

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

SEPTEMBER 14, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 2274]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2274) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “National Highway System Designation Act of 1995”.

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

Sec. 2. Secretary defined.

TITLE I—NATIONAL HIGHWAY SYSTEM

Sec. 101. National Highway System designation.

Sec. 102. Distribution of fiscal year 1997 highway funds.

Sec. 103. Treatment of fiscal year 1997 transit funds.

TITLE II—HIGHWAY FUNDING RESTORATION

Sec. 201. Short title.

Sec. 202. Findings and purposes.

Sec. 203. State high priority project restoration program.

Sec. 204. Rescissions.

Sec. 205. State unobligated balance flexibility.

- Sec. 206. Minimum allocation.
- Sec. 207. Relief from mandates.
- Sec. 208. Definitions.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Distribution of transit operating assistance limitation.
- Sec. 302. Accountability for high cost Federal-aid projects.
- Sec. 303. Letters of intent and full financing grant and early systems work agreements.
- Sec. 304. Report on capital projects.
- Sec. 305. Repeal and modification of existing projects.
- Sec. 306. Miscellaneous transit projects.
- Sec. 307. Metropolitan planning for transit projects.
- Sec. 308. Contracting for engineering and design services.
- Sec. 309. Ferry boats and terminal facilities.
- Sec. 310. Utilization of the private sector for surveying and mapping services.
- Sec. 311. Formula grant program.
- Sec. 312. Accessibility of over-the-road buses to individuals with disabilities.
- Sec. 313. Alaska Railroad.
- Sec. 314. Alcohol and controlled substances testing.
- Sec. 315. Alcohol-impaired driving countermeasures.
- Sec. 316. Safety research initiatives.
- Sec. 317. Public transit vehicles exemption.
- Sec. 318. Congestion mitigation and air quality improvement program.
- Sec. 319. Quality improvement.
- Sec. 320. Applicability of transportation conformity requirements.
- Sec. 321. Quality through competition.
- Sec. 322. Applicability of certain vehicle weight limitations in Wisconsin.
- Sec. 323. Treatment of Centennial Bridge, Rock Island, Illinois, agreement.
- Sec. 324. Metric requirements and signs.
- Sec. 325. ISTEA technical clarification.
- Sec. 326. Metropolitan planning for highway projects.
- Sec. 327. Non-Federal share for certain toll bridge projects.
- Sec. 328. Discovery and admission as evidence of certain reports and surveys.
- Sec. 329. National recreational trails.
- Sec. 330. Identification of high priority corridors.
- Sec. 331. High priority corridor feasibility studies.
- Sec. 332. High cost bridge projects.
- Sec. 333. Congestion relief projects.
- Sec. 334. High priority corridors on National Highway System.
- Sec. 335. High priority corridor projects.
- Sec. 336. Rural access projects.
- Sec. 337. Urban access and mobility projects.
- Sec. 338. Innovative projects.
- Sec. 339. Intermodal projects.
- Sec. 340. Miscellaneous revisions to Surface Transportation and Uniform Relocation Assistance Act of 1987.
- Sec. 341. Eligibility.
- Sec. 342. Orange County, California, toll roads.
- Sec. 343. Miscellaneous studies.
- Sec. 344. Collection of bridge tolls.
- Sec. 345. National driver register.
- Sec. 346. Roadside barrier technology.
- Sec. 347. Motorist call boxes.
- Sec. 348. Repeal of national maximum speed limit compliance program.
- Sec. 349. Elimination of penalty for noncompliance for motorcycle helmets.
- Sec. 350. Safety rest areas.
- Sec. 351. Exemptions from requirements relating to commercial motor vehicles and their operators.
- Sec. 352. Traffic control signs.
- Sec. 353. Brightman Street Bridge, Fall River Harbor, Massachusetts.

TITLE IV—TRUTH IN BUDGETING

- Sec. 401. Short title.
- Sec. 402. Budgetary treatment of Highway Trust Fund, Airport and Airway Trust Fund, Inland Waterways Trust Fund, and Harbor Maintenance Trust Fund.
- Sec. 403. Safeguards against deficit spending out of Airport and Airway Trust Fund.
- Sec. 404. Safeguards against deficit spending out of the Inland Waterways Trust Fund and Harbor Maintenance Trust Fund.
- Sec. 405. Applicability.

SEC. 2. SECRETARY DEFINED.

In this Act, the term “Secretary” means the Secretary of Transportation.

TITLE I—NATIONAL HIGHWAY SYSTEM

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

“(c) INITIAL DESIGNATION OF NHS.—The National Highway System as submitted by the Secretary of Transportation on the map entitled ‘Official Submission, National Highway System, Federal Highway Administration’, and dated September 1, 1995, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

“(d) MODIFICATIONS TO THE NHS.—

“(1) PROPOSED MODIFICATIONS.—The Secretary may submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives proposed modifications to the National Highway System. The Secretary may only propose a modification under this subsection if the Secretary determines that such modification meets the criteria and requirements of subsection (b). Proposed modifications may include new segments and deletion of existing segments of the National Highway System.

“(2) APPROVAL OF CONGRESS REQUIRED.—A modification to the National Highway System may only take effect if a law has been enacted approving such modification.

“(3) REQUIRED SUBMISSIONS.—

“(A) INITIAL SUBMISSION.—Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System. Such modifications shall include a list and description of additions to the National Highway System consisting of connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities.

“(B) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System consisting of any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037) which was not identified on the National Highway System designated by subsection (c).

“(4) INTERIM ELIGIBILITY.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), a modification to the National Highway System which adds to the National Highway System a connection to a major port, airport, international border crossing, public transportation or transit facility, interstate bus terminal, or rail or other intermodal transportation facility shall be eligible for funds apportioned under section 104(b)(1) for the National Highway System if the Secretary finds that such modification is consistent with criteria developed by the Secretary for such modifications to the National Highway System.

“(B) PERIOD OF ELIGIBILITY.—A modification to the National Highway System which is eligible under subparagraph (A) for funds apportioned under section 104(b)(1) may remain eligible for such funds only until the date on which a law has been enacted approving modifications to the National Highway System which connect the National Highway System to facilities referred to in subparagraph (A).”.

SEC. 102. DISTRIBUTION OF FISCAL YEAR 1997 HIGHWAY FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not apportion or allocate, prior to August 1, 1997, any funds authorized to be appropriated or made available for fiscal year 1997 under—

(1) title 23, United States Code (other than sections 125 and 157), except amounts necessary for the administration of the Federal Highway Administration under section 104(a);

(2) title I or VI of the Intermodal Surface Transportation Efficiency Act of 1991 (other than sections 1103 through 1108);

(3) title IV of the Surface Transportation Assistance Act of 1982; or

(4) section 203(b) of this Act, relating to the State high priority project restoration program; and

(b) MINIMUM ALLOCATION.—

(1) DETERMINATION.—For purposes of determining allocations under section 157(a)(4) of title 23, United States Code, the Secretary shall treat apportionments and allocations that are subject to subsection (a) as having been made on October 1, 1996.

(2) SPECIAL RULE.—Amounts made available under section 157 of such title in fiscal year 1997 shall not be obligated at a rate higher than the historical rate of obligation of funds made available under such section.

SEC. 103. TREATMENT OF FISCAL YEAR 1997 TRANSIT FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not apportion or allocate prior to August 1, 1997, any of the funds authorized to be appropriated or made available for fiscal year 1997 under section 5338 of title 49,

United States Code (other than amounts necessary for administrative expenses of the Federal Transit Administration).

(b) **ADDITIONAL LIMITATION ON OBLIGATIONS.**—Any funds appropriated after the date of the enactment of this Act to carry out sections 5303–5306, 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5327, 5334(a), and 5334(c) of title 49, United States Code, and substitute transit projects under section 103(e)(4) of title 23, United States Code, and to carry out section 5309 of title 49, United States Code, may not be obligated before August 1, 1997.

TITLE II—HIGHWAY FUNDING RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the “Highway Funding Restoration Act of 1995”.

SEC. 202. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds and declares that—

- (1) Federal infrastructure spending on highways is critical to the efficient movement of goods and people in the United States;
- (2) section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 has been estimated to result in fiscal year 1996 highway spending being reduced by as much as \$4,200,000,000;
- (3) such section 1003(c) will cause every State to lose critical funds from the Highway Trust Fund that can never be recouped; and
- (4) the funding reduction would have disastrous effects on the national economy, impede interstate commerce, and jeopardize the 40-year Federal investment in the Nation’s highway system.

(b) **PURPOSES.**—The purposes of this Act are—

- (1) to make the program categories in the current Federal-aid highway program more flexible so that States may fund current, high-priority projects in fiscal year 1996;
- (2) to eliminate programs that are not critical during fiscal year 1996 and to reallocate funds so that the States will be able to continue their core transportation infrastructure programs;
- (3) to restore funding for exempt highway programs;
- (4) to ensure the equitable distribution of funds to urbanized areas with a population over 200,000 in a manner consistent with the Intermodal Surface Transportation Efficiency Act of 1991; and
- (5) to suspend certain penalties that would be imposed on the States in fiscal year 1996.

SEC. 203. STATE HIGH PRIORITY PROJECT RESTORATION PROGRAM.

(a) **IN GENERAL.**—On October 1 of each of fiscal years 1996 and 1997, or as soon as possible thereafter, the Secretary shall allocate among the States the amounts made available to carry out this section for Interstate highway substitute, National Highway System, surface transportation program, Interstate, congestion mitigation and air quality improvement program, bridge, hazard elimination, and rail-highway crossings projects.

(b) **ALLOCATION FORMULA.**—Funds made available to carry out this section shall be allocated among the States in accordance with the following table:

States:	Allocation Percentages
Alabama	1.80
Alaska	1.20
Arizona	1.43
Arkansas	1.42
California	9.17
Colorado	1.27
Connecticut	1.74
Delaware	0.39
District of Columbia	0.52
Florida	4.04
Georgia	2.92
Hawaii	0.54
Idaho	0.70
Illinois	3.88
Indiana	2.18
Iowa	1.27
Kansas	1.13
Kentucky	1.53
Louisiana	1.52
Maine	0.65
Maryland	1.68
Massachusetts	4.11

Michigan	2.75
Minnesota	1.69
Mississippi	1.11
Missouri	2.28
Montana	0.93
Nebraska	0.79
Nevada	0.69
New Hampshire	0.48
New Jersey	2.86
New Mexico	1.02
New York	5.35
North Carolina	2.62
North Dakota	0.64
Ohio	3.64
Oklahoma	1.36
Oregon	1.23
Pennsylvania	4.93
Rhode Island	0.56
South Carolina	1.42
South Dakota	0.69
Tennessee	2.00
Texas	6.21
Utah	0.73
Vermont	0.43
Virginia	2.28
Washington	2.05
West Virginia	1.15
Wisconsin	1.90
Wyoming	0.65
Puerto Rico	0.46
Territories	0.01.

(c) EFFECT OF ALLOCATIONS.—Funds distributed to States under subsection (b) shall not affect calculations to determine allocations to States under section 157 of title 23, United States Code, and sections 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(d) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, amounts made available to carry out this section shall be available for obligation for the fiscal year for which such amounts are made available plus the 3 succeeding fiscal years and shall be subject to the provisions of title 23, United States Code. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(e) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—

(1) GENERAL RULE.—The percentage determined under paragraph (2) of funds allocated to a State under this section for a fiscal year shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3) of title 23, United States Code.

(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

(A) the total amount of the reduction in funds which would have been attributed under section 133(d)(3) of title 23, United States Code, to urbanized areas of the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991; by

(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).

(f) LIMITATION ON PLANNING EXPENDITURES.—One-half of 1 percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of title 23, United States Code (relating to transportation planning). 1½ percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of such title (relating to transportation planning and research).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section \$360,420,595 for fiscal year 1996 and \$155,000,000 for fiscal year 1997.

(h) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Except as otherwise provided in this section, funds allocated under this section shall be available for obligation in the same manner and for the same purposes as if such funds were apportioned under chapter 1 of title 23, United States Code.

(i) TERRITORIES DEFINED.—In this section, the term “territories” means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 204. RESCISSIONS.

(a) RESCISSIONS.—Effective October 1, 1995, and after any necessary reductions are made under section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991, the following unobligated balances available on September 30, 1995, of funds made available for the following provisions are hereby rescinded:

(1) \$78,993.92 made available by section 131(c) of the Surface Transportation Assistance Act of 1982.

(2) \$798,701.04 made available by section 131(j) of the Surface Transportation Assistance Act of 1982.

(3) \$942,249 made available for section 149(a)(66) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(4) \$88,195 made available for section 149(a)(111)(C) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(5) \$155,174.41 made available for section 149(a)(111)(E) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(6) \$36,979.05 made available for section 149(a)(111)(J) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(7) \$34,281.53 made available for section 149(a)(111)(K) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(8) \$164,532 made available for section 149(a)(111)(L) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(9) \$86,070.82 made available for section 149(a)(111)(M) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(10) \$52,834 made available for section 149(a)(95) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(11) \$909,131 made available for section 149(a)(99) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(12) \$3,817,000 made available for section 149(a)(35) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(13) \$797,800 made available for section 149(a)(100) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(14) \$2 made available by section 149(c)(3) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(15) \$44,706,878 made available by section 1012(b)(6) of the Intermodal Surface Transportation Efficiency Act of 1991.

(16) \$15,401,107 made available by section 1003(a)(7) of the Intermodal Surface Transportation Efficiency Act of 1991.

(17) \$1,000,000 made available by item number 38 of the table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(18) \$150,000,000 deducted by the Secretary under section 104(a) of title 23, United States Code.

(19) \$10,800,000 made available by section 5338(a)(1) of title 49, United States Code.

(b) REDUCTIONS IN AUTHORIZED AMOUNTS.—

(1) MAGNETIC LEVITATION.—Section 1036(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1986) is amended—

(A) in subparagraph (A) by inserting “and” after “1994,”;

(B) in subparagraph (A) by striking “, \$125,000,000” and all that follows through “1997”; and

(C) in subparagraph (B) by striking “1996, and 1997” and inserting “and 1996”.

(2) HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of such Act (105 Stat. 2079) is amended—

(A) by striking “and” the first place it appears and inserting a comma; and

(B) by striking “, 1995, 1996, and 1997” and inserting “and 1995, and \$146,000,000 for each of fiscal years 1996 and 1997”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the day after the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of such Act.

(c) CONGESTION PRICING PILOT PROGRAM TRANSFERS.—After the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991, the amounts made available for fiscal years 1996 and 1997 to carry out section 1012(b)

of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1938) shall be available to carry out section 203 of this Act, relating to the State high priority restoration program.

SEC. 205. STATE UNOBLIGATED BALANCE FLEXIBILITY.

(a) REDUCTION IN FEDERAL FUNDING.—

(1) NOTIFICATION OF STATES.—On October 1, 1995, or as soon as possible thereafter, the Secretary shall notify each State of the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to such State, and that would have been apportioned to such State, as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) EXCLUSION OF CERTAIN FUNDING.—In determining the amount of any reduction under paragraph (1), the Secretary shall deduct—

(A) the amount allocated to each State in fiscal year 1996 to carry out section 203 of this Act, relating to the State high priority project restoration program; and

(B) any amounts made available under section 157(a)(4)(B)(iii) of title 23, United States Code, for fiscal year 1996.

(b) UNOBLIGATED BALANCE FLEXIBILITY.—Upon request of a State, the Secretary shall make available to carry out projects described in section 203(a) of this Act in fiscal year 1996 an amount not to exceed the amount determined under subsection (a) for the State. Such funds shall be made available from authorized funds that were allocated or apportioned to such State and were not obligated as of September 30, 1995. The State shall designate on or before November 1, 1995, or as soon as possible thereafter which of such authorized funds are to be made available under this section to carry out such projects. The Secretary shall make available before November 15, 1995, or as soon as possible thereafter funds designated under the preceding sentence to the State.

(c) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds which were apportioned to the State under section 104(b)(3) of title 23, United States Code, and attributed to urbanized areas of a State with an urbanized population of over 200,000 under section 133(d)(3) of such title may only be designated by the State under subsection (b) if the metropolitan planning organization designated for such area concurs, in writing, with such designation.

(d) CONGESTION MITIGATION AND AIR QUALITY BALANCES.—States may designate under subsection (b) funds apportioned under section 104(b)(2) of title 23, United States Code, and not obligated as of September 30, 1995, to carry out projects described in section 203(a) of this Act only if such funds will be obligated in areas described in section 104(b)(2) of such title or, in the case of a State which does not include such an area, the funds may be obligated in any area of the State.

(e) INTERSTATE CONSTRUCTION BALANCES.—A State may not designate under subsection (b) any more than $\frac{1}{3}$ of funds apportioned or allocated to the State for Interstate construction and not obligated as of September 30, 1995.

(f) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, amounts designated under subsection (b) shall be available for obligation for the same period for which such amounts were originally made available for obligation and shall be subject to the provisions of title 23, United States Code. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect calculations to determine allocations to States under section 157 of title 23, United States Code, and sections 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(h) STATE.—In this section and section 203, the term “State” has the meaning such term has under section 401 of title 23, United States Code.

SEC. 206. MINIMUM ALLOCATION.

(a) FORMULA.—Section 157(a)(4) of title 23, United States Code, is amended—

(1) by striking “In fiscal” and inserting the following:

“(A) IN GENERAL.—In fiscal”;

(2) by inserting “funds authorized to be appropriated by subsection (f)” after “shall allocate”;

(3) by moving subparagraph (A), as designated by paragraph (1) of this subsection, 2 ems to the right; and

(4) by adding at the end the following:

“(B) ADDITIONAL ALLOCATION.—If the aggregate amount allocated to the States under subparagraph (A) after application of section 1003(c) the

Intermodal Surface Transportation Efficiency Act of 1991 for any fiscal year beginning after September 30, 1995, is less than the amount authorized to be appropriated to carry out this section for such fiscal year, then the excess of such authorized amount shall be allocated as follows:

“(i) The Secretary shall first allocate to each State such amount as may be necessary to increase the allocation under subparagraph (A) to the amount that would have been allocated to the State for such fiscal year if the full amount of the funds authorized to be appropriated for such fiscal year by such Act out of the Highway Trust Fund (other than the Mass Transit Account) were appropriated without regard to such section 1003(c).

“(ii) If any of such excess remains after the allocation under clause (i), the Secretary shall allocate to each State such amount as may be necessary so that the amount authorized to be appropriated for such fiscal year for each project to be carried out in such State under sections 1103 through 1108 of such Act without regard to section 1003(c) of such Act is available for the project.

“(iii) The Secretary shall allocate among the States any excess remaining after the allocations under clauses (i) and (ii) so that each State is allocated the following percentages of the remaining excess:

“States:	Percentages
Alabama	1.80
Alaska	1.20
Arizona	1.43
Arkansas	1.42
California	9.17
Colorado	1.27
Connecticut	1.74
Delaware	0.39
District of Columbia	0.52
Florida	4.04
Georgia	2.92
Hawaii	0.54
Idaho	0.70
Illinois	3.88
Indiana	2.18
Iowa	1.27
Kansas	1.13
Kentucky	1.53
Louisiana	1.52
Maine	0.65
Maryland	1.68
Massachusetts	4.11
Michigan	2.75
Minnesota	1.69
Mississippi	1.11
Missouri	2.28
Montana	0.93
Nebraska	0.79
Nevada	0.69
New Hampshire	0.48
New Jersey	2.86
New Mexico	1.02
New York	5.35
North Carolina	2.62
North Dakota	0.64
Ohio	3.64
Oklahoma	1.36
Oregon	1.23
Pennsylvania	4.93
Rhode Island	0.56
South Carolina	1.42
South Dakota	0.69
Tennessee	2.00
Texas	6.21
Utah	0.73
Vermont	0.43
Virginia	2.28
Washington	2.05
West Virginia	1.15
Wisconsin	1.90
Wyoming	0.65
Puerto Rico	0.46
Territories	0.01.

