAN,
WILLIAM H. HARSHA,
BUD SHUSTER,
BARBER B. CONABLE, JR.,

Managers on the Part of the House.

For consideration of title

I only:

JENNINGS RANDOLPH,
LLOYD BENTSEN,
DANIEL PATRICK MOYNIHAN,
QUENTIN N. BURDICK,
JOHN CULVER,
ROBERT STAFFORD,
JOHN H. CHAFEE,

For consideration of title

II only:

HOWARD W. CANNON,
WENDELL H. FORD,
WARREN G. MAGNUSON,
HARRISON SCHMITT,

For consideration of title

III only:

HARRISON A. WILLIAMS,
JOHN SPARKMAN,
THOMAS J. MCINTYRE,
EDWARD W. BROOKE,
JAKE GARN,
H. JOHN HEINZ III,

For consideration of title IV
only—Senate engrossed
amendment:

LLOYD BENTSEN,

For consideration of title IV
only—House engrossed
bill:

JENNINGS RANDOLPH,

LLOYD BENTSEN,

DANIEL PATRICK MOYNIHAN,

QUENTIN N. BURDICK,

JOHN CULVER,

ROBERT STAFFORD,

JOHN F. CHAFFEE,

HOWARD W. CANNON,

WENDELL H. FORD,

WARREN G. MAGNUSON,

HARRISON SCHMITT,

HARRISON WILLIAMS,

JOHN SPARKMAN,

THOMAS J. MCINTYRE,

EDWARD S. BROOKE,

JAKE GARN,

H. JOHN HEINZ III,

Managers on the Part of the Senate.

○