“(C) TERRITORIES DEFINED.—In this paragraph, the term ‘territories’ means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

(b) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000 IN FISCAL YEARS 1996 AND 1997.—Section 157 of such title is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f), respectively, and

(2) by inserting after subsection (c) the following:

“(d) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000 IN FISCAL YEARS 1996 AND 1997.—

“(1) GENERAL RULE.—The percentage determined under paragraph (2) of funds allocated to a State under subsection (a)(4)(B)(iii) for each of fiscal years 1996 and 1997 shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3).

“(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

“(A) the total amount of the reduction in funds which would have been attributed under section 133(d)(3) to urbanized areas of the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991; by

“(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).”.

(c) FUNDING.—Section 157(f) of such title, as redesignated by subsection (b), is amended by inserting before the period the following: “and before October 1, 1995, \$1,101,000,000 for fiscal year 1996, \$1,378,000,000 for fiscal year 1997”.

SEC. 207. RELIEF FROM MANDATES.

(a) MANAGEMENT SYSTEMS.—The Secretary shall not take any action pursuant to or enforce the provisions of section 303(c) of title 23, United States Code, with respect to any State during fiscal year 1996.

(b) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1987–1990) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 208. DEFINITIONS.

In this title, the following definitions apply:

(1) AUTHORIZED FUNDS.—The term “authorized funds” means funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out title 23, United States Code (other than sections 402 and 410) and the Intermodal Surface Transportation Efficiency Act of 1991 and subject to an obligation limitation.

(2) URBANIZED AREA.—The term “urbanized area” has the meaning such term has under section 101(a) of title 23, United States Code.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DISTRIBUTION OF TRANSIT OPERATING ASSISTANCE LIMITATION.

(a) IN GENERAL.—Notwithstanding any limitation otherwise imposed on operating assistance under section 5307 of title 49, United States Code, the Secretary shall distribute such limitation so that each urbanized area (as such term is defined under section 5302 of such title) that had a population under the 1990 decennial census of the United States of less than 200,000 will receive, under the distribution of such limitation for fiscal year 1996, 75 percent of the amount the area received under the distribution of such limitation for fiscal year 1995.

(b) CONSIDERATION.—In the distribution of the limitation referred to in subsection (a) to urbanized areas that had a population under the 1990 decennial census of 1,000,000 or more, the Secretary shall direct each such area to give priority consideration to the impact of reductions in operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities when the limitation is distributed among all transit authorities operating in the area.

SEC. 302. ACCOUNTABILITY FOR HIGH COST FEDERAL-AID PROJECTS.

(a) REQUIREMENTS.—The Secretary shall require each recipient of Federal financial assistance for a highway or transit project with an estimated total cost of \$1,000,000,000 or more to submit to the Secretary an annual financial plan. Such plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

(b) RECOMMENDATIONS ON WITHHOLDING OF ASSISTANCE.—As part of an annual report to be submitted under subsection (c), the Secretary shall make a recommendation to Congress on whether or not future Federal assistance should be withheld with respect to any project described in subsection (a) for which an annual financial plan is not submitted under subsection (a) or for which the Secretary determines that the estimates or assumptions referred to in subsection (a) are not reasonable.

(c) REPORT.—The Secretary shall submit to Congress an annual report on the financial plans submitted to the Secretary under this section, and any recommendation made by the Secretary under subsection (b), in the preceding fiscal year.

SEC. 303. LETTERS OF INTENT AND FULL FINANCING GRANT AND EARLY SYSTEMS WORK AGREEMENTS.

Section 5309(g) of title 49, United States Code, is amended—

- (1) by indenting and dropping paragraph (1) down 1 line;
- (2) by moving all the paragraphs, subparagraphs, and clauses of such section 2 ems to the right;
- (3) by inserting after “(1)” the first place it appears the following: “LETTERS OF INTENT.—”;
- (4) in paragraph (1)(B) by striking “Public Works and Transportation” and inserting “Transportation and Infrastructure”;
- (5) by inserting after (2) the first place it appears “FULL FINANCING GRANT AGREEMENTS.—”;
- (6) by inserting after (3) the first place it appears “EARLY SYSTEM WORK AGREEMENTS.—”;
- (7) by inserting after (4) the first place it appears “TOTAL ESTIMATED FUTURE OBLIGATIONS AND CONTINGENT COMMITMENTS.—”; and
- (8) by adding at the end the following:

“(5) PREAUTHORIZATION OF FULL FEDERAL FINANCIAL RESPONSIBILITY.—

“(A) IN GENERAL.—After the date of the enactment of this paragraph and before the date on which Federal-aid highway and transit programs are reauthorized, the Secretary of Transportation may not issue a letter of intent, or enter into a full financing grant agreement or early systems work agreement, under this section for a project or operable segment of a project unless the full amount of Federal financial responsibility for the project or operable segment of a project has been included in an authorization law.

“(B) LIMITATION.—The prohibition on entering into a full financing grant agreement under this paragraph shall not apply—

- “(i) to any project for which a letter of intent was issued before the date of the enactment of this paragraph; and
- “(ii) to any project included as an element of an interrelated project which also includes another project for which a letter of intent was issued before such date of enactment.”.

SEC. 304. REPORT ON CAPITAL PROJECTS. FOR FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING FIXED GUIDEWAY SYSTEMS.

Section 5309(m) of title 49, United States Code, is amended—

- (1) by indenting and dropping paragraph (1) down 1 line;
- (2) by moving all the paragraphs and subparagraphs of such section 2 ems to the right;
- (3) by inserting “PERCENTAGES.—” after “(1)” the first place it appears;
- (4) by inserting “NONURBANIZED AREA ALLOCATION.—” after “(2)” the first place it appears;
- (5) by inserting “REPORTS.—” after “(3)” the first place it appears;
- (6) in paragraph (3) by striking “Public Works and Transportation” and inserting “Transportation and Infrastructure”;
- (7) in paragraph (3) by striking “a proposal on the allocation” and inserting “a report on the proposed allocation”;
- (8) in paragraph (3) by adding at the end the following:

“Such report shall include for each such capital project the following:

 - “(A) An analysis of the potential funding requirements of the project under paragraph (1)(B) in the succeeding 5 fiscal years.
 - “(B) A description of the planning and study process undertaken to select the locally preferred alternative for the project.
 - “(C) A description of efforts undertaken to seek alternative funding sources for the project.”; and
- (9) by inserting “MULTIPLE ALLOCATIONS.—” after “(4)” the first place it appears.

SEC. 305. REPEAL AND MODIFICATION OF EXISTING PROJECTS.

(a) LONG BEACH METRO LINK FIXED RAIL PROJECT.—Section 3035(o) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131) is repealed.

(b) HONOLULU RAPID TRANSIT PROJECT.—Section 3035(ww) of such Act (105 Stat. 2136) is amended by striking “\$618,000,000” and inserting “\$541,100,000”.

SEC. 306. MISCELLANEOUS TRANSIT PROJECTS.

(a) NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122–2123) is amended—

(1) by inserting after “Hudson River Waterfront Transportation System” the following: “(including corridor connections to and within the city of Bayonne);” and

(2) by inserting after “Concourse,” the following: “the West Shore Line.”

(b) NORTH BAY FERRY SERVICE.—Section 3035(c) of such Act (105 Stat. 2129) is amended by striking “\$8,000,000” and all that follows through “1993” and inserting “\$17,000,000”.

(c) STATEN ISLAND-MIDTOWN MANHATTAN FERRY SERVICE.—Section 3035(d) of such Act is amended by striking “\$1,000,000” and all that follows through “1993” and inserting “\$12,000,000”.

(d) CENTRAL AREA CIRCULATOR PROJECT.—Section 3035(e) of such Act is amended by striking the last sentence which begins “Such amount”.

(e) SALT LAKE CITY LIGHT RAIL PROJECT.—Section 3035(f) of such Act is amended by inserting after “including” the following: “related high-occupancy vehicle lane, intermodal corridor design.”

(f) LOS ANGELES-SAN DIEGO RAIL CORRIDOR IMPROVEMENT PROJECT.—Section 3035(g) of such Act is amended by striking “not less than” the 1st place it appears and all that follows through “1994” and inserting “\$20,000,000”.

(g) SAN JOSE-GILROY-HOLLISTER COMMUTER RAIL PROJECT.—Section 3035(h) of such Act is amended—

(1) by striking “July 1, 1994” and inserting “September 30, 1996”; and

(2) by striking “August 1, 1994,” and inserting “October 31, 1996.”

(h) DALLAS LIGHT RAIL PROJECT.—

(1) MULTIYEAR GRANT AGREEMENT.—Section 3035(i) of such Act is amended—

(A) by striking “6.4 miles” and inserting “9.6 miles”;

(B) by striking “10 stations” and inserting “not to exceed 14 stations”;

(C) by striking “such light rail line” and inserting “the program of interrelated projects identified in section 5328(c)(1)(G) of title 49, United States Code.”; and

(D) by striking “of such elements” and inserting “element of such program of interrelated projects”

(2) PROGRAM OF INTERRELATED PROJECTS.—Section 5328(c)(1)(G) of title 49, United States Code, is amended by striking “Camp Wisdom” and inserting “Interstate Route 20, L.B.J. Freeway”.

(i) KANSAS CITY LIGHT RAIL LINE.—Section 3035(k) of such Act is amended by striking “\$1,500,000 in fiscal year 1992, and \$4,400,000 in fiscal year 1993” and inserting “\$5,900,000”.

(j) DOWNTOWN ORLANDO CIRCULATOR PROJECT.—Section 3035(l) of such Act is amended—

(1) by striking the subsection heading and inserting “DOWNTOWN ORLANDO CIRCULATOR PROJECT”;

(2) by striking “No later than April 30, 1992, the” and inserting “The”;

(3) by striking “for” the second place it appears and all that follows through the period at the end and inserting “and the completion of final design, construction, land and equipment acquisition, and related activities for the Downtown Orlando Circulator project.”

(k) DETROIT LIGHT RAIL PROJECT.—Section 3035(m) of such Act is amended by striking “not less than” the first place it appears and all that follows through “1993,” and inserting “\$20,000,000”.

(l) LAKEWOOD-FREEHOLD-MATAWAN OR JAMESBURG RAIL PROJECT.—Section 3035(p) of such Act is amended by striking “\$1,800,000” and all that follows through “1994” and inserting “\$7,800,000”.

(m) CHARLOTTE LIGHT RAIL STUDY.—Section 3035(r) of such Act is amended by striking “\$125,000” and all that follows through “1993” and inserting “\$500,000”.

(n) SAN DIEGO MID COAST FIXED GUIDEWAY PROJECT.—Section 3035(u) of such Act is amended—

(1) in the subsection heading by striking “MID COAST LIGHT RAIL PROJECT” and inserting “METROPOLITAN TRANSIT IMPROVEMENT PROGRAM”;

(2) by striking “No later than April 30, 1992, the” and inserting “The”;

- (3) by striking “, \$2,000,000” and all that follows through the period and inserting “\$27,000,000 for the integrated project financing of the San Diego Mid Coast and Mission Valley East Corridor fixed guideway projects.”.
- (o) EUREKA SPRINGS, ARKANSAS.—Section 3035(z) of such Act is amended by striking the text and inserting the following: “From funds made available under section 5309(m)(1)(C) of title 49, United States Code, the Secretary shall make available \$63,600 to Eureka Springs Transit for the purchase of an alternative fueled vehicle which is accessible to and usable by individuals with disabilities.”.
- (p) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—Section 3035(nn) of such Act is amended—
- (1) in paragraph (1) by striking “as follows:” and all that follows through “1994.” and inserting “and shall be \$60,000,000.”;
 - (2) in paragraph (2) by striking “as follows:” and all that follows through the period at the end of subparagraph (C) and inserting “and shall total \$160,000,000.”; and
 - (3) in paragraph (3) by striking “for fiscal year 1993”.
- (q) DULLES CORRIDOR RAIL PROJECT.—Section 3035(aaa) of such Act is amended—
- (1) by striking “No later than April 30, 1992, the” and inserting “The”; and
 - (2) by striking “the completion” and all that follows through “engineering for”.
- (r) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—Section 3035(bbb) of such Act is amended to read as follows:
- “(bbb) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—From funds made available under section 5309(m)(1)(B) of title 49, United States Code, the Secretary shall make available \$300,000,000 for the Central Puget Sound Regional Transit Project.”.
- (s) CANAL STREET CORRIDOR LIGHT RAIL.—Section 3035(fff) of such Act is amended—
- (1) by striking “No later than April 30, 1992, the” and inserting “The”; and
 - (2) by striking “negotiate” and all that follows through “includes” and inserting “make available”.
- (t) ADDITIONAL TRANSIT PROJECTS.—
- (1) CANTON-AKRON-CLEVELAND COMMUTER RAIL.—From funds made available under section 5309(m)(1)(B) of title 49, United States Code, the Secretary shall make available \$6,500,000 for the Canton-Akron-Cleveland Commuter Rail project.
 - (2) CINCINNATI NORTHEAST/NORTHERN KENTUCKY RAIL.—From funds made available under such section, the Secretary shall make available \$2,000,000 for the Cincinnati Northeast/Northern Kentucky Rail project.
 - (3) DART NORTH CENTRAL LIGHT RAIL EXTENSION.—From funds made available under such section, the Secretary shall make available \$2,500,000 for the DART North Central Light Rail Extension project.
 - (4) DALLAS-FORT WORTH RAILTRAN.—From funds made available under such section, the Secretary shall make available \$5,000,000 for the Dallas-Fort Worth RAILTRAN project.
 - (5) FLORIDA TRI-COUNTY COMMUTER RAIL.—From funds made available under such section, the Secretary shall make available \$10,000,000 for the Florida Tri-County Commuter Rail project.
 - (6) MIAMI-NORTH 27TH AVENUE.—From funds made available under such section, the Secretary shall make available \$2,000,000 for the Miami-North 27th Avenue project.
 - (7) MEMPHIS, TENNESSEE, REGIONAL RAIL PLAN.—From funds made available under such section, the Secretary shall make available \$2,500,000 for the Memphis, Tennessee, Regional Rail Plan project.
 - (8) NEW ORLEANS CANAL STREET CORRIDOR.—From funds made available under such section, the Secretary shall make available \$10,000,000 for the New Orleans Canal Street Corridor project.
 - (9) ORANGE COUNTY TRANSITWAY.—From funds made available under such section, the Secretary shall make available \$5,000,000 for the Orange County Transitway project.
 - (10) WHITEHALL FERRY TERMINAL, NEW YORK, NEW YORK.—From funds made available under such section, the Secretary shall make available \$5,000,000 for the Whitehall Ferry Terminal project.
 - (11) WISCONSIN CENTRAL COMMUTER.—From funds made available under such section, the Secretary shall make available \$14,400,000 for the Wisconsin Central Commuter project.
 - (12) SAN JUAN, PUERTO RICO, TREN URBANO.—From funds made available under such section, the Secretary shall make available \$15,000,000 for the San Juan, Puerto Rico, Tren Urbano project.

(13) TAMPA TO LAKE LAND COMMUTER RAIL.—From funds made available under such section, the Secretary shall make available \$1,000,000 for the Tampa to Lakeland Commuter Rail project.

SEC. 307. METROPOLITAN PLANNING FOR TRANSIT PROJECTS.

Section 5303(b) of title 49, United States Code, is amended by adding at the end the following:

“(16) recreational travel and tourism.”.

SEC. 308. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 5325 of title 49, United States Code, is amended by adding at the end the following:

“(e) SPECIAL RULES FOR ENGINEERING AND DESIGN CONTRACTS.—

“(1) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subsection (d), whether funded in whole or in part with Federal transit funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

“(2) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subsection (d) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm’s indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rate data described in this paragraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

“(3) STATE OPTION.—Paragraphs (1) and (2) shall take effect 2 years after the date of the enactment of this subsection with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such paragraphs shall not apply with respect to such State.”.

SEC. 309. FERRY BOATS AND TERMINAL FACILITIES.

Section 129(c)(5) of title 23, United States Code, is amended—

(1) by inserting before the period at the end of the first sentence the following: “or between a point in a State and a point in the Dominion of Canada”;

and
(2) in the second sentence by inserting after “Puerto Rico” the following: “, between a point in a State and a point in the Dominion of Canada.”.

SEC. 310. UTILIZATION OF THE PRIVATE SECTOR FOR SURVEYING AND MAPPING SERVICES.

Section 306 of title 23, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “In”; and

(2) by adding at the end the following:

“(b) GUIDANCE.—The Secretary shall issue guidance to encourage States to utilize, to the maximum extent practicable, private sector sources for surveying and mapping services for highway projects under this title. In carrying out this subsection, the Secretary shall determine appropriate roles for State and private mapping and surveying activities, including—

“(1) preparation of standards and specifications;

“(2) research in surveying and mapping instrumentation and procedures and technology transfer to the private sector;

“(3) providing technical guidance, coordination, and administration of State surveying and mapping activities; and

“(4) establishing a schedule with quantifiable goals for increasing the use by the States of private sector sources for surveying and mapping activities.”.

SEC. 311. FORMULA GRANT PROGRAM.

(a) TRANSIT SECURITY SYSTEMS.—Section 5307(d)(1)(J)(i) of title 49, United States Code, is amended by inserting before “and any other” the following: “employing law enforcement or security personnel in areas within or adjacent to such systems.”.

(b) FERRYBOAT OPERATIONS.—For purposes of calculating apportionments under section 5336 of title 49, United States Code, for fiscal years beginning after September 30, 1995, 50 percent of the ferryboat revenue vehicle miles and 50 percent of the ferryboat route miles attributable to service provided to the city of Avalon, California, for which the operator receives public assistance shall be included in the calculation of “fixed guideway vehicle revenue miles” and “fixed guideway route miles” attributable to the Los Angeles urbanized area under sections 5336(b)(2)(A) and 5335 of such title.

SEC. 312. ACCESSIBILITY OF OVER-THE-ROAD BUSES TO INDIVIDUALS WITH DISABILITIES.

Section 306(a)(2)(B)(iii) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12186(a)(2)(B)(iii)) is amended—

(1) in subclause (I) by striking “7 years after the date of the enactment of this Act” and inserting “3 years after the date of issuance of final regulations under subparagraph (B)(ii)”; and

(2) in subclause (II) by striking “6 years after such date of enactment” and inserting “2 years after the date of issuance of such final regulations”.

SEC. 313. ALASKA RAILROAD.

Section 5337(a)(3)(B) of title 49, United States Code, is amended by adding at the end the following: “The Alaska Railroad is eligible for assistance under this subparagraph with respect to improvements to its passenger operations.”.

SEC. 314. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

(a) MASS TRANSIT TESTING.—Section 5331(b)(1)(A) of title 49, United States Code, is amended to read as follows:

“(b) TESTING PROGRAM FOR MASS TRANSPORTATION EMPLOYEES.—(1)(A) In the interest of mass transportation safety, the Secretary shall prescribe regulations that establish a program requiring mass transportation operations that receive financial assistance under section 5307, 5309, or 5311 of this title or section 103(e)(4) of title 23 to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such operations to conduct preemployment testing of such employees for the use of alcohol.”.

(b) RAILROAD TESTING.—Section 20140(b)(1)(A) of title 49, United States Code, is amended to read as follows:

“(A) a railroad carrier to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation; the regulations shall permit such railroad carriers to conduct preemployment testing of such employees for the use of alcohol; and”.

(c) MOTOR CARRIER TESTING.—Section 31306(b)(1)(A) of such title is amended to read as follows:

“(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.”.

(d) AVIATION TESTING.—

(1) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—

Section 45102(a)(1) of title 49, United States Code, is amended to read as follows:

“(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening con-

tract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit air carriers and foreign air carriers to conduct preemployment testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol.”.

(2) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—Section 45102(b)(1) of title 49, United States Code, is amended to read as follows:

“(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of a controlled substance in violation of law or a United States Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions and shall establish a program of reasonable suspicion, random and post-accident testing for the use of alcohol in violation of law or a United States Government regulation for such employees. The Administrator may establish a program of preemployment testing for the use of alcohol for such employees.”.

SEC. 315. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) TECHNICAL AMENDMENT.—Section 410(d)(1)(E) of title 23, United States Code, is amended by striking “the date of enactment of this section” and inserting “December 18, 1991”.

(b) BASIC GRANT ELIGIBILITY.—Section 410(d) of such title is further amended—

(1) in paragraph (3)—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following:

“(B) A State shall be treated as having met the requirement of this paragraph if—

“(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

“(ii) the State demonstrates to the satisfaction of the Secretary—

“(I) that the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

“(II) that the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years.”; and

(2) by adding at the end the following:

“(7) Any individual under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.”.

(c) SUPPLEMENTAL GRANTS.—Section 410(f) of such title is amended by striking paragraph (1) and redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively.

SEC. 316. SAFETY RESEARCH INITIATIVES.

(a) OLDER DRIVERS AND OTHER SPECIAL DRIVER GROUPS.—

(1) STUDY.—The Secretary shall conduct a study of technologies and practices to improve the driving performance of older drivers and other special driver groups.

(2) DEMONSTRATION ACTIVITIES.—In conducting the study under paragraph (1), the Secretary shall undertake demonstration activities which incorporate and build upon gerontology research related to the study of the normal aging process. The Secretary shall initially implement such activities in those States which have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode.

(3) COOPERATIVE AGREEMENT.—The Secretary shall carry out the study under paragraph (1) by entering into a cooperative agreement with an institution that has demonstrated competencies in gerontological research, population demographics, human factors related to transportation, and advanced technology applied to transportation.

(b) **WORK ZONE SAFETY.**—In carrying out the work zone safety program under section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary shall utilize a variety of methods to increase safety at highway construction sites, including each of the following:

(1) Conferences to explore new techniques and stimulate dialogue for improving work zone safety.

(2) Creation of a national clearinghouse to assemble and disseminate, by electronic and other means, information relating to the improvement of work zone safety.

(3) A national promotional campaign in cooperation with the States to provide timely, site-specific information to motorists when construction workers are actually present.

(c) **RADIO AND MICROWAVE TECHNOLOGY FOR MOTOR VEHICLE SAFETY WARNING SYSTEM.**—

(1) **STUDY.**—The Secretary shall conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles.

(2) **EQUIPMENT.**—Equipment developed under the study to be conducted under subsection (a) shall be directed toward, but not limited to, advance warning to operators of all types of motor vehicles of—

(A) temporary obstructions in a highway;

(B) poor visibility and highway surface conditions caused by adverse weather; and

(C) movement of emergency vehicles.

(3) **SAFETY APPLICATIONS.**—In conducting the study under paragraph (1), the Secretary shall determine whether the technology described in this subsection has other appropriate safety applications.

SEC. 317. PUBLIC TRANSIT VEHICLES EXEMPTION.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) by striking “2-year” the first place it appears and all that follows through “Act,” and inserting “period beginning on October 6, 1992, and ending on the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National Highway System Designation Act of 1995,”; and

(2) by striking the second sentence.

SEC. 318. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) **AREAS ELIGIBLE FOR FUNDS.**—

(1) **IN GENERAL.**—The first sentence of section 149(b) of title 23, United States Code, is amended—

(A) by inserting “if the project or program is for an area in the State that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994 and” after “program” the 2nd place it appears; and

(B) in paragraph (1)(A) by striking “contribute” and all that follows through “; or” and inserting the following: “contribute to—

“(i) the attainment of a national ambient air quality standard; or

“(ii) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or”.

(2) **APPORTIONMENT.**—Section 104(b)(2) of title 23, United States Code, is amended—

(A) in the second sentence, by striking “is a nonattainment area (as defined in the Clean Air Act) for ozone” and inserting “was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1994”; and

(B) in the third sentence—

(i) by striking “is also” and inserting “was also”; and

(ii) by inserting “during any part of fiscal year 1994” after “monoxide”.

(b) **EFFECT OF LIMITATION ON APPORTIONMENT.**—Notwithstanding any other provision of law, for each of fiscal years 1996 and 1997, any limitation under an amendment made by this section on an apportionment of funds otherwise authorized under section 1003(a)(4) of the Intermodal Surface Transportation Efficiency Act of 1991

(105 Stat. 1919) shall not affect any hold harmless apportionment adjustment under section 1015(a) of such Act (105 Stat. 1943).

SEC. 319. QUALITY IMPROVEMENT.

(a) LIFE-CYCLE COST ANALYSIS.—Section 106 of title 23, United States Code, is amended by adding at the end the following:

“(e) LIFE-CYCLE COST ANALYSIS.—

“(1) ESTABLISHMENT.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of all projects on the National Highway System with an estimated total cost of \$25,000,000 or more.

“(2) ANALYSIS OF LIFE-CYCLE COSTS DEFINED.—In this subsection, the term ‘analysis of life-cycle costs’ means a process for evaluating the total economic worth of one or more projects by analyzing both initial costs as well as discounted future costs, such as maintenance, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project or projects.”.

(b) VALUE ENGINEERING.—Such section is further amended by adding at the end the following:

“(f) VALUE ENGINEERING FOR NHS.—

“(1) REQUIREMENT.—The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System with an estimated total cost of \$25,000,000 or more.

“(2) VALUE ENGINEERING DEFINED.—For purposes of this subsection, the term ‘value engineering analysis’ means a systematic process of review and analysis of a project or activity during its design phase by a multidisciplinary team of persons not originally involved in the project or activity in order to provide suggestions for reducing the total cost of the project or activity and providing a project or activity of equal or better quality. Such suggestions may include a combination or elimination of inefficient or expensive parts of the original proposed design for the project or activity and total redesign of the proposed project or activity using different technologies, materials, or methods so as to accomplish the original purpose of the project or activity.”.

SEC. 320. APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS.

(a) HIGHWAY CONSTRUCTION.—Section 109(j) of title 23, United States Code, is amended by striking “plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.” and inserting the following: “plan for—

“(1) the implementation of a national ambient air quality standard for which an area is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

“(2) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area for the standard and that is required to develop a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a).”.

(b) CLEAN AIR ACT REQUIREMENTS.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

“(5) APPLICABILITY.—This subsection shall apply only with respect to—

“(A) a nonattainment area and each specific pollutant for which the area is designated as a nonattainment area; and

“(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 175A with respect to the specific pollutant for which the area was designated nonattainment.”.

SEC. 321. QUALITY THROUGH COMPETITION.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following new subparagraphs:

“(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

“(D) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates

are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

“(E) STATE OPTION.—Subparagraphs (C) and (D) shall take effect 2 years after the date of the enactment of this subparagraph with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to such State.”.

(b) REPEAL OF PILOT PROGRAM.—Section 1092 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 112 note; 105 Stat. 2024) is repealed.

SEC. 322. APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of enactment of this subsection.”.

SEC. 323. TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled “An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa”, approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of the title.

SEC. 324. METRIC REQUIREMENTS AND SIGNS.

(a) PLACEMENT OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to construct, erect, or otherwise place any sign relating to any speed limit, distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or other measurement using the metric system.

(b) MODIFICATION OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to modify any sign relating to any speed limit, any distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or measurement using the metric system.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) HIGHWAY.—The term “highway” has the meaning such term has under section 101 of title 23, United States Code.

(2) METRIC SYSTEM.—The term “metric system” has the meaning the term “metric system of measurement” has under section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

SEC. 325. ISTEA TECHNICAL CLARIFICATION.

Section 131(s) of title 23, United States Code, is amended by striking the period at the end of the first sentence and inserting the following: “; except that nothing in this subsection or section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 shall restrict, or otherwise be applied by the Secretary to affect,

the authority of a State under subsection (d) of this section with respect to commercial or industrial areas or the authority of a State under subsection (k) of this section to establish standards imposing stricter limitations than those established in this subsection.”.

SEC. 326. METROPOLITAN PLANNING FOR HIGHWAY PROJECTS.

Section 134(f) of title 23, United States Code, is amended by adding at the end the following:

“(16) Recreational travel and tourism.”.

SEC. 327. NON-FEDERAL SHARE FOR CERTAIN TOLL BRIDGE PROJECTS.

Section 144(l) of title 23, United States Code, is amended by adding at the end the following: “Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.”.

SEC. 328. DISCOVERY AND ADMISSION AS EVIDENCE OF CERTAIN REPORTS AND SURVEYS.

Section 409 of title 23, United States Code, is amended by inserting “or collected” after “compiled”.

SEC. 329. NATIONAL RECREATIONAL TRAILS.

(a) STATE ELIGIBILITY.—Section 1302(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (33 U.S.C. 1261(c)) is amended—

- (1) by striking “Act” each place it appears and inserting “part”;
- (2) in paragraph (2) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and
- (3) by adding at the end the following:

“(3) SIXTH YEAR PROVISION.—On and after the date that is 5 years after the date of the enactment of this part, a State shall be eligible to receive moneys under this part in a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in such fiscal year.”.

(b) ADMINISTRATIVE COSTS.—Section 1302(d)(1) of such Act (33 U.S.C. 1261(d)(1)) is amended—

- (1) by striking “and” at the end of subparagraph (C);
- (2) by redesignating subparagraph (D) as subparagraph (E); and
- (3) by inserting after subparagraph (C) the following:

“(D) contracting for services with other land management agencies; and”.

(c) ENVIRONMENTAL MITIGATION.—

- (1) IN GENERAL.—Section 1302(e) of such Act (33 U.S.C. 1261(e)) is amended—
 - (A) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively; and
 - (B) by inserting after paragraph (4) the following:

“(5) ENVIRONMENTAL MITIGATION.—

“(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State shall give priority to project proposals which provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

“(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).”.

- (2) CONFORMING AMENDMENT.—Section 1302(e)(4) of such Act (33 U.S.C. 1261(e)(4)) is amended by striking “paragraphs (6) and (8)(B)” and inserting “paragraphs (7) and (9)(B)”.

(d) EXCLUSIONS.—Section 1302(e)(7) of such Act, as redesignated by subsection (c), is amended—

- (1) by striking “(7) SMALL STATE EXCLUSION.—” and inserting the following:
 - “(7) EXCLUSIONS.—
 - “(A) SMALL STATE.—”;
- (2) by moving the text of subparagraph (A), as designated by paragraph (1), 2 ems to the right; and
- (3) by adding at the end the following:

“(B) BEST INTEREST OF A STATE.—Any State which determines based on trail needs identified in its State Comprehensive Outdoor Recreation Plan that it is in the best interest of the State to be exempt from the requirements of paragraph (4) may apply to the Secretary for such an exemption.

Before approving or disapproving an application for such an exemption, the Secretary shall publish in the Federal Register notice of receipt of the application and provide an opportunity for public comment on the application.”.

(e) RETURN OF MONEYS NOT EXPENDED.—Section 1302(e)(9) of such Act, as redesignated by subsection (c), is amended—

- (1) by inserting “the State” before “may be exempted”; and
- (2) by striking “and expended or committed” and all that follows before the period.

(f) ADVISORY COMMITTEE.—Section 1303(b) of such Act (16 U.S.C. 1262(b)) is amended—

- (1) by striking “11 members” and inserting “12 members”;
- (2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and
- (3) by inserting after paragraph (1) the following:
 - “(2) 1 member appointed by the Secretary representing individuals with disabilities;”.

SEC. 330. IDENTIFICATION OF HIGH PRIORITY CORRIDORS.

(a) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by striking paragraph (5) and inserting the following:

“(5)(A) I-73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, to termini at Detroit, Michigan and Sault Ste. Marie, Michigan. The Sault Ste. Marie terminus shall be reached via a corridor connecting Adrian, Jackson, Lansing, Mount Pleasant, and Grayling, Michigan.

“(B)(i) In the Commonwealth of Virginia, the Corridor shall generally follow—

“(I) United States Route 220 from the Virginia-North Carolina border to I-581 south of Roanoke;

“(II) I-581 to I-81 in the vicinity of Roanoke;

“(III) I-81 to the proposed highway to demonstrate intelligent transportation systems authorized by item 29 of the table in section 1107(b) in the vicinity of Christiansburg to United States Route 460 in the vicinity of Blacksburg; and

“(IV) United States Route 460 to the West Virginia State line.

“(ii) In the States of West Virginia, Kentucky, and Ohio, the Corridor shall generally follow—

“(I) United States Route 460 from the West Virginia State line to United States Route 52 at Bluefield, West Virginia; and

“(II) United States Route 52 to United States Route 23 at Portsmouth, Ohio.

“(iii) In the States of North Carolina and South Carolina, the Corridor shall generally follow—

“(I) in the case of I-73—

“(aa) United States Route 220 from the Virginia State line to State Route 68 in the vicinity of Greensboro;

“(bb) State Route 68 to I-40;

“(cc) I-40 to United States Route 220 in Greensboro;

“(dd) United States Route 220 to United States Route 1 near Rockingham;

“(ee) United States Route 1 to the South Carolina State line; and

“(ff) South Carolina State line to Charleston, South Carolina; and

“(II) in the case of I-74—

“(aa) I-77 from Bluefield, West Virginia, to the junction of I-77 and the United States Route 52 connector in Surry County, North Carolina;

“(bb) the I-77/United States Route 52 connector to United States Route 52 south of Mount Airy, North Carolina;

“(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina;

“(dd) United States Route 311 to United States Route 220 in the vicinity of Randleman, North Carolina.

“(ee) United States Route 220 to United States Route 74 near Rockingham;

“(ff) United States Route 74 to United States Route 76 near Whiteville;

“(gg) United States Route 74/76 to the South Carolina State line in Brunswick County; and

“(hh) South Carolina State line to Charleston, South Carolina.”;

- (2) in paragraph (18)—
- (A) by striking “and”;
 - (B) by inserting “Arkansas,” after “Tennessee,”; and
 - (C) by inserting before the period at the end the following: “, and to the Lower Rio Grande Valley at the border between the United States and Mexico”;
- (3) by inserting before the period at the end of paragraph (20) the following: “, and to include the Corpus Christi Northside Highway and Rail Corridor from the existing intersection of United States Route 77 and Interstate Route 37 to United States Route 181”; and
- (4) by adding at the end the following:
- “(22) The Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California.
 - “(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota.
 - “(24) The Dalton Highway from Deadhorse, Alaska to Fairbanks, Alaska.
 - “(25) State Route 168 (South Battlefield Boulevard), Virginia, from the Great Bridge Bypass to the North Carolina State line.
 - “(26) The CANNAMEX CORRIDOR from Nogales, Arizona, through Las Vegas, Nevada, to Salt Lake City, Utah, to Idaho Falls, Idaho, to Great Falls, Montana, to the Canadian Border as follows:
 - “(A) In the State of Arizona, the CANAMEX CORRIDOR shall generally follow—
 - “(i) I–19 from Nogales to Tucson;
 - “(ii) I–10 from Tucson to Phoenix; and
 - “(iii) United States Route 93 from Phoenix to the Nevada Border.
 - “(B) In the State of Nevada, the CANAMEX CORRIDOR shall follow—
 - “(i) United States Route 93 from the Arizona Border to Las Vegas; and
 - “(ii) I–15 from Las Vegas to the Utah Border.
 - “(C) From the Utah Border to the Canadian Border, the CANAMEX CORRIDOR shall follow I–15.”.
- (b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e) of such Act (105 Stat. 2033) is amended by adding at the end the following:
- “(5) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Where not a part of the Interstate System, the routes referred to in clauses (i), (ii), and (iii) of subsection (c)(5)(B) (other than the portion located in the State of West Virginia), in subsection (c)(9), and in subsections (c)(18) and (c)(20) are hereby designated future parts of the Interstate System. Any segment of such routes shall become a part of the Interstate System at such time as the Secretary determines that the segment—
- “(A) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and
 - “(B) connects to an existing Interstate System segment and functions as a safe and usable segment.”.

SEC. 331. HIGH PRIORITY CORRIDOR FEASIBILITY STUDIES.

(a) EVACUATION ROUTES FOR LOUISIANA COASTAL AREAS.—Section 1105(e)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033) is amended by adding at the end the following new sentence: “A feasibility study may be conducted under this subsection to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.”.

(b) EAST-WEST TRANSAMERICA CORRIDOR.—With amounts available to the Secretary under section 1105(h) of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary in cooperation with the States of Virginia and West Virginia shall conduct a study to determine the feasibility of establishing a route for the East-West Transamerica Corridor (designated pursuant to section 1105(c)(3) of such Act) from Beckley, West Virginia, utilizing a corridor entering Virginia near the city of Covington then moving south from the Allegheny Highlands to serve Roanoke and continuing east to Lynchburg. From there such route would continue across Virginia to the Hampton Roads-Norfolk area.

SEC. 332. HIGH COST BRIDGE PROJECTS.

The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027–2028) is amended—

(1) in item number 5, relating to Gloucester Point, Virginia, by inserting after “York River” the following: “and for repair, strengthening, and rehabilitation of the existing bridge”; and

(2) in item number 10, relating to Shakopee, Minnesota, by inserting “project, including the bypass of” after “replacement”.

SEC. 333. CONGESTION RELIEF PROJECTS.

The table contained in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2029–2031) is amended—

(1) in item number 1, relating to Long Beach, California, by striking “HOV Lanes on” and inserting “downtown Long Beach access ramps into the southern terminus of”;

(2) in item number 10, relating to San Diego, California, by striking “1 block of Cut and Cover Tunnel on Rt. 15” and inserting “bridge decking on Route 15”;

(3) in item number 23, relating to Tucson, Arizona, by inserting “, of which a total of \$3,609,620 shall be available for the project authorized by item number 74 of the table contained in subsection (f)” after “in Tucson, Arizona”; and

(4) in item number 43, relating to West Virginia, by striking “Coal Fields” and inserting “Coalfields”.

SEC. 334. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

Section 1105(c)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by inserting before the period at the end the following: “commencing on the Atlantic Coast in the Hampton Roads-Norfolk area going westward across Virginia to a West Virginia corridor centered around Beckley to Welch as part of the Coalfields Expressway described in section 1069(v), then to Williamson sharing a common corridor with the I-73/74 Corridor (referred to in item 12 of the table contained in subsection (f)), then to a Kentucky Corridor centered on the cities of Pikeville, Jenkins, Hazard, London, Somerset, Columbia, Bowling Green, Hopkinsville, Benton, and Paducah, into Illinois, and into Missouri and exiting Western Missouri and entering the southeast corner of Kansas”.

SEC. 335. HIGH PRIORITY CORRIDOR PROJECTS.

The table contained in section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033–2035) is amended—

(1) in item 1, relating to Pennsylvania, by inserting after “For” the following: “the segment described in item 6 of this table and up to \$11,000,000 for”;

(2) in item 2, relating to Alabama, Georgia, Mississippi, Tennessee, by inserting after “Rt. 72” the following: “and up to \$1,500,000 from the State of Alabama’s share of the project for modification of the Keller Memorial Bridge in Decatur, Alabama, to a pedestrian structure”; and

(3) in item number 26, relating to Indiana, Kentucky, Tennessee, by striking “Newberry” and inserting “Evansville”.

SEC. 336. RURAL ACCESS PROJECTS.

The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037–2042) is amended—

(1) in item number 34, relating to Illinois, by striking “Resurfacing” and all that follows through “Omaha” and inserting “Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County”;

(2) in item number 52, relating to Bedford Springs, Pennsylvania, by striking “and Huntingdon” and inserting “Franklin, and Huntingdon”;

(3) in item number 61, relating to Lubbock, Texas, by striking “with Interstate 20” and inserting “with Interstate 10 through Interstate 20 and Interstate 27 north of Amarillo to the Texas/Oklahoma border”;

(4) in item number 71, relating to Chautauqua County, New York, by inserting “and other improvements” after “expressway lanes”;

(5) in item number 75, relating to Pennsylvania, by striking “Widen” and all that follows through “lanes” and inserting “Road improvements on a 14-mile segment of U.S. Route 15 in Lycoming County, Pennsylvania”;

(6) in item number 93, relating to New Mexico, by striking “Raton-Clayton Rd., Clayton, New Mexico” and inserting “U.S. Rt. 64/87 from Raton, New Mexico, through Clayton to the Texas-New Mexico State line”; and

(7) in item number 111, relating to Parker County, Texas (SH199)—

(A) by striking “Parker County” and inserting “Parker and Tarrant Counties”; and

(B) by striking “to four-” and inserting “in Tarrant County, to freeway standards and in Parker County to a 4-”.

SEC. 337. URBAN ACCESS AND MOBILITY PROJECTS.

The table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2043–2047) is amended—

- (1) in item number (9), relating to New York, New York, by striking “Improvements” and all that follows through “NY” and inserting “Projects in New York City, New York (other than improvements to the Miller Highway)”;
- (2) in item number 13, relating to Joliet, Illinois, by striking “and construction and interchange at Houbolt Road and I–80”;
- (3) in item number 36, relating to Compton, California, by striking “For a grade” and all that follows through “Corridor” and inserting “For grade separations and other improvements in the city of Compton, California”; and
- (4) in item number 52, relating to Chicago, Illinois, by striking “Right-of-way” and all that follows through “Connector”) and inserting “Reconstruct the Michigan Avenue viaduct”.

SEC. 338. INNOVATIVE PROJECTS.

The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048–2059) is amended—

- (1) in item 19, relating to Water Street, Pennsylvania—
 - (A) by striking “Water Street.”; and
 - (B) by inserting “, or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania” after “Pennsylvania” the second place it appears;
- (2) in item 20, relating to Holidaysburg, Pennsylvania—
 - (A) by striking “Holidaysburg,” the first place it appears; and
 - (B) by inserting “, or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania” after “Pennsylvania” the second place it appears;
- (3) in item number 24, relating to Pennsylvania, by inserting after “line” the following: “and for the purchase, rehabilitation, and improvement of any similar existing facility within a 150-mile radius of such project, as selected by the State of Pennsylvania”;
- (4) in item number 29, relating to Blacksburg, Virginia, by inserting “methods of facilitating public and private participation in” after “demonstrate”;
- (5) in item number 35, relating to Alabama, by striking “to bypass” and all that follows through “I–85” and inserting “beginning on U.S. Route 80 west of Montgomery, Alabama, and connecting to I–65 south of Montgomery and I–85 east of Montgomery”;
- (6) in item 49, relating to Suffolk County, New York, by inserting after “perimeters” the following: “and provide funds to the towns of Brookhaven, Riverhead, Smithtown, East Hampton, Southold, Shelter Island, and Southampton for the purchase of vehicles to meet the transportation needs of the elderly and persons with disabilities”;
- (7) in item number 52, relating to Pennsylvania, by striking “2” and all that follows through “Pennsylvania” and inserting “or rehabilitate (or both) highway and transportation infrastructure projects within 30 miles of I–81 or I–80 in northeastern Pennsylvania”;
- (8) in item number 61, relating to Mojave, California, by striking “Mojave” and inserting “Victorville” and by inserting “Mojave” after “reconstruct”;
- (8) in item number 68, relating to Portland/S. Portland, Maine—
 - (A) by striking “Portland/S. Portland.”; and
 - (B) by inserting after “Bridge” the following: “and improvements to the Carlton Bridge in Bath-Woolworth”;
- (9) in item number 76, relating to Tennessee, by inserting “Improved access to” before “I–81” and striking “Interchange” and inserting after “Tennessee” the following: “via improvements at I–181/Eastern Star Road and I–81/Kendrick Creek Road”;
- (10) in item number 100, relating to Arkansas, by striking “Thornton” and inserting “Little Rock”;
- (11) in item number 113, relating to Durham County, North Carolina, by inserting after “Route 147” the following: “, including the interchange at I–85”;
- (12) in item number 114, relating to Corpus Christi to Angleton, Texas, by striking “Construct new multi-lane freeway” and inserting “Construct a 4-lane divided highway”;
- (13) in item number 193, relating to Corning, New York, by inserting “and other improvements” after “expressway lanes”; and
- (14) in item 196, relating to Orlando, Florida—
 - (A) by striking “Orlando.”; and

(B) by striking "Land" and all that follows through "project" and inserting "One or more regionally significant, intercity ground transportation projects".

SEC. 339. INTERMODAL PROJECTS.

The table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2060–2063) is amended—

(1) in item number 12, relating to Buffalo, New York, by inserting after "Project" the following: "and the Crossroads Arena Project"; and

(2) in item number 31, relating to Los Angeles, California, by striking "To improve ground access from Sepulveda Blvd. to Los Angeles, California" and inserting the following: "For the Los Angeles International Airport central terminal ramp access project, \$3,500,000; for the widening of Aviation Boulevard south of Imperial Highway, \$3,500,000; for the widening of Aviation Boulevard north of Imperial Highway, \$1,000,000; and for transportation systems management improvements in the vicinity of the Sepulveda Boulevard/Los Angeles International Airport tunnel, \$950,000".

SEC. 340. MISCELLANEOUS REVISIONS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.

(a) CALIFORNIA.—Section 149(a)(69) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), relating to Burbank-Glendale-Pasadena Airport, California, is amended—

(1) in the first sentence by striking "highway";

(2) in the first sentence by striking "and construction of terminal and parking facilities at such airport"; and

(3) by striking "by making" in the second sentence and all that follows through the period at the end of such sentence and inserting the following: "by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.".

(b) LOUISIANA.—

(1) RURAL ACCESS PROJECT.—

(A) RESCISSION.—Effective October 1, 1995, the unobligated balances on September 30, 1995, of funds made available for section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; relating to West Calcasieu Parish, Louisiana) are hereby rescinded.

(B) FUNDING.—Item number 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038), relating to Lake Charles, Louisiana, is amended by striking "4.1" and inserting "8.8".

(2) I-10 EXIT RAMP AND OTHER PROJECTS.—Section 149(a)(89) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191) is amended—

(A) by inserting "AND LAKE CHARLES" after "LAFAYETTE" in the paragraph heading; and

(B) by inserting before the period at the end "and, of amounts made available to carry out this paragraph, may use up to \$456,022 to carry out a comprehensive transportation and land use plan for Lafayette, Louisiana, \$1,000,000 to carry out a project to construct an exit ramp from the east-bound side of Interstate Route I-10 to Ryan Street in Lake Charles, Louisiana, and \$269,661 under this paragraph for projects described in section 149(a)(90)".

(3) CONTRABAND BRIDGE.—Section 149(a)(90) of such Act (101 Stat. 191) is amended—

(A) by inserting "AND LAKE CHARLES" after "LAFAYETTE" in the paragraph heading; and

(B) by inserting "and a project to construct the Contraband Bridge portion of the Nelson Access Road Project" before the period at the end.

(c) PENNSYLVANIA.—Section 149(a)(74) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 192) is amended by inserting before the period at the end the following: "and other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon, Pennsylvania".

(d) MARYLAND.—Section 149(a)(92) of such Act (101 Stat. 194) is amended—

(1) by striking "UNITED STATES ROUTE 48" and inserting "WASHINGTON AND FREDERICK COUNTIES"; and

(2) by inserting “and to construct an interchange between Interstate Route I-70 and Interstate Route I-270 in Frederick County, Maryland” after “Mountain Road”.

(e) BUS TESTING FACILITY.—Section 5318 of title 49, United States Code, is amended—

(1) in subsection (b) by inserting “or cooperative agreement” after “contract” each place it appears; and

(2) by adding at the end the following:

“(f) CONVERSION OF CONTRACTS.—The Secretary may convert existing contracts entered into under this section into cooperative agreements.”.

SEC. 341. ELIGIBILITY.

(a) EXISTING PROJECT.—Section 108(b) of the Federal-Aid Highway Act of 1956 (23 U.S.C. 101 note) is amended—

(1) by striking “(1)” before “such costs may be further”; and

(2) by striking “; and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street”.

(b) OTHER EXISTING PROJECTS.—

(1) RECONSTRUCTION AND WIDENING.—The project authorized by section 162 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2136) shall include reconstruction and widening to 6 lanes of existing Interstate Route 95 and of the Pennsylvania Turnpike from United States Route 1 to the junction with the New Jersey Turnpike.

(2) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share payable on account of the project referred to in paragraph (1), including the additional through roadway and bridge travel lanes, shall be 90 percent of the cost of the project.

(3) TOLLS.—Notwithstanding section 301 of title 23, United States Code, the project for construction of an interchange between the Pennsylvania Turnpike and Interstate Route 95, including the widening of the Pennsylvania Turnpike, shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title and tolls may be continued on all traffic on the Pennsylvania Turnpike between United States Route 1 and the New Jersey Turnpike.

(c) TYPE II NOISE BARRIERS.—No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers (as defined by section 772.5(i) of title 23, Code of Federal Regulations) pursuant to sections 109(h) and (i) of title 23, United States Code if such barriers were not part of a project approved by the Secretary before the date of the enactment of this Act.

SEC. 342. ORANGE COUNTY, CALIFORNIA, TOLL ROADS.

The Secretary shall enter into an agreement modifying the agreement entered into pursuant to section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-338) to conform such agreement to the provisions of section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103-331). Nothing in this section shall be construed to change the amount of the previous appropriation in such section 339, and the line of credit provided for shall not exceed an amount supported by the previous appropriation. In implementing such sections 336 and 339, the Secretary may enter into an agreement requiring an interest rate that is higher than the rate specified in such sections.

SEC. 343. MISCELLANEOUS STUDIES.

(a) PAN AMERICAN HIGHWAY.—

(1) STUDY.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

(2) ELEMENTS.—The study to be conducted under paragraph (1) shall include, at a minimum, the following elements:

(A) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

(B) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.

(C) Recommendations for establishing a Pan American highway authority to monitor financing, construction, maintenance, and operations of the Pan American Highway.

(D) Findings on the benefits to trade and prosperity of a more efficient Pan American Highway.

(E) Findings on the benefits to United States industry through the use of United States technology and equipment in construction of improvements to the Pan American Highway.

(F) Findings on environmental considerations, including environmental considerations relating to the Darien Gap.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(b) HIGHWAY SIGNS FOR NATIONAL HIGHWAY SYSTEM.—The Secretary shall conduct a study to determine the cost, need, and efficacy of establishing a highway sign for identifying routes on the National Highway System. In conducting such study, the Secretary shall make a determination concerning whether to identify National Highway System route numbers.

(c) COMPLIANCE WITH BUY AMERICAN ACT.—

(1) STUDY.—The Secretary shall conduct a study on compliance with the provisions of the Buy American Act (41 U.S.C. 10a–10c) with respect to contracts entered into using amounts made available from the Highway Trust Fund.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1).

SEC. 344. COLLECTION OF BRIDGE TOLLS.

Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 345. NATIONAL DRIVER REGISTER.

Section 30308(a) of title 49, United States Code, is amended by striking “and \$2,550,000 for fiscal year 1995” and inserting “and \$2,550,000 for each of fiscal years 1995 and 1996”.

SEC. 346. ROADSIDE BARRIER TECHNOLOGY.

Section 1058 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 2003) is amended—

(1) in subsection (a) by striking “median” and inserting “or temporary crashworthy”;

(2) in subsection (a) by inserting “crashworthy” after “innovative”;

(3) in the heading of subsection (c) by inserting “CRASHWORTHY” after “INNOVATIVE”;

(4) in subsection (c) by inserting “crashworthy” after “innovative”;

(5) in subsection (c) by striking “median”;

(6) by inserting “or guiderail” after “guardrail”; and

(7) by inserting before the period at the end of subsection (c) “, and meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers”.

SEC. 347. MOTORIST CALL BOXES.

(a) EFFECTIVE CONTROL.—Section 131(c) of title 23, United States Code, is amended—

(1) by striking “and (5)” and inserting the following: “(5) signs, displays, and devices identifying and announcing free motorist aid call boxes and advertising their sponsorship by corporations or other organizations, and (6)”; and

(2) by adding at the end the following new sentence: “The Secretary shall ensure that spacing of signs, displays, and devices announcing motorist aid call boxes is reasonable.”.

(b) SPECIFIC SERVICE SIGNS.—Section 131(f) of title 23, United States Code, is amended by adding at the end the following: “For purposes of this subsection, the term ‘specific information in the interest of the traveling public’ includes identification, announcement, and sponsorship of motorist aid call boxes.”.

SEC. 348. REPEAL OF NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM.

Sections 141(a) and 154 of title 23, United States Code, and the item relating to section 154 in the analysis to chapter 1 of such title are repealed.

SEC. 349. ELIMINATION OF PENALTY FOR NONCOMPLIANCE FOR MOTORCYCLE HELMETS.

Subsection (h) of section 153 of title 23, United States Code, is amended by striking “a law described in subsection (a)(1) and” each place it appears.

SEC. 350. SAFETY REST AREAS.

Section 120(c) of title 23, United States Code, is amended by inserting “safety rest areas,” after “signalization,”.

SEC. 351. EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS.

(a) EXEMPTIONS.—

(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 50 air mile radius from the source of the commodities or the distribution point for the farm supplies and is during the planting and harvesting seasons within such State, as determined by the State.

(2) TRANSPORTATION AND OPERATION OF GROUND WATER WELL DRILLING RIGS.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation and operation of a ground water well drilling rig, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(3) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(4) SNOW AND ICE REMOVAL.—A State may waive the requirements of chapter 313 of title 49, United States Code, with respect to a vehicle that is being operated within the boundaries of an eligible unit of local government by an employee of such unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting. Such waiver authority shall only apply in a case where the employee is needed to operate the vehicle because the employee of the eligible unit of local government who ordinarily operates the vehicle and who has a commercial drivers license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

(5) VEHICLES WEIGHING LESS THAN 26,000 POUNDS.—The provisions of subtitle VI of title 49, United States Code (and regulations promulgated thereunder), applicable to commercial motor vehicles shall not be enforced with respect to a vehicle with gross vehicle weight rating of less than 26,000 pounds.

(b) EFFECTIVE DATE.—The provisions of subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(c) REVIEW BY THE SECRETARY.—The Secretary may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time, the Secretary determines that granting such exemption would not be in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles, then the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) 8 CONSECUTIVE DAYS.—The term “8 consecutive days” means the period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(2) 24-HOUR PERIOD.—The term “24-hour period” means any 24-consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

(3) GROUND WATER WELL DRILLING RIG.—The term “ground water well drilling rig” means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

(4) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—The term “transportation of construction materials and equipment” means the transportation of construction materials, construction finished related products, construction personnel, and construction equipment by a driver within a 50 air mile radius of the normal work reporting location of the driver.

(5) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term “eligible unit of local government” means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law which has a total population of 3,000 individuals or less.

SEC. 352. TRAFFIC CONTROL SIGNS.

Traffic control signs erected under the experimental project conducted in the State of Oregon in December 1991 shall be deemed to comply with the requirements of section 2B-4 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

SEC. 353. BRIGHTMAN STREET BRIDGE, FALL RIVER HARBOR, MASSACHUSETTS.

Notwithstanding any other provision of law, the Brightman Street Bridge in Fall River Harbor, Massachusetts, may be reconstructed to result in a clear channel width of less than 300 feet.

TITLE IV—TRUTH IN BUDGETING

SEC. 401. SHORT TITLE.

This title may be cited as the "Truth in Budgeting Act".

SEC. 402. BUDGETARY TREATMENT OF HIGHWAY TRUST FUND, AIRPORT AND AIRWAY TRUST FUND, INLAND WATERWAYS TRUST FUND, AND HARBOR MAINTENANCE TRUST FUND.

The receipts and disbursements of the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund—

(1) shall not be included in the totals of—

(A) the budget of the United States Government as submitted by the President, or

(B) the congressional budget (including allocations of budget authority and outlays provided therein),

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government, and

(3) shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 403. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Chapter 481 of title 49, United States Code, is amended by inserting after section 48110 the following new section:

"§ 48111. Safeguards against deficit spending

"(a) ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.—Not later than March 31 of each year, the Secretary, in consultation with the Secretary of the Treasury, shall estimate—

"(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31, and

"(2) the net aviation receipts at the close of such fiscal year.

"(b) PROCEDURE IF EXCESS UNFUNDED AVIATION AUTHORIZATIONS.—If the Secretary determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

"(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

"(1) DETERMINATION OF PERCENTAGE.—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

"(A) such excess, is of

"(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for the next fiscal year.

"(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

"(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—

"(1) ADJUSTMENT OF AUTHORIZATIONS.—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously

determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

“(2) APPORTIONMENT.—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

“(3) PERIOD OF AVAILABILITY.—Any funds apportioned under paragraph (2) 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 under paragraph (2).

“(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

“(f) DEFINITIONS.—For purposes of this section, the following definitions apply:

“(1) NET AVIATION RECEIPTS.—The term ‘net aviation receipts’ means, with respect to any period, the excess of—

“(A) the receipts (including interest) of the Airport and Airway Trust Fund during such period, over

“(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

“(2) UNFUNDED AVIATION AUTHORIZATIONS.—The term ‘unfunded aviation authorization’ means, at any time, the excess (if any) of—

“(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

“(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated).”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 481 of title 49, United States Code, is amended by adding at the end the following:

“48111. Safeguards against deficit spending.”.

SEC. 404. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF THE INLAND WATERWAYS TRUST FUND AND HARBOR MAINTENANCE TRUST FUND.

(a) ESTIMATES OF UNFUNDED INLAND WATERWAYS AUTHORIZATIONS AND NET INLAND WATERWAYS RECEIPTS.—Not later than March 31 of each year, the Secretary of the Army, in consultation with the Secretary of the Treasury, shall estimate—

(1) the amount which would (but for this section) be the unfunded inland waterways authorizations and unfunded harbor maintenance authorizations at the close of the first fiscal year that begins after that March 31; and

(2) the net inland waterways receipts and net harbor maintenance receipts at the close of such fiscal year.

(b) PROCEDURE IF EXCESS UNFUNDED INLAND WATERWAYS AUTHORIZATIONS.—If the Secretary of the Army determines with respect to the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

(1) DETERMINATION OF PERCENTAGE.—If the Secretary of the Army determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary of the Army shall determine the percentage which—

(A) such excess, is of

(B) the total of the amounts authorized to be appropriated from the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund, as the case may be, for the next fiscal year.

(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary of the Army determines a percentage under paragraph (1), each amount authorized to be appropriated from the Trust Fund for the next fiscal year shall be reduced by such percentage.

(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—If, after an adjustment has been made under subsection (c)(2), the Secretary of the Army determines with respect to the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) with respect to the Trust Fund is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) with

respect to the Trust Fund shall be increased, by an equal percentage, to the extent the Secretary of the Army determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed with respect to the Trust Fund the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary of the Army to Congress.

(f) DEFINITIONS.—For purposes of this title, the following definitions apply:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term “Airport and Airway Trust Fund” means the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986.

(2) HARBOR MAINTENANCE TRUST FUND.—The term “Harbor Maintenance Trust Fund” means the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.

(3) HIGHWAY TRUST FUND.—The term “Highway Trust Fund” means the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986.

(4) INLAND WATERWAYS TRUST FUND.—The term “Inland Waterways Trust Fund” means the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(5) NET HARBOR MAINTENANCE RECEIPTS.—The term “net harbor maintenance receipts” means, with respect to any period, the receipts (including interest) of the Harbor Maintenance Trust Fund during such period.

(6) NET INLAND WATERWAYS RECEIPTS.—The term “net inland waterways receipts” means, with respect to any period, the receipts (including interest) of the Inland Waterways Trust Fund during such period.

(7) UNFUNDED INLAND WATERWAYS AUTHORIZATIONS.—The term “unfunded inland waterways authorizations” means, at any time, the excess (if any) of—

(A) the total amount authorized to be appropriated from the Inland Waterways Trust Fund which has not been appropriated, over

(B) the amount available in the Inland Waterways Trust Fund at such time to make such appropriations.

(8) UNFUNDED HARBOR MAINTENANCE AUTHORIZATIONS.—The term “unfunded harbor maintenance authorizations” means, at any time, the excess (if any) of—

(A) the total amount authorized to be appropriated from the Harbor Maintenance Trust Fund which has not been appropriated, over

(B) the amount available in the Harbor Maintenance Trust Fund at such time to make such appropriations.

SEC. 405. APPLICABILITY.

This title (including the amendments made by this title) shall apply to fiscal years beginning after September 30, 1995.

PURPOSE

The purpose of this legislation is to designate the National Highway System consisting of the National System of Interstate and Defense Highways and those principal arterial roads which are essential for interstate and regional commerce and travel, national defense, intermodal transfer facilities and international commerce; to provide relief to States due to the impact of section 1003(c) of the Intermodal surface Transportation Efficiency Act; to provide a trigger mechanism to force reauthorization of ISTEA in fiscal year 1996; to relieve States from certain penalties and mandates in current law; and to make technical and minor policy clarifications to the current Federal-aid highway, transit and safety programs.

BACKGROUND AND NEED

NATIONAL HIGHWAY SYSTEM

The National Highway System, the centerpiece of ISTEA and the post-Interstate era, will be to the 21st century what the Interstate was to the 20th century—a beacon of progress to carry persons and

goods safely and efficiently across our great country. The NHS, made up of the Interstate system and the most important highways in the country, is the backbone of the nation's transportation system. While comprising only 4.1% of the nation's total highway mileage, it will carry 40% of all highway travel, 75% of all trucking commerce and 80% of all tourist travel.

The NHS is needed more than ever since America's reliance on its highways is at an all-time high. The vast majority of personal trips are over highways. 78% of the value of all freight is transported by truck over its roads. Over 75% of all the cities and towns in America rely exclusively on trucks for freight delivery. The NHS will extend the benefits of the Interstate system to areas of the U.S. not currently served by Interstate highways. Overall, the NHS will carry 42% of rural and 40% of all urban travel miles. 95% of all U.S. businesses and 90% of all U.S. households will be located within five miles of an NHS route. While the Interstate system serves many urban areas with populations over 50,000 and most state capitals, the NHS will serve them all.

The NHS approved in this bill is the result of a process involving extensive consultations between the Federal Highway Administration (FHWA), the States and metropolitan planning organizations, which predated Congressional enactment of ISTEA. In the spring of 1990, the Public Works and Transportation Committee requested that FHWA produce an illustrative NHS system. In ISTEA, using this illustrative system as a guide, Congress required the Secretary of Transportation, within a two-year period after enactment of the Act, to submit a proposed NHS not to exceed 155,000 miles with 15% leeway upwards or downwards, for a maximum system of 178,000 miles. Congress stipulated that the NHS consist of the Interstate System, Congressional High-Priority Corridors identified in ISTEA, other urban and rural principal arterials, the strategic highway network, strategic highway network connectors to major military installations and highways which provide access to major ports, airports and other intermodal transportation facilities. In addition, ISTEA established a dedicated source of funds apportioned from the Highway Trust Fund for the NHS and established an interim NHS system until Congress designated the final system by legislation.

With the illustrative NHS as a starting point, the States submitted to the FHWA their recommended systems based on assigned urban and rural mileage targets. The FHWA then worked with the States to finalize the NHS system. As required by ISTEA, on December 9, 1993, the Secretary transmitted to Congress a proposed NHS based on its review of, and adjustments to, the State route submissions. The development of that proposal was an undertaking unparalleled since the Interstate System was originally designed.

Proposed by the Secretary is a National Highway System of over 160,745 miles—75% rural mileage and 25% urban mileage—that is well within the mileage parameters set forth by ISTEA. Included in the Secretary's proposal is the approximate 45,000 mile Interstate system; about 15,668 miles of the Strategic Highway Network (STRAHNET) identified by the Department of Defense; nearly 1890 miles of roads that provide access to 242 military installations;

4,506 miles of Congressionally designated high priority corridors; and about 92,000 miles of principal arterial routes.

The proposed NHS does not include all eligible highway connectors to major intermodal facilities. The FHWA, in consultation with States and metropolitan planning organizations, has been involved in a two year process using established criteria to identify all eligible connectors to major intermodal facilities. The FHWA plans to submit these proposed additions to the NHS in November of 1995. The bill requires these intermodal connectors to be submitted to the Congress within six months after enactment of the NHS legislation and to be approved by Congress prior to being made part of the system. However, in the interim, highway routes which connect to major intermodal facilities, and which the Secretary determines to be consistent with criteria for identifying such connectors, may be funded with NHS funds.

The NHS must be approved by October 1, 1995 or \$5.2 billion in fiscal year 1996 NHS and Interstate Maintenance funds (the authorized amount was \$6.5 billion, but this amount has been reduced due to the application of section 1003(c)) and \$6.5 billion in fiscal year 1997 NHS and Interstate Maintenance funds are withheld until such time as the NHS is approved.

SEQUESTRATION OF FISCAL YEAR 1997 HIGHWAY AND TRANSIT FUNDS

ISTEA authorizes the Federal-aid highway and transit programs through fiscal year 1997. H.R. 2274 includes provisions to sequester fiscal year 1997 highway and transit funding until August 1, 1997 (other than funds necessary for the administration of the FHWA and FTA and funding for exempt programs) These two provisions have the effect of providing for the early reauthorization of ISTEA in 1996—one year ahead of schedule.

The purpose of these provisions is to withhold fiscal year 1997 highway and transit funds from being distributed to the States, but preserving the favorable funding levels provided in ISTEA, particularly in the transit program. Since these provisions sequester funds rather than rescind or eliminate the last year of highway and transit program funding, the budget authority is preserved.

THE NEED FOR AN EARLY REAUTHORIZATION OF THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

There are many compelling reasons why ISTEA should be reauthorized next year as opposed to waiting until 1997. First, the opportunity for the highest funding levels possible for the highway and transit programs is best next year. As the budget climate becomes increasingly restrictive as we continue our glidepath to a balanced budget by the year 2002 and if the transportation trust funds are not removed from the unified budget, it will become difficult to achieve adequate budget levels necessary to address the overwhelming transportation needs facing the country today.

Second, the Subcommittee on Surface Transportation held a series of hearings early in 1995 where numerous witnesses—ranging from Governors, State Department of Transportation officials, transit representatives and private transportation interests—testified as to the numerous mandates, burdens, and other types of inefficiencies in our current programs. It became clear that reform pro-

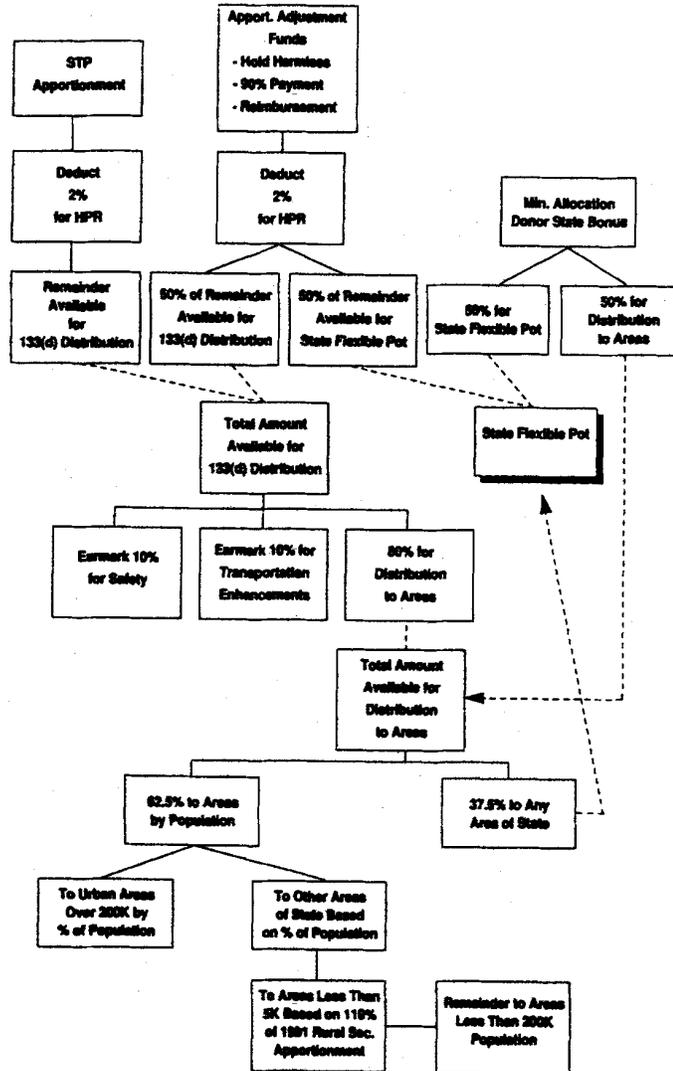
posals were too numerous to be addressed in this National Highway System bill and that it would be more productive to concentrate reform efforts on a 1996 reauthorization. A brief discussion of some of the programmatic areas identified as ripe for reform follows.

A fundamental problem with ISTEA is that funding formulas are inherently unfair to many States, known as "minimum allocation" or "donor states." Since the Highway Trust Fund was created in 1956, several States have seen a rate of return for the Federal gas tax dollars contributed by their State motorists that is as low as 75 or 77%. When Congress was writing a new transportation law in 1991, many States which had for years been paying more in gas taxes than they were receiving back in federal transportation funds saw an opportunity to restore equity in the program. Instead, the formulas ultimately included the ISTEA essentially locked in the donor status of these states since many of the core ISTEA highway programs are distributed based on a historic average that States had received in the previous five years.

Because of this, ISTEA is replete with "equity adjustment" programs. ISTEA includes the Minimum Allocation program, Donor State bonus, 90 percent of payment guarantee, Hold Harmless and other programs in an effort to address the funding inequities to some States. Twenty-five states have received Minimum Allocation amounts in at least one of the years since ISTEA was enacted, and 18 states have received minimum allocation payments in each of the years 1992 through 1995.

When ISTEA was enacted in 1991, it was hailed as a new era in transportation, in part because it promised to turn back more authority and flexibility to State and local officials. The Act was perceived to be a more simple program than the previous one with fewer requirements and more freedom at the local level. However, when States actually began to implement ISTEA, they discovered that ISTEA was as complicated as any previous transportation program. Many programs have various suballocation and set-asides that result in the States accounting for more than 30 different highway funding categories. The complexity of the program is illustrated by this FHWA chart concerning just the Surface Transportation Program.

Appendix D-2: Surface Transportation Program— Sub-State Distribution



A top-to-bottom review of ISTEA in 1996 would provide an opportunity to explore the merits of a more straight-forward, less complicated program.

Many witnesses at Subcommittee hearings testified as to the numerous regulations and other requirements issued by the FHWA that have left the States drowning in paper and forced to devote personnel and resources to generate paperwork to satisfy Washington while producing little tangible benefits for the actual program. Concerns have been raised as to the duplicative requirements, unnecessary studies, numerous reviews and other areas which complicate the delivery of actual highway or transit projects. An early reauthorization of ISTEA would enable the Congress to review various recommendations to determine whether we can indeed improve the program and cut back on lengthy, unnecessary delays while continuing to maintain a process which ensures adequate planning, opportunity for public comment and other necessary reviews.

Reauthorizing ISTEA next year would allow the Congress to reassess the federal interest in our transportation programs—as is being done currently in many other federal programs.

This has already been reflected in the proposal put forth by the Department of Transportation and included in the Administration's fiscal year 1996 budget proposal. The Administration proposal would consolidate all the separate transportation grant programs, including aviation, and replace those various grants with the "Unified Transportation Infrastructure Investment Program" ("UTIIP"). The UTIIP, funded through the Highway and Aviation Trust Funds, would include a \$10 billion Unified Allocation Grant that would be distributed by formula to State and local governments. The States would then be free to allocate those funds to the particular priorities of each individual state or area. One State program separate from the Unified Allocation Grant would be an \$8 billion program for Interstate and National Highway System highways. As stated in accompanying budget documents, this separate Interstate and National Highway System funding category "reflects the national interest in ensuring that the condition and performance of these systems are maintained." Funds would also be reserved for those transit projects for which full funding grant agreements had already been entered into and for operating assistance.

Finally, both the House and Senate passed versions of the 1991 reauthorization were five-year acts. Over the past two years, the Committee has learned that six years is too long a period for an authorization, since changed circumstances will inevitably result in glaring deficiencies in such bills.

For these various reasons, the right time to review and reauthorize the Federal aid highway and transit programs is sooner rather than later.

MITIGATION OF THE IMPACT OF SECTION 1003(C) OF ISTEA

Title II of the bill contains a series of provisions intended to mitigate the impact of the budget reductions in the fiscal year 1996 highway funds going out to the States due to the impact of section 1003(c) of ISTEA.

Background

Section 1003(c) is an obscure provision of ISTEA that provided a cap on the amount of budget authority that could be made available during the first five fiscal years of ISTEA at \$98.6 billion. Section 1003(c) was included in ISTEA in order for that statute to comply with the fiscal year 1991 Budget Resolution. The \$98.6 billion figure represented the best estimate at the time of the amount of highway funding that would go out to the States during the first five years of ISTEA.

At the time of the passage of ISTEA, it was impossible to formulate a precise estimate of ISTEA highway spending, however ISTEA's programs included two funding equity adjustments, the Minimum Allocation and Hold Harmless programs, that are designed to ensure that each State receives a minimum percentage of the overall amount of highway funding. During the first four years of ISTEA, funding for these two equity adjustment categories exceeded initial estimates.

These programs required funding levels that were in excess of estimates for two primary reasons. The first is that Minimum Allocation and Hold Harmless ensure that each State receives a certain amount of total available funding and their formulas are based on factors that include the amount of tax revenues received into the Highway Trust Fund and the States' current and prior year funding levels. These were factors that could never be accurately predicted in advance. Second, these equity adjustment categories were authorized in ISTEA for "such sums as may be necessary", so that the total amount needed to fund each of those programs had no annual cap.

Early in 1995, it became evident that funding during fiscal year 1996, the fifth year of ISTEA, would exceed the \$98.6 billion hard cap set in place by section 1003(c) if funding went out to each State at the level prescribed by ISTEA. The FHWA estimated that to comply with section 1003(c), total fiscal year 1996 highway funding would need to be cut by an estimated \$4.2 billion. The FHWA informed the Committee that it would comply with section 1003(c) by cutting all highway programs, including programs subject to and exempt from the obligation limitation, across-the-board by a total of \$4.2 billion.

This cut due to section 1003(c) would have a catastrophic effect on State highway planning. Each and every State has formulated Transportation Improvement Programs, (TIP), that set forth the menu of projects that would be funded for fiscal year 1996 and the amounts for each project. This cut in new budget authority would have left many States unable to fund ongoing projects.

The Transportation and Infrastructure Committee's first priority was to fully restore the \$4.2 billion in budget authority. The Committee persuaded the House Budget Committee to include in the Transportation Committee's budget allocation in the House-passed version of the fiscal year 1996 Budget Resolution an extra allocation of \$4 billion. This would have permitted the Transportation Committee to fully restore funding cut by section 1003(c) in this bill. The additional allocation was not included in the Senate passed version of the fiscal year 1996 Budget Resolution, however.

Unfortunately, the additional allocation was not included in the fiscal year 1996 Budget resolution Conference Report.

The Transportation and Infrastructure Committee then began work on remediating the impact of section 1003(c) in light of not being able to provide any additional budget authority. The resolution of that effort is included in this bill as Title II, the Highway Funding Restoration Act of 1995.

Recently, the FHWA revised its estimate of the size of the cut required by sec. 1003(c) downward from \$4.2 billion to \$2.8 billion. This revised estimate was due to (i) significantly lower estimates for fiscal year 1996 Minimum Allocation, and (ii) removing funds made available from the Emergency Relief program from the total budget authority made available by ISTEA, since that program is permanently authorized. This revised the level of the across-the-board cut from 20% to 13%.

Title II—The Highway Funding Restoration Act of 1995

Title II of this bill remediates the impact of section 1003(c) by providing approximately \$1 billion in restored funding to the States, including full restoration of fiscal year 1996 Minimum Allocation, and provides flexibility to use unobligated balances accumulated in program categories in any type of project.

The bill contains a three-part solution. First, the bill fully restores funding for the cuts in the exempt programs, Minimum Allocation and Projects, through technical changes to the Minimum Allocation Program. Second, the bill provides additional funding to the States derived from rescissions and transfers of unneeded or unused budget authority. Third, the bill gives States flexibility to designate unobligated balances of funds apportioned during ISTEA to be shifted from their specific categories so that States may continue to fund the ongoing, high priority projects programmed on their transportation improvement plans.

Restoration of exempt programs

The bill provides for the full restoration of funding cuts to the programs exempt from the obligation limitation—Minimum Allocation and Projects—through technical changes to the Minimum Allocation program. In ISTEA, the Minimum Allocation program was authorized for “such sums as may be necessary” to funding equity between the States. In fiscal year 1995, Minimum Allocation funding was nearly \$1.4 billion.

The fiscal year 1996 and 1997 baseline projections for total spending in the Minimum Allocation program was estimated to be \$1.4 billion, which was based on the fiscal year 1995 levels. The 1996 baseline amount was reduced to \$1.1 billion to reflect that Minimum Allocation would be reduced by 20% to comply with section 1003(c).

These baseline projections did not take into account ISTEA programmatic changes which would have the effect of reducing Minimum Allocation in fiscal years 1996 and 1997. In fact, the FHWA estimated that Minimum Allocation (exclusive of the section 1003(c) reduction in fiscal year 1996) would be approximately \$600 million in fiscal years 1996 to 1997. The impact of section 1003(c)

would reduce fiscal year 1996 Minimum Allocation to approximately \$485 million.

This bill statutorily sets the Minimum Allocation program funding levels at the baseline levels of \$1.1 billion for fiscal year 1996 and \$1.385 billion in fiscal year 1997. These changes also have the effect of maintaining the baseline levels of funding beyond the fiscal year 1997 expiration of ISTEA. The Minimum Allocation program is then amended to provide for the distribution of these excess funds to the States.

The result of the changes is that Minimum Allocation funds will be allocated as follows. First, the statutory fiscal year 1996 and 1997 Minimum Allocation levels will be calculated according to existing law. The fiscal year 1996 statutory Minimum Allocation level (including the across the board reduction needed to be taken to comply with section 1003(c)) is estimated to be \$485 million. The \$615 million difference between the \$1.1 billion authorized Minimum Allocation level and the \$485 million actual level will be distributed as follows:

First, funds will be distributed to bring Minimum Allocation up to the levels that it would have been funded at but for the application of section 1003(c). The first remediation is estimated to require \$79 million to bring fiscal year 1996 Minimum Allocation up to the \$565 million that it would have been but-for the application of section 1003(c).

Second, if any excess funds remain after the restoration of Minimum Allocation funding, then funds will be distributed to bring ISTEA projects up to the levels that they would have received but for the application of section 1003(c). This is estimated to require \$145 million.

Third, if any funds remain after these two distributions, then they shall be distributed to the States according the final ISTEA funding distribution percentage. This formula is the percentage that each State received of the total amount of highway funding made available under ISTEA. This is estimated to be approximately \$390 million. Any funds distributed to the States under this third tier are suballocated to urbanized areas of 200,000 in accordance with section 133(d)(3) of title 23, in the same proportion that the cuts in funds suballocated to urbanized areas due to the application of section 1003(c) is to the total cut of all highway funding (subject to the obligation limitation) due to the application of section 1103(c).

State High Priority Project Restoration Fund

The bill also makes a series of rescissions of unused or unneeded budget authority derived from the Highway Trust Fund and distributes these funds to the States, by formula, for any project purpose eligible under Title 23 in order to makeup some of the budget authority subject to the obligation limitation being lost due to the impact of section 1003(c). All funds being distributed as part of this Fund will be made subject to the obligation limitation.

The State High Priority Restoration Fund will distribute approximately \$385 million in funds in fiscal year 1996 and \$180 million in fiscal year 1997 to the States, derived solely from rescissions of unneeded contract authority, reductions in authorized amounts of

certain contract authority programs, and transfers from certain programs.

The rescissions are derived from those contained in last year's NHS bill, and from additional funds derived from old projects that are no longer viable and unobligated balances for the administration of the FHWA. These funds are then distributed to the States (including a suballocation for urbanized areas over 200,000 in population in proportion to the cut due to the application of section 1003(c) is to the total cut of all highway funding (subject to the obligation limitation) due to the application of section 1003(c)), according to the final ISTEA funding distribution percentage.

The Committee has undertaken a top-to-bottom review of all contract authority projects and programs within its jurisdiction and determined that these programs are no longer justified or viable.

SUMMARY OF RESCISSIONS

Rescission	Fiscal year 1996 and earlier	Fiscal year 1997
1982 Act Projects	877,695	
1987 Act and Later Projects	8,083,639	
Section 402 Unobligated Balance	15,401,107	
Administrative Reserve	150,000,000	
Congestion Pricing	64,956,878	25,000,000
Maglev	¹ 100,000,000	125,000,000
National High Speed Ground Transportation Demonstration Project	5,000,000
Sec. 402 Technical Correction	¹ 20,000,000	25,000,000
Transit Unobligated Balance	10,800,000	
Total	369,869,319	180,000,000

¹ Assumes 20% CBO Baseline Reduction for section 1003(c).

State unobligated balance flexibility

The bill permits States to restore their net reductions in funding due to section 1003(c) through shifting unobligated balances of funds apportioned and allocated to the States during ISTEA from their current program categories. The bill creates the general rule that a State may shift funds, up to its net loss for fiscal year 1996 due to section 1003, from any apportionment category, subject to three exceptions. The bill is also structured to ensure that metropolitan planning organizations maintain their role in funding and project selection set out in ISTEA.

Each State's net reduction in funding due to the application of section 1003(c) is determined for programs subject to the obligation limitation. Each State's net reduction is calculated by determining the amount that States would have been apportioned and allocated but for the application of section 1003(c). Any amounts allocated to the States under the State High Priority Project Restoration Fund in section 203 and the residual amounts under the revised Minimum Allocation program under Section 206 are subtracted to reach the net amount.

The general policy is that States may designate any unobligated balance from any category and use those designated funds for any Title 23 eligible project up to the net amount of that State's reduction in budget authority due to the application of section 1003(c). This general rule is limited in three respects. First, unobligated balances of Surface Transportation Program (STP) funds

suballocated to urbanized areas over 200,000 may only be designated by States to be spent outside of the metropolitan area if they receive the written concurrence of the metropolitan planning organization for that urbanized area. This is intended to preserve the ISTEA project and planning structure. Second, unobligated balances of funds from the Congestion Mitigation and Air Quality (CMAQ) program must continue to be obligated in non-attainment areas (if such State has a non-attainment area). However, unobligated balances of CMAQ funds designated by a State may be obligated for any title 23 eligible project. Finally, States may only designate up to one-third of unobligated balances of Interstate Construction funds. This limitation is to preserve unobligated balances of funds that were apportioned to complete certain unfinished Interstate system segments.

ELIMINATING PENALTIES AND UNNECESSARY MANDATES

The NHS bill aims to begin the process, to be fully completed when ISTEA is reauthorized, of streamlining the federal-aid highway, transit and safety programs. Over six days of hearings held by the Committee in early 1995 resulted in hundreds of witnesses testifying to the problems in the current program and the barrage of burdens, mandates and red tape that impede efficient delivery of transportation projects and effective management of the current transportation system. While comprehensive reform of the current program is left for the next reauthorization bill, this bill contains several provisions intended to provide immediate relief to some of the more onerous provisions and penalties in current law.

Penalties for States' failure to implement six management systems are repealed. ISTEA mandated that states implement six management systems: pavement, bridge, safety, transit, congestion and intermodal. Under ISTEA, States are required to have all of these systems in place during fiscal year 1995 to avoid a 10% penalty in fiscal year 1996. The theory of management systems is to serve as a tool to better preserve existing transportation systems and more efficiently determine wise transportation investment decisions. However, many States testified that the current management system regulations are overly burdensome and prescriptive, often imposing new and unnecessary mandates. In light of the many concerns raised about the implementation of these systems, the Committee believes they should be fully reviewed and a determination made as to their benefits prior to any penalties exacted on States for noncompliance.

The use of recycled paving material requirements of ISTEA and penalties for failure to implement these requirements are repealed. The so-called "crumb rubber" provision of ISTEA has perhaps attracted the most ire from the majority of State transportation departments than any other provision in ISTEA. Enacted as part of ISTEA as an incentive for the use of recycled rubber in paving material, but also with a heavy penalty for noncompliance, the provision has attracted strong opposition since passage of ISTEA. While several States have implemented crumb rubber paving projects with success, others have met with dismal failures. The rubber pavement industry attributes these failures primarily to lack of knowledge about the proper techniques in using the product. Since

ISTEA however, more and more States have had success with the technology. The Committee believes that States know best how to build highways. The Committee also believes the crumb rubber program has done more harm than good to promote this technology. Ultimately, if it is a good technology with associated benefits, the market will be found for it. Therefore, the Committee has repealed the requirements and penalties of the recycled paving material program.

H.R. 2274, as approved by the Committee, repeals the Federal maximum speed limit law and penalties for noncompliance with the law. By an amendment offered at the Surface Transportation Subcommittee mark-up, the national maximum speed limit and associated penalties for noncompliance were repealed. The speed limit repeal was upheld in Full Committee by defeat of an amendment to reverse the repeal, and defeat of an amendment to set the Federal maximum speed limit at 65 miles per hour. A majority of the Committee believes that states are inherently capable of making the best decisions for their citizens' safety and welfare, and that the states should be trusted to set the appropriate speed limits for their particular region's highway conditions.

H.R. 2274, as approved by the Committee, repeals the penalty imposed on States which do not pass universal motorcycle helmet laws. Section 153 of title 23 provides that, if a state did not have such a law at any time during fiscal year 1994, that State would have 1.5% of its fiscal year 1995 NHS, CMAQ, and STP funds transferred to section 402 safety programs. States which do not have a helmet law at any time during fiscal year 1995, will face having 3% of their NHS, CMAQ, and STP funds transferred to section 402 safety programs in fiscal year 1996. This 3% penalty then continues into the future. Since ISTEA was enacted in 1991, only one State has passed a motorcycle helmet law. In fiscal year 1995, a total of 25 states were penalized with the loss of approximately \$51 million in highway construction funds because they did not have a universal helmet use law. For 1996, the amount of those penalties will double and up to \$100 million will be transferred from highway construction to safety in 25 states. The Committee adopted an amendment to repeal the helmet penalties and to turn back to the States the right to make for themselves the determination on whether a helmet law should be enacted in the State.

H.R. 2274, as approved by the Committee, also exempts certain motor carrier operations from burdensome motor carrier safety regulations. The Committee believes that many of the current motor carrier safety regulations are not applicable to certain categories of motor carrier operations or at certain heavy workload times of the year. In addition, many of these regulations are burdensome to comply with and have questionable safety benefits.

THE TRANSPORTATION TRUST FUNDS BELONG OFF-BUDGET

By a unanimously approved amendment adopted at the Subcommittee, the Committee adopted H.R. 842, the Truth in Budgeting Act, which removes four transportation trust funds from the unified Federal budget.

Four trust funds within the federal budget stand out as unique in their purpose and operation. These four trust funds are the

Highway Trust Fund, Aviation Trust Fund, Inland Waterways Trust Fund, and Harbor Maintenance Trust Fund.

Each of these trust funds was established with a specific contract between the government and the taxpayer. This contract specified that certain user fees or taxes would be levied on the users of highways, airports, inland waterways, and harbors. In return, the government pledged to use the receipts to build transportation infrastructure for the taxpayer's use.

Unfortunately, the federal government has violated this contract with transportation users. Each of the four trust funds carries a large cash balance. These cash balances represent taxes paid by users that are being held by the federal government to mask the true size of the deficit.

For the Highway Trust Fund, the balance is now nearly \$20 billion; the Aviation Trust Fund balance is over \$12 billion; the Inland Waterways Trust Fund balance is nearly \$200 million; and the Harbor Maintenance Trust Fund balance stands at \$300 million. In effect, over time, the federal government has collected and withheld some \$32 billion in earmarked receipts.

The surpluses show that the current budget process does not recognize the unique nature of these funds. Each of the four transportation trust funds has the following characteristics:

- (1) Wholly self-financed by the users.
- (2) Dedicated revenue sources.
- (3) Self-supporting, operating on a pay-as-you-go basis.
- (4) Deficit proof, with expenditures limited to receipts.
- (5) Invests in infrastructure capital programs.
- (6) Finances long-range construction programs, which benefit from certainty in funding.

The solution is clear: *remove these trust funds from the unified budget and account for their receipts and expenditures off-budget.* This action will restore the contract with transportation users and will not adversely affect the deficit.

Theory and operation of transportation trust funds

In establishing the Highway, Aviation, Inland Waterways, and Harbor Maintenance trust funds, Congress had specific policy reasons for choosing a user fee (or excise tax) funding mechanism and a trust fund. Prior to the establishment of the trust funds, transportation infrastructure programs were funded out of general revenues. Everyone paid for the capital improvements, regardless of use.

With the creation of the trust funds, a set of approximate user charges were levied that drew a relationship between those benefiting from the government expenditure and the tax paid. On the other side of the coin, with the creation of a trust fund, the payers of the user fee or excise tax had some assurance that proceeds would finance a program from which they benefit directly.

Highway Trust Fund

The Highway Trust Fund, established in 1956, is financed by excise taxes on gasoline, diesel, and special fuels, as well as taxes on heavy trucks and tires. Total income in fiscal year 1994 was \$20 billion. The current cash balance is also \$20 billion.

The Highway Account of the trust fund pays for the construction and maintenance of Federal-aid highways, bridge rehabilitation and replacement, highway safety programs, and grants for research. A separate Transit Account pays for capital expenditures associated with mass transit projects.

Aviation Trust Fund

Established in 1970, the Aviation Trust Fund is financed by excise taxes on air passenger tickets, domestic air cargo, and non-commercial aviation fuel. For fiscal Year 1994, income totalled \$6 billion and the cash balance was \$12 billion.

The Aviation fund fully finances capital programs of the Federal Aviation Administration, including airport improvement grants, modernization of facilities and equipment for the air traffic control system, and research and development. The trust fund is also permitted to finance approximately half of the FAA's operations account.

Inland Waterways Trust Fund

The Inland Waterways Trust Fund, begun in 1978, is funded by excise taxes on the fuel used in commercial waterway transportation by vessels on specified inland or intracoastal waterways. The fund covers 50 percent of the construction and rehabilitation expenditures for navigation projects on these waterways. Fiscal year 1994 income was \$100 million and the fund balance was \$160 million.

Harbor Maintenance Trust Fund

Established in 1986, the Harbor Maintenance Trust Fund is financed by: 1) ad valorem user fees imposed on commercial cargo loaded and unloaded by specified U.S. ports open to public navigation and 2) through a portion of Saint Lawrence Seaway tolls. The fund pays for Corps of Engineers maintenance of harbors and pays for operations and maintenance costs of the Saint Lawrence Seaway. Receipts for fiscal year 1993 were \$650 million and the fund balance is \$300 million.

Each of these trust funds operates on a deficit proof basis. Expenditures are limited to receipts collected. Because they operate on a pay-as-you-go basis, they do not contribute one nickel to the federal deficit. In fact, if all Federal programs worked as well, the entire Federal budget would be in balance.

Removing the trust funds from the unified budget will not cause fiscal chaos

Unified budget proponents cite a 1967 report by the President's Commission on Budget Concepts as justification for including transportation trust funds on budget. The theory is that a unified budget provides a total macroeconomic picture of the activities of the federal government and its total deficit (and, thus, total borrowings from the private sector).

Transportation trust funds do not belong in a unified budget because:

- (1) By definition, they are deficit proof and removing them from the unified budget could not understate the deficit.

(2) The unified budget implies that trust fund revenues can be used for purposes other than those to which the funds are dedicated by law. Self-financed programs are pitted against general fund programs for scarce appropriations.

(3) By using trust fund surpluses to understate the real deficit in the government's operations, the public is actually misled.

(4) Removing the trust funds from the unified budget does not preclude publication of trust fund transactions. For example, while the Social Security Trust Fund is technically off-budget, its transactions are commonly included in presentations of the federal budget.

(5) Removing the four transportation trust funds will not skew the remaining budget as total outlays from these programs comprise only 1.6 percent of the federal budget.

Others have argued that it is unfair to exclude these programs from across-the-board-cuts or potential sequestrations. Again, there are compelling reasons to separate the transportation trust funds. Because the trust funds, by definition, cannot contribute to the deficit, those programs that do cause the deficit should shoulder reductions. Additionally, because the trust funds consist of dedicated funds, any trust fund reduction cannot be used to fund another program.

Furthermore, Congress and the Executive branch retain *all* their current controls on trust fund programs once they go off-budget. Authorizing committees will still provide contract authority, the level of which is closely scrutinized. Also, both the Appropriations and authorizing committees also will still be able to set obligation limitations to manage the programs. Similarly, the tax writing committees retain all their current power to set and adjust revenues into the trust funds.

The only change will be that there will no longer be an incentive to use trust fund surpluses to mask the operating deficit. This will improve the overall budget process by removing the current budget bias toward operating programs at the expense of the capital investments made by these trust funds.

Finally, some argue that providing off-budget status to these trust funds will encourage other programs to seek special budget status. As was noted, these four funds are unique in their financing and operation. While there are some 170 trust funds in the entire federal budget, most are purely administrative in nature. Just 19 trust funds are funded through excise taxes, and only the four transportation funds are used to provide capital expenditures on infrastructure.

Transportation capital investments have suffered from remaining on-budget

The \$32 billion balance in these four trust funds has accrued at the expense of billions of dollars of documented infrastructure needs. Unmet infrastructure needs, just to maintain the current system, are: \$212 billion for highways, \$78 billion for bridges, \$18 billion for transit, \$50 billion for airports, and at least \$3 billion for inland waterways.

This neglect of infrastructure hurts the bottom line for the economy. According to economists, some 15 to 60 percent of the total falloff in productivity growth in recent decades is attributable to shortfalls in funding U.S. infrastructure.

This nation's businesses recognize this link between transportation improvements and economic growth. A recent survey by the National Federation of Independent Businesses found that 81 percent of its members supported taking the trust funds off-budget. It is precisely the type of national infrastructure system supported by the NHS that will lead to greater productivity.

Withholding trust fund monies also directly affects transportation safety. Nearly any delayed airport or air traffic improvement has, as a matter of course, an effect on safety. Similarly, highway, waterway, and harbor improvements have the beneficial effect of providing safer travel.

Finally, the capriciousness of the present budget process promotes inefficiency and waste in transportation programs. Because infrastructure projects have long lead times and take years to construct, stability and assurance of funding lower costs. Similarly, delayed projects suffer from inflation cost increases and higher costs from deferred maintenance and rehabilitation.

Truth in budgeting and taxation

The existence of on-budget trust fund surpluses only reinforces the public's belief that they are not getting an honest return for the taxes they pay to Washington. We can restore the contract we have with taxpayers, and help restore their faith in government, by ensuring the integrity of these self-financed programs.

OTHER RELATED ISSUES

During its hearings on the National Highway System and ancillary issues, the Committee became aware of several issues which, because of the cut in funding to the States, it recommends be implemented in order to make the highway program more efficient.

The Committee urges the Secretary, to the extent feasible, to provide incentives and additional flexibility to the states and localities to demonstrate and adopt market ready, innovative, cost saving infrastructure repair, retrofit and renewal technologies consistent with Section 6005 of ISTEA, including but not limited to the use of advanced material technologies.

The Committee also urges the Secretary to work in conjunction with the Pennsylvania Turnpike Commission to aid in its planning efforts to implement a pilot for Electronic Toll and Traffic Management utilizing Intelligent Transportation System technology and to make available ITS funds for this effort. The goal of the program is to effectively manage vehicular traffic flow, reduce traffic congestion, increase safety, enhance travel information and advisories and generally provide for more efficient movement of passengers and commercial goods on the Pennsylvania Turnpike system.

The Committee urges the FHWA to consider the use of "wrap-up" insurance products when approving Federal-aid highway projects. These "wrap-up" provisions may result in overall savings on the cost of projects through more efficient use of insurance.

The Committee has received testimony in the past and is aware of continuing controversy surrounding the Route 710 gap closure project which would construct a six-lane, 6.2 mile state highway from the northern terminus of I-710 at Alhambra through South Pasadena to a point south of I-110 in Pasadena. Concerns have been transmitted to the Committee from Members of Congress, local officials and public citizens as to whether the 710 freeway proposal satisfies all relevant Federal requirements. Should doubts continue to exist, the Secretary should withhold Federal Record of Decision approval or remand the matter to the State for such additional analyses as are necessary and appropriate. In addition, the multi-mode/low build alternative should be thoroughly reviewed and considered as to the ability of the alternative to meet project objectives at a lower cost and with fewer disruptions to the environment and affected communities.

Congress has previously authorized expenditures under the Federal-aid highway program recognizing the need to maintain and preserve highway investments. Maintaining and preserving transit assets is similarly important. Thus, the Committee directs the Federal Transit Administration to implement a bus overhaul program to permit transit operators to use capital program funds to the maximum extent possible to maintain and preserve transit assets, as well as to mitigate the impact of reductions in federal operating assistance. FTA should consider defining bus overhaul expenses on the basis of bus maintenance costs annually reported by transit agencies through the Federal section 15 reporting process. This could include in-house bus maintenance activities as well as contracted work. Basing the bus overhaul program on section 15 data collection/reporting would take advantage of an existing, commonly understood process and would avoid the establishment of additional record keeping or oversight. Such procedures would be broadly applicable nationally to systems of all sizes.

The Committee instructs the Federal Railroad Administration to transfer title to the State of Florida of aluminum now sitting unutilized at the Transportation Technology Center, near Pueblo Colorado. The transfer is for the purpose of assisting the State of Florida in connection with a project being undertaken by American Maglev Technology, Inc., to demonstrate magnetic levitation technology in the United States. The aluminum has not been utilized for several years and could be useful asset to AMT. This recommendation is based on the fact that AMT is unique in the nation in its maglev research and development project and has a clear need for this aluminum in some form to construct either guidance rail or another part of the project.

SECTION-BY-SECTION ANALYSIS

TITLE I—NATIONAL HIGHWAY SYSTEM

Sec. 101. National Highway System designation

This section approves the most recent National Highway System map submitted to Congress by the Secretary of Transportation. The section also provides that future modifications must be approved by Congress. Not later than 180 days after the enactment of the National Highway System Designation Act of 1995, the Secretary

shall submit to Congress the proposed modifications to the National Highway System, including connections to intermodal transportation facilities and upon completion of feasibility studies, the routings of high priority corridors.

Subsection (4) makes connections to intermodal facilities that are consistent with the Secretary's criteria eligible to receive National Highway System funds until Congress modifies to the National Highway System to include connections to intermodal facilities.

Sec. 102. Distribution of fiscal year 1997 highway funds

Subsection (a) prevents the Secretary from distributing fiscal year 1997 Federal highway apportionments and allocations subject to the obligation ceiling (other than administrative expenses) prior to August 1, 1997.

Funds for exempt programs (Minimum Allocation, Projects and Emergency Relief) have been permitted to be distributed because it was not possible to sequester such funds without creating unacceptable budgetary implications. The Committee intends that the sequestration of the basic program funds requires that the Highway and Transit programs be reauthorized.

Subsection (b) provides that for purposes of determining allocation for fiscal year 1997, the Secretary shall treat apportionments and allocations that are subject to subsection (a) as having been made on October 1, 1996.

Sec. 103. Treatment of fiscal year 1997 transit funds

Subsection (a) directs the Secretary to not apportion or allocate prior to August 1, 1997, Federal transit funds (other than administrative expenses) authorized to be appropriated or made available for fiscal year 1997 under section 5338 of Title 49.

Subsection (b) provides that certain transit funds appropriated after the date of enactment of the Act may not be obligated until August 1, 1997.

TITLE II—HIGHWAY FUNDING RESTORATION

Sec. 201. Short title

This section states that this title may be cited as the "Highway Funding Restoration Act of 1995."

Sec. 202. Findings and purposes

Subsections (a) and (b) include findings and purposes regarding the reduction in budget authority made available to the States in fiscal year 1996 due to the impact of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

Sec. 203. State High Priority Project Restoration Program

Subsection (a) creates a State High Priority Project Restoration Program for fiscal years 1996 and 1997 and sets out that States may obligate such funds on any project currently eligible under the Minimum Allocation program. This program redistributes funds that are derived from rescissions of previously apportioned or allocated budget authority.

Subsection (b) provides that the funds should be allocated among the States by the final ISTEA funding distribution percentages.

Subsection (c) clarifies that funds allocated under this program do not affect certain funding equity calculations.

Subsection (d) provides that the funds made available for obligation will be available for four fiscal years and are subject to the obligation limitation.

Subsection (e) ensures that of the funds allocated to the States under this program, funds shall be allocated to urbanized areas over 200,000 within each State in the proportion set forth in ISTEA.

Subsection (f) provides that funds for planning expenditures may be deducted from amounts made available under this section.

Subsection (g) provides that there are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section \$360,420,595 for fiscal year 1996 and \$155,000,000 for fiscal year 1997. Added to these amounts are transfers of \$21.75 million from the Congestion Pricing Pilot in fiscal year 1996 and \$25 million in fiscal year 1997. These funds are derived from rescissions, reductions in authorized amounts and transfers of budget authority derived from the Highway Trust Fund contained in section 204 of this Act.

Subsection (h) clarifies the applicability of chapter 1 of title 23, United States Code, to funds made available under this section.

Subsection (i) defines the term "territories."

Sec. 204. Rescissions

Subsection (a) rescinds funds from previously authorized projects that are no longer viable and from unobligated balances of funds previously made available and derived from the Highway Trust Fund.

Subsection (b) reduces the authorized funding levels for certain programs funded from the Highway Trust Fund for fiscal years 1996 and 1997.

Subsection (c) provides that certain funds derived from the Highway Trust Fund made available for fiscal years 1996 and 1997, shall be transferred to carry out section 203 of this Act.

Sec. 205. State unobligated balance flexibility

Subsection (a) directs the Secretary to inform each State as of October 1, 1995 (or as soon as possible thereafter) of the net amount of the reduction in budget authority subject to the obligation limitation each State shall incur as a result of section 1003(c). In determining the net amount of each State's reduction, the Secretary shall deduct the amounts allocated to each State in fiscal year 1996 pursuant to the High Priority Project Restoration Program in section 203 of this Act, and any amounts made available to each State pursuant to Section 157(a)(4)(B)(iii) of title 23.

Subsection (b) sets forth the general rule that on or before November 1, 1995 (or as soon as possible thereafter), each State shall designate unobligated balances of funds apportioned or allocated on or before September 30, 1995, and which are subject to the obligation ceiling, that may be made available for any purpose currently eligible under the Minimum Allocation program (in the amounts

determined under subsection (a)). The Secretary is directed to make these funds available to the States no later than November 15, 1995 (or as soon as possible thereafter).

Subsection (c) directs that unobligated balances of funds attributed to urbanized areas with a population of over 200,000 may not be designated by the State under subsection (b) without the concurrence, in writing, of the Metropolitan Planning Organization designated for such area.

Subsection (d) provides that unobligated balances of funds apportioned to the States under the Congestion Mitigation and Air Quality Program may be designated by a State under subsection (b), but such funds must be obligated in non-attainment areas (as defined by the Clean Air Act).

Subsection (e) limits a State from designating pursuant to subsection (b) more than one-third of funds apportioned or allocated to the State for Interstate Construction and not obligated as of September 30, 1995.

Subsection (f) provides that the funds made available to carry out this section shall be available for obligation for the same period for which such amounts were originally made available and shall be subject to the provisions of title 23, United States Code.

Subsection (g) provides that this section does not affect funding equity calculations.

Subsection (h) defines the term "State."

Sec. 206. Minimum allocation

Subsection (a) clarifies the method of distribution of funds made available under the Minimum Allocation program in fiscal years 1996 and 1997. It provides that if the amounts authorized to be made available for minimum allocation exceed the amounts required to be distributed by ISTEA to the States under the Minimum Allocation program, then any additional amounts shall be distributed first to each State in such amount as may be necessary so that such State receives the full amount of minimum allocation that would have been allocated to such State without the application of section 1003(c). If any excess funds remain, then such excess funds would next be distributed to each State in the amount necessary for each State to receive the full amount authorized in ISTEA for projects that would have been allocated to such State without the application of section 1003(c). If any excess funds remain after this distribution, then such funds shall be allocated to each State, for any purpose currently eligible under the Minimum Allocation program, by the final ISTEA funding distribution percentages.

Subsection (b) ensures that of the funds allocated to the States pursuant to section 157(a)(4)(B)(iii), an amount of funds shall be allocated to urbanized areas over 200,000 within each State in the proportion set forth in ISTEA.

Subsection (c) authorizes funding levels.

Sec. 207. Relief from mandates

Subsection (a) directs that the Secretary shall not penalize States for failure to implement management systems during fiscal year 1996.

Subsection (b) strikes the requirement that States meet minimum utilization requirements for asphalt pavement containing recycled rubber and the penalties for failure to meet those requirements.

The Committee observes that “tire buffings” are a byproduct of the retreading of reusable tires and are not intended to be included in the definition of “crumb rubber” from whole or shredded scrap tires. Accordingly, the Department of Transportation is directed to focus its crumb rubber modifier binder research and testing efforts under section 1038 on crumb rubber material derived from whole or shredded scrap tires.

Sec. 208. Definitions

This section defines “authorized funds” and “urbanized area.”

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Distribution of transit operating assistance limitation

Subsection (a) directs the Secretary to distribute transit operating assistance so that each urbanized area that had a population under the 1990 census of less than 200,000 will receive 75 percent of the amount such area received under the fiscal year 1995 distributions. Due to the extreme reductions in appropriated levels of operating assistance from fiscal years 1995 to fiscal year 1996, the Committee has provided for a redistribution of this reduced amount, so that less of the burden will fall on smaller transit authorities between 50,000 and 200,000 population, who depend on Federal operating assistance for up to 50% of their operating budgets. These authorities are held at 75% of their fiscal year 1995 operating level.

Subsection (b) instructs the Secretary to direct each area with a population of 1,000,000 or greater to give priority consideration to the impact of reductions on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities when distributing such limitation among all transit authorities operating in the area. This provision is intended to address the concerns of smaller properties operating within an urbanized area of over 1,000,000 in population.

Sec. 302. Accountability for high cost Federal-aid projects

Subsection (a) requires that recipients of Federal assistance for a highway or transit project with an estimated cost of \$1 billion or more submit to the Secretary an annual financial plan. The plan must be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions of future increases in the cost to complete the project.

Subsection (b) directs the Secretary to make recommendations to Congress on whether or not future Federal assistance should be withheld with respect to any project described in subsection (a) for which an annual plan is not submitted under subsection (a) or for which the Secretary determines that the estimates or assumptions in the plan are not reasonable.

Subsection (c) instructs the Secretary to submit to Congress an annual report on the financial plans submitted to the Secretary

under this section, and any recommendation made by the secretary under subsection (b) in the preceding fiscal year.

Sec. 303. Letters of intent and full financing grant and early systems work agreements

This section prohibits the Secretary of Transportation from issuing a letter of intent, or entering into a full financing grant agreement or early systems work agreement, for a transit project or operable segment of a project unless the full amount of Federal financial responsibility for the project or operable segment has been included in an authorization law. This prohibition shall not apply to any project for which a letter of intent was issued before the date of enactment and to any project included as an element of an inter-related project which also includes another project for which a letter of intent was issued before such date of enactment. The provision will be in effect until the Federal-aid highway and transit programs are reauthorized.

In the current budgetary climate, the Committee believes that prior to the Federal Transit Administration entering into contracts which potentially commit the Federal government to large sums of trust funds to construct new transit projects or extensions of existing projects, those projects should be fully authorized for the full Federal share of the project. While full funding grant agreements are contingent on future appropriations, in the history of the program, there has never been a full funding grant agreement that has not ultimately received the designated Federal amounts of funding.

Sec. 304. Report on capital projects for fixed guideway systems and extension to existing fixed guideway systems

This section outlines additional information which must be included in the annual report on Capital Projects for Fixed Guideway Systems and Extensions of Existing Fixed Guideway Systems, including an analysis of funding requirements, planning and study processes undertaken, and efforts undertaken to seek alternative funding sources for the project.

Sec. 305. Repeal and modification of existing projects

Subsection (a) repeals the authorization for the Long Beach Metro Link Fixed Rail Project.

Subsection (b) reduces the authorization for the Honolulu Rapid Transit Project.

Sec. 306. Miscellaneous transit projects

This section modifies several previously authorized transit projects. Authorizations are provided for certain projects included in the fiscal year 1996 Department of Transportation Appropriations bill as passed by the House.

Funds made available for the Central Puget Sound Regional Transit Project in subsection (r) of Section 306 may be used for a system of public transportation services within the urbanized Central Puget Sound region operating principally in exclusive rights-of-way and the supporting services and facilities necessary to implement such a system, including interim express services, com-

muter rail, light rail, regional bus lines, dedicated busways, no-fare transit, van-pools, ridesharing, paratransit, high-occupancy vehicle lanes, and any other alternative which overall provides a substantially higher level of passenger capacity, speed and service frequency than traditional public transportation systems operating principally in general purpose of roadways.

Sec. 307. Metropolitan planning for transit projects

This section amends section 5303(b) of title 49 to add consideration of recreational travel and tourism to the metropolitan planning process under the transit program.

Sec. 308. Contracting for engineering and design services

This section amends section 5235 of title 49, relating to the letting of contracts and subcontracts funded in whole or in part with Federal funds under the Federal transit program. The purposes of this section are to remove barriers to competition, promote use of state of the art technology, save taxpayers' money through reciprocity of pre-award audits, and expedite the award of contracts.

The recipient of Federal funds must accept and use indirect cost rates established by a government agency in accordance with Federal Acquisition Regulations for one-year applicable accounting periods in estimating, negotiating, and administering contracts. Recipients must notify affected firms before requesting or using the cost and rate data and must keep the information confidential.

The provisions of this section will take effect two years after the date of enactment. A State, however, has the option of enacting legislation to adopt an alternative process to promote engineering and design quality and to ensure maximum competition by professional companies providing engineering and design services. Alternatives a State legislature could enact under the state option include:

Require and/or set overhead ceilings, which in their judgment promote engineering/design quality and maximum competition for companies of all sizes.

Require and/or set salary caps, which in their judgment promote engineering/design quality and maximum competition for companies of all sizes.

Refuse to accept audits done by other States and insist upon its own State auditors doing the work.

Sec. 309. Ferry boats and terminal facilities

This section amends Section 129(c)(5) of Title 23 to allow Federal participation in the construction of ferry boats and terminal facilities that operate between a state and a point in Canada.

Sec. 310. Utilization of the private sector for surveying and mapping services

This section instructs the Secretary to issue guidance to encourage States to use the private sector for surveying and mapping service for highway projects to the maximum extent feasible. For the purposes of carrying out the section, the Committee intends that the term "mapping and surveying" includes such activities as measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite images, or other graphical or digital presen-

tations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

Sec. 311. Formula grant program

Subsection (a) amends section 5307(d)(1)(J)(i) of title 49 to clarify that the hiring of law enforcement or security personnel is an eligible expense under the transit security program.

Subsection (b) allows 50 percent of the publicly funded ferry boat service provided to the City of Avalon, California to be counted under the formula transit program.

Sec. 312. Accessibility of over-the-road buses to individuals with disabilities

This section amends section 306(a)(2)(B)(iii) of the Americans With Disabilities Act (ADA) of 1990 to provide that accessibility requirements for private over-the-road buses must be met by small providers within three years after the issuance of final regulations and with respect to other providers, within two years after the issuance of final regulations.

Under the Americans with Disabilities Act, DOT was required to issue regulations for over-the-road bus operators by July, 1994. Under ADA, compliance with these regulations is stated as six years after enactment of that Act or by July 1996 for large bus operators and seven years after enactment, or by July 1997, for small bus operators. However, to date, DOT has not yet issued final regulations under ADA, and has no expected date for issuance, forcing over-the-road bus operators into a compliance burden with an unknown set of regulations. To avoid this perverse result, the Committee has amended the ADA to change compliance dates to two and three years after issuance of final regulations, for large and small over-the-road bus operators respectively.

Sec. 313. Alaska Railroad

This section provides that the Alaska Railroad is eligible for certain fixed guideway modernization funds under section 5337(a)(3)(B) of title 49.

Sec. 314. Alcohol and controlled substances testing

The provisions of this section are identical to proposed legislation submitted by the Department of Transportation and included in H.R. 1827, introduced on June 13, 1995.

Subsection (a) amends section 5331(b)(1)(A) of title 49 to repeal the preemployment alcohol testing requirement for certain transit workers. All other drug and alcohol testing requirements are retained.

Subsection (b) amends section 20140(b)(1)(A) of title 49 to repeal the preemployment alcohol testing requirement for certain railroad employees. All other drug and alcohol testing requirements are retained.

Subsection (c) amends section 31306(b)(1)(A) of title 49 to repeal the preemployment alcohol testing requirement for operators of commercial vehicles. All other drug and alcohol testing requirements are retained.

Subsection (d) amends section 45102 of title 49 to repeal the preemployment alcohol testing requirement for certain employees of air carriers and the FAA. All other drug and alcohol testing requirements are retained.

Nothing in this section is intended to limit the flexibility provided in the Federal Motor Carrier Safety Regulations at section 382.303(e) which allows motor carriers to rely on post-accident drug or alcohol tests conducted by government officials and obtained by the employer as a way to meet the motor carriers' testing requirement.

Sec. 315. Alcohol-impaired driving countermeasures

Subsection (a) makes a technical amendment to Section 410(d)(1)(E) of title 23.

Subsection (b) amends section 410(d) to provide that a State shall be treated as having met the requirement of having a state-wide program for roadside sobriety checkpoints if such a program would violate the constitution of the State and if the State meets certain outer safety requirements. The requirement that a State provide that any person under the age of 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated is moved from the Supplemental Grants program to the Basic Grants program.

Subsection (c) makes a conforming amendment to the Supplemental Grants program.

Sec. 316. Safety research initiatives

Subsection (a) directs the Secretary to conduct a study and demonstration of technologies and practices to improve the driving performance of older drivers and special user groups. The Secretary shall implement these activities in those States which have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode and shall enter into a cooperative agreement with an institution with demonstrated competencies in such areas.

Subsection (b) directs the Secretary in carrying out the work zone safety program established in ISTEA to utilize a variety of methods to increase safety at highway construction sites, including conferences, the creation of a national information clearinghouse, and national promotional campaign and promotion of work site training.

The Committee recommends that, pursuant to section 1051 of ISTEA, the Secretary shall implement activities to increase safety at highway construction sites, with emphasis on conferences to explore new techniques for increasing work zone safety, creation of a national clearinghouse for the dissemination of work zone safety information through electronic and other means, and a national promotional campaign in conjunction with state departments of transportation, other appropriate agencies and the private sector to encourage the provision of timely, site-specific information to motorists when construction workers are actually present.

Subsection (c) directs the Secretary to conduct a study to develop and evaluate radio and microwave technology for a motor vehicle

safety warning system in furtherance of safety in all types of motor vehicles.

The Committee is aware of a radio and microwave-based motorist safety warning system under development by industry. The Secretary is directed to conduct a study of the application of this technology to provide warnings to motorists as they approach or encounter abnormal or unsafe roadway conditions caused by accidents, adverse weather and movement of emergency vehicles, at a minimum. The Committee expects the Secretary to enter a formal arrangement with a non-profit research and educational institution to perform the actual study. An appropriate institution would, at a minimum, already be performing related research and have a relationship with the appropriate industry. The Committee further expects the Secretary to report to Congress on the results of this study within two years from the date of enactment of this Act.

Sec. 317. Public transit vehicles exemption

This section extends until the reauthorization of the Federal-aid highway and transit programs the temporary waiver included in the FY 1993 Department of Transportation Appropriations Act for overweight public transit buses travelling on the Interstate System.

Sec. 318. Congestion Mitigation and Air Quality Improvement Program

Subsection (a) amends section 149(b) of title 23 to freeze funding allocations under the Congestion Mitigation and Air Quality Program (CMAQ) at the fiscal year 1994 levels for the remaining years of ISTEA, and provides that CMAQ funds may be used for projects for the maintenance of air quality standards.

Subsection (b) provides that certain funding equity provisions will not be affected by this section.

The Committee has learned that fully half of the ozone non-attainment areas, which receive virtually all of the CMAQ funds, will redesignate as attainment areas before the end of ISTEA. Consequently, they will lose all of their CMAQ funding even though the EPA-FHWA clean air regulations (promulgated after the passage of ISTEA) will require them to continue making transportation expenditures specifically to maintain their clean air status.

At the time of passage of ISTEA, the Committee did not anticipate half of the participants in the program losing all of their CMAQ funds and had no way of knowing the content of the EPA-FHWA regulations. Losing CMAQ funds will force these areas to continue to make sizable clean air expenditures without the targeted Federal assistance intended to help them in the first place—creating an unfunded Federal mandate. Rather than change the CMAQ funding formula in H.R. 2274, a complicated and possibly controversial process, the Committee simply froze the program's funding allocations until the entire CMAQ program is addressed when ISTEA is reauthorized.

The Committee notes that the project to construct a bridge over the Cuyahoga River, Ohio, at the head of navigation is eligible for funding under the CMAQ program. In reviewing the project, the FHWA and U.S. Environmental Protection Agency should evaluate

the modification of the Mobile 5.A air quality modeling data submitted by the Ohio Department of Transportation as evidence of the ability to reduce emissions of volatile organic compounds on a statewide basis, including the Greater Cleveland nonattainment area. The Committee also encourages CMAQ eligibility for the downtown Cleveland intermodal connection parking facility at the Great Lakes Science Center.

Sec. 319. Quality improvement

Subsection (a) directs the Secretary to require the States to conduct an analysis of the life-cycle costs for projects on the National Highway System with an estimated total cost of \$25 million or more. Life cycle cost analysis is a process that protects transportation investment. The use of life cycle cost analysis on higher-cost Federal-aid NHS projects will reduce long-term costs and improve quality and performance. In order to achieve these goals, the Secretary should develop a uniform analysis period and uniform utilization of real discount rates as established in OMB Circular A-94 for all Federal-aid NHS projects with an estimated total cost of \$25 million or more.

Subsection (b) directs the Secretary to require the States to conduct value engineering analyses for projects on the National Highway System with an estimated total cost of \$25 million or more.

Sec. 320. Applicability of transportation conformity requirements

Subsection (a) amends section 109(j) of title 23 to clarify that transportation conformity requirements only apply to areas that are designated as non-attainment under the Clean Air Act Amendments of 1990 and to areas that have been designated as attainment, but are still subject to maintenance requirements under the Clean Air Act.

Subsection (b) makes similar clarifications to section 176(c) of the Clean Air Act.

Sec. 321. Quality through competition

This section amends section 112(b)(2) of title 23, relating to the letting of contracts and subcontracts funded in whole or in part with Federal funds under the Federal-aid highway program. The purposes of this section are to remove barriers to competition, promote use of state of the art technology, save taxpayers' money through reciprocity of pre-award audits, and expedite the award of contracts.

The recipient of Federal funds must accept and use indirect cost rates established by a government agency in accordance with Federal Acquisition Regulations for one-year applicable accounting periods in estimating, negotiating, and administering contracts. Recipients must notify affected firms before requesting or using the cost and rate data and must keep the information confidential.

The provisions of this section will take effect two years after the date of enactment. A State, however, has the option of enacting legislation to adopt an alternative process to promote engineering and design quality and to ensure maximum competition by professional companies providing engineering and design services. Alternatives a State legislature could enact under the State option include:

Require and/or set overhead ceilings, which in their judgment promote engineering/design quality and maximum competition for companies of all sizes.

Require and/or set salary caps, which in their judgment promote engineering/design quality and maximum completion for companies of all sizes.

Refuse to accept audits done by other States and insist upon its own State auditors doing the work.

Sec. 322. Applicability of certain vehicle weight limitations in Wisconsin

This section amends section 127 of title 23 to exempt certain specialized vehicles operating on the 104-mile portion of Wisconsin State Route 78 and United States Route 51 from the vehicle weight limitations in section 127 upon the inclusion of the route as part of the Interstate System under section 139 of title 23.

Sec. 323. Treatment of Centennial Bridge, Rock Island, Illinois agreement

This section includes the Centennial Bridge in Rock Island, Illinois, under section 129, title 23, relating to toll agreements. The city may enter into a section 129 toll agreement with the FHWA to amend the terms of the toll agreements.

Sec. 324. Metric requirements and signs

This section prohibits the Secretary from requiring the States to expend Federal or State funds to construct, erect, modify, or otherwise place any sign relating to any speed limit, distance, or other measurement to establish the use of the metric system on highway signs before September 30, 1997.

Sec. 325. ISTEA technical clarification

This section amends subsection 131(s) of title 23 to clarify that the Federal ban on new billboards on scenic byways does not restrict the authority of a State with respect to commercial and industrial areas along a scenic byway or roads designated pursuant to section 1047 of ISTEA. The section reaffirms the ability of States to establish standards stricter than those in Federal law.

The purpose of the ISTEA provision was to protect truly scenic areas. All discussion of this provision related to scenic values, and the understanding of Members during consideration of this provision was that it related solely to roads in scenic areas. The FHWA has interpreted this provision to override other provisions of the Highway Beautification Act that permit the erection of billboards in commercial and industrial areas. Under the FHWA interpretation, the ISTEA provision applies to commercial and industrial areas that may be designated as part of a scenic byway, for the purposes of connecting scenic areas.

A State that has a scenic byway program will, in most cases, want to designate continuous scenic byway routes. That is, a scenic route that traverses mostly rural areas may pass through towns and cities. The advantages of continuous scenic byways and numerous, particularly concerning mapping and notice to motorists.

What the FHWA interpretation means is that if a State designates a segment of road that runs through a commercial and industrial areas as part of a scenic byway for the purpose of connectivity, that segment of road would be subject to the new billboard prohibition—no matter how urban or blighted that commercial or industrial area might be, and even if the State does not want to change its billboard regulation in commercial and industrial areas.

The Committee believes that the FHWA interpretation of section 131(s) is not the best reading of the section. The last sentence of section 131(s) reads as follows: “Control of any sign, display, or device on such a highway shall be in accordance with this *section*” (emphasis added). “This section” includes subsection (d), the commercial and industrial exemption. The Congress intended by this sentence that the scenic byway provisions would be subject to all the other provisions of the Highway Beautification Act.

In addition, if the Congress had intended to override other long-standing provisions of the Act, it would have explicitly done so. A basic feature of the Beautification Act is to permit States to allow billboards to remain in industrial and commercial areas. Congress would not have relied on inference to make such a drastic change in the law. Indeed, the conferees on ISTEA never discussed the possibility of overturning the commercial and industrial exemption.

The anomaly of the FHWA interpretation is that it preempts States in an area where they have never been preempted under the Highway Beautification Act. Under the Act, a State may ban new billboards anywhere in the State, including commercial and industrial zones. The State may also choose to continue the Federal commercial and industrial exemption. The FHWA interpretation tells the State that if it designates a continuous scenic byway, it may not—as a matter of Federal law—continue the commercial and industrial exemption even in the most blighted areas that may appear on that scenic byway.

This interpretation has the perverse result of providing a disincentive to the designation of scenic byways. A State that wants to designate a continuous route, but does not want to change billboard regulation in commercial and industrial areas, is prevented from doing so.

The interim FHWA guidance on the National Scenic Byways program issued in May of 1995 also flies in the face of the intent of the ISTEA conferees. In that guidance, FHWA states that any highway or road submitted for designation under the National Scenic Byways Program by State or Federal agencies should be designated as a State scenic byway. However, it also states that roads that meet all criteria and requirements for National designation but not State or Federal agencies’ designation criteria may be considered for national designation on a case-by-case basis and that any road nominated for the National Scenic Byway or All-American Road designation will be considered to be a designated State scenic byway.

The provision in Section 325 clarifies that FHWA does not have authority under either subsection(s) of 131 or Section 1047 of ISTEA to engage in rulemaking or take other administrative actions to prohibit or restrict the location of signs, displays or devices

in areas along state or federally-designated scenic byways in areas that the States have determined are appropriate for commercial development.

Again, it is very important to emphasize that States have complete authority to enact stricter prohibitions on billboards than those in Federal law, as stated in Section 325. The purpose of the technical amendment in Section 325 of the bill is to ensure that the designation of a scenic byway does not, by itself, change billboard regulation in commercial and industrial areas. States should continue to have the discretion as to whether or not to ban billboards in commercial and industrial areas.

Sec. 326. Metropolitan planning for highway projects

This section amends section 134(f) of title 23 to add recreational travel and tourism to the factors that must be considered by metropolitan planning organizations in developing transportation plans and programs.

Sec. 327. Non-Federal share for certain toll bridge projects

This section amends section 144(l) of title 23 to allow non-Federal funds expended for the seismic retrofit of the Golden Gate Bridge described in section 144(l) to be credited towards the required non-Federal share for future federal-aid highway funds authorized for the seismic retrofit of the bridge.

Sec. 328. Discovery and admission as evidence of certain reports and surveys

This section amends section 409 of title 23 to clarify that data "collected" for safety reports or surveys shall not be subject to discovery or admitted into evidence in Federal or State court proceedings.

This clarification is included in response to recent State court interpretations of the term "data compiled" in the current section 409 of title 23. It is intended that raw data collected prior to being made part of any formal or bound report shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such data.

Sec. 329. National Recreational Trails Program

This section amends section 1302 of ISTEA to make certain amendments to the National Recreational Trails Program, including a provision requiring States to provide 20 percent of the program costs in the sixth year of the program. This section also provides that a State shall give priority to projects which mitigate and minimize impacts to the environment. In addition, a State may apply to the Secretary for an exemption from requirements for distribution of federal trail program funds between motorized and nonmotorized users.

The Committee is aware of the lack of Federal funding which has been provided to the National Recreational Trails Program. Although the program is authorized at up to \$30 million annually, to date only \$7.5 million has been appropriated in fiscal year 1993 for

the program. This obviously has had a negative effect on the program and the full benefits of the trails program have not been realized. This program will be reviewed when ISTEA is reauthorized to correct this inadequate funding.

Sec. 330. Identification of high priority corridors

Subsection (a) amends the routing of certain existing high priority corridors and adds five additional high priority corridors.

Subsection (b) requires the Secretary of Transportation to designate certain of these routes as future Interstate routes, if they are not already designated, when the Secretary determines the routes meet Interstate standards and connect to the existing Interstate system.

The Committee has included a provision which designates two entire Congressional High Priority Corridors and segments of a third Congressional High Priority Corridor as future Interstate highways. This designation is made apart from the existing provision from designating routes as part of the Interstate system pursuant to section 139 of title 23.

This provision directs that the I-69, I-73/74 and U.S. 220 high priority corridors be designated as future parts of the Interstate System. The Committee directs that all routes along these corridors be able to carry signs indicating that these are "Future" Interstate segments, with the appropriate Interstate shield below. The bill directs that these "future" segments shall be designated as actual Interstate system segments when (i) they are built to Interstate standards, and (ii) connect to an existing Interstate segment and functions as a safe and usable segment.

The Committee believes that two segments on these corridors should be designated as current segments on the Interstate system. The segment of the U.S. 220 corridor from Bedford to Bald Eagle, Pennsylvania is built to Interstate standards, and will connect to existing Interstate segments, and functions as a safe and usable segment. The Committee also believes that U.S. 59 segment through Houston is built to Interstate standards, connects to two existing Interstate segments, and is the type of segment that would constitute a safe and usable segment.

Sec. 331. High priority corridor feasibility studies

Subsection (a) provides for a feasibility study to be conducted to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.

Subsection (b) directs the Secretary, in cooperation with the States of Virginia and West Virginia, to conduct a study to determine the feasibility of establishing a route for the East-West Transamerica Corridor in West Virginia and Virginia.

Sec. 332. High cost bridge projects

This section provides technical amendments to two projects under the high cost bridge project program.

Sec. 333. Congestion relief projects

This section provides a series of technical amendments to projects under the congestion relief project program.

Sec. 334. High priority corridors on National Highway System

This section clarifies the route of the East-West Transamerica High Priority Corridor. The Committee has directed a general route for the I-66 Transamerica Congressional High Priority Corridor through the Mississippi Valley and Missouri into Kansas.

Westward from Paducah, Kentucky, the Committee directs the route to pass through Massac, Pulaski and Alexander Counties, Illinois and into Southern Missouri utilizing U.S. 60 in Missouri wherever feasible.

In the event that inordinate delays occur, as determined by DOT in designating and confirming a definite route across Southern Illinois, the Committee directs DOT to proceed with the consideration of the most feasible alternative routes available.

Sec. 335. High priority corridor projects

This section provides technical amendments to two projects under the Congressional High Priority Corridor project program.

The funds made available for the Keller Memorial Bridge are contingent upon approval of the project by federal and state agencies with jurisdictional responsibilities for the Tennessee River and by a freight rail carrier that owns and operates a track under the spans of the bridge.

Sec. 336. Rural access projects

This section provides a series of technical amendments to projects under the rural access project program. Funds made available for 4.8 miles of Prater and Pete Manina Roads, in West Calcasieu, Louisiana are available for, at a minimum, widening, drainage improvements, and reconstruction.

Sec. 337. Urban access and mobility projects

This section provides a series of technical amendments to projects under the urban access and mobility project program.

Sec. 338. Innovative projects

This section provides a series of technical amendments to projects under the innovative project program. The funds made available for the purchase of vehicles in the project described in item number 6 of this section, relating to Suffolk County, New York, may be utilized by the Suffolk County Chapter of the Association for the Handicapped and Mentally Retarded Children.

Sec. 339. Intermodal projects

This section makes a technical amendment to a project under the intermodal project program.

Sec. 340. Miscellaneous revisions to Surface Transportation and Uniform Relocation Assistance Act of 1987

This section makes a technical amendment to a rural access project and technical amendments to certain projects included in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Sec. 341. Eligibility

Subsection (a) amends section 108(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 to make the High Street to Causeway Street section of the Central Artery project eligible for Interstate Construction funds. No additional funding is authorized.

Subsection (b) makes certain revisions to the Interstate 95 and Pennsylvania Turnpike project authorized by section 162 of the Surface Transportation Assistance Act of 1982.

Subsection (c) prohibits the use of Federal funds to construct Type II noise barriers, other than for projects already approved.

The Committee has included a provision which bars the use of Federal funds to construct Type II noise barriers. Type II noise barriers are those constructed on existing roads that are not being installed in conjunction with or as part of a project to increase capacity on that segment. The Committee is concerned that scarce Federal funds are being used to retrofit existing roads to mitigate noise when existing, unmet highway and bridge needs exceed \$212 billion. The Committee is most concerned about situations where noise barriers are installed on highways that are not being expanded, and the residential development adjacent to the right-of-way occurred *after* the construction of the highway. This situation is even more glaring in light of the cut in fiscal year 1996 funding due to section 1003.

The Committee has therefore barred further Federal funds from being used to construct Type II noise barriers. The Committee does not intend to interrupt any ongoing, approved projects to construct Type II noise barriers. The Committee also does not intend to prevent States from constructing Type II noise barriers with State funds. This provision is not intended to affect in any way existing law and regulations regarding Type I noise barriers.

The Committee further directs the Department of Transportation to develop stricter guidelines for the approval of Type II noise barriers so that Federal funds could only be used to remediate noise for areas adjacent to the right-of-way where residential development occurred before the construction of the highway.

Sec. 342. Orange County, California, toll roads

This section allows the Secretary to enter into an agreement modifying existing agreements that provide Orange County, California with contingent lines-of-credit. This provision also allows the Secretary to require an interest rate that is higher than the rate specified in previous Acts.

Sec. 343. Miscellaneous studies

Subsection (a) directs the Secretary to conduct a study on the adequacy of and the need for improvements to the Pan American Highway. The Secretary is directed to submit a report to Congress on the results of the study within two years.

Subsection (b) directs the Secretary of Transportation to conduct a study to determine the cost, need, and efficacy of establishing a highway sign for identifying routes on the National Highway System.

Subsection (c) directs the Secretary to conduct a study on compliance with the provisions of the Buy American Act with respect to contracts entered into using amounts made available for the Highway Trust Fund.

Sec. 344. Collection of bridge tolls

This section provides that tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

Sec. 345. National Driver Register

This section authorizes \$2,550,000 for each of fiscal years 1995 and 1996 for the National Driver Register.

Sec. 346. Roadside barrier technology

This section amends Section 1058 of ISTEA by modifying the definition of innovative safety barriers.

Sec. 347. Motorist call boxes

This section amends Section 131(c) of Title 23 to allow signs, displays, and devices identifying and announcing free motorists aid call boxes and their sponsorship by corporations or other organizations in areas adjacent to the Interstate State System and the primary system.

Sec. 348. Repeal of the National Maximum Speed Limit Compliance Program

This section repeals the national maximum speed limit and all related enforcement requirements.

Sec. 349. Elimination of penalty for noncompliance for motorcycle helmets

This section amends section 153(h) of title 23 by repealing the penalty States face if they do not have a universal motorcycle helmet law.

Sec. 350. Safety rest areas

This section amends section 120(c) of title 23 by adding safety rest areas to the list of safety projects that qualify for 100% Federal funding.

Sec. 351. Exemptions from requirements relating to commercial motor vehicles and their operators

This section sets out a series of exemptions from burdensome Federal regulations for certain, specified motor carrier operations where there is a time-sensitive need for an exemption or where driving is incidental to the driver's overall duties. The exemptions shall only take effect after 180 days. The Secretary is also given authority to conduct a rulemaking to determine whether granting any of these exemptions (or part of any exemption) is (i) not in the public interest and (ii) would have a significant adverse impact on the safety of commercial motor vehicles.

Subsection (a) directs that waivers be granted from certain Federal motor carrier regulations. Subsection (a)(1) grants an exemption from the Federal hours of service regulations for drivers transporting agricultural supplies or farm supplies during planting and harvesting seasons operating within a 50-air mile radius of the source of the commodities or the distribution point of the supplies. This exemption is intended to operate in a similar manner as the exemption granted 40 years ago for small package deliverers during the Holiday season in December. This exemption is limited to the planting and harvesting seasons. The Governor of each State is directed to determine the planting and harvesting season for his State. The Committee recognizes the long hours and extenuating circumstances facing farmers during the planting and harvesting seasons to complete work.

Subsections (a)(2) and (a)(3) modify the hours of service regulations for drivers who primarily transport water well drilling rigs and for drivers used primarily in the transportation of construction equipment and materials. These exemptions are identical to those granted for oil field drillers in 1962. These subsections permit the "clock" used to calculate a driver's hours of service time back to 0 after taking 24 hours off. Water well drilling and construction are both seasonal activities where the drivers spend long periods of time waiting or performing tasks unrelated to driving. These provisions maintain current maximum on-duty time and driving time regulations, but only affect when the driver's "clock" is reset. The Committee intends that this exemption apply to operators who operate six or seven days per week.

Subsection (a)(4) permits a State to grant a limited exemption for employees of towns and townships smaller than 3,000 persons to temporarily operate a snowplow when the regular driver who has a commercial driver's license is unavailable or additional vehicles are needed due to a snow emergency.

Subsection (a)(5) directs the Secretary not to enforce Federal motor carrier statutes and regulations that apply to vehicles between 10,000 and 26,000 pounds. This section maintains all statutory definitions of commercial motor vehicles at 10,000 pounds, where applicable. The Committee does not intend to eliminate DOT jurisdiction with respect to vehicles weighing between 10,000 and 26,000, but instead to curtail the regulations applying to trucks in that weight class.

The Committee specifically recognizes that the sole responsibility for all safety regulation regarding commercial motor vehicles as set forth in Subtitle VI of title 49 (and all regulations promulgated thereunder) shall continue to reside with the Secretary of Transportation, and not with any other Federal agency, including the Occupational Safety and Health Administration. Furthermore, it is not the intent of this legislation, nor shall it be construed as vesting in any Federal agency other than DOT jurisdiction to exercise, prescribe or enforce standards or regulations affecting commercial motor vehicle safety currently subject to regulation by DOT under Subtitle VI of title 49 and all regulations issued thereunder.

Subsection (b) sets the effective date for the exemptions contained in (a) at 180 days from the date of enactment.

Subsection (c) provides that the Secretary may conduct a rule-making to determine whether any of the exemptions contained in subsection (a) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. The Secretary is given the authority to not permit any exemption granted in subsection (a) to go into effect, or to modify or revoke any exemption granted in subsection (a).

The Committee intends that this provision maintains DOT's authority to regulate motor carrier safety in these areas. The provision specifically vests the Secretary with the power to modify, revoke or suspend any exemption. The Committee does not intend for the exemptions granted in subsection (a) to in any way modify or alter the exclusive authority of the Secretary to act in Subtitle VI of title 49.

This section is intended to vest authority with the Secretary to determine whether to revoke any of the exemptions granted in this section. The 180 day effective date is intended to give the Secretary time to conduct a rulemaking. This authority vested in the Secretary ensures that none of these waivers will have a significant adverse impact on safety.

The standard set in this section is a modification of the general standard to be applied by the Secretary in determining whether to grant administrative waivers set in section 31136 of Title 49. That standard mandates that a waiver from any motor carrier safety regulation may only be granted if such waiver "is in the public interest and consistent with the safe operation of commercial motor vehicles." The Committee is aware that the Secretary and the Courts have interpreted this standard to mean that applicants for waivers must demonstrate in advance that the waiver sought would pose no diminution of safety. This places an unreasonable burden on waiver applicants, since they must present evidence that the waiver being sought would not diminish safety, but since the applicant cannot operate in the manner being sought in the waiver, it is impossible to compile such evidence. The Committee has been informed that since the DOT waiver standard was adopted in 1984, not a single administrative waiver has been granted.

Subsection (d) contains a series of definitions. The Committee intends that the definition of term "consideration of finished related products" includes asphalt and concrete, and that the term "construction personnel and construction equipment" includes construction maintenance vehicles.

Sec. 352. Traffic control signs

This section provides that traffic control signs referred to under the experimental project conducted in the State of Oregon in December 1991 shall be deemed to comply with the requirements of section 2B-4 of the Manual on Uniform Traffic Control Devices of the Department of Transportation. Section 2B-4 of the Manual on Uniform Traffic Control Devices (MUTCD) prohibits secondary messages to be used on STOP sign faces.

This section provides an exception to the MUTCD to permit the State of Oregon to continue to post Right Turn Permitted Without Stopping (RTPWOS) signs at certain intersections where it is deemed to be safe and an aid to speeding the flow of traffic. Oregon

has been using the RTPWOS signs since the 1950's and two State studies (in 1985 and 1991) have shown no increase in accidents with RTPWOS signs, and in some cases, have shown a decrease in traffic accidents. The Committee believes that these signs, as currently used by the State of Oregon are not confusing and therefore Oregon should be able to continue to use these signs.

Sec. 353. Brightman Street Bridge, Fall River Harbor, Massachusetts

This section provides that Brightman Street Bridge in Fall River Harbor, Massachusetts, may be reconstructed to result in a clear channel width of less than 300 feet.

TITLE IV—THE TRUTH IN BUDGETING ACT

Section 401. Short title

Provides that the title may be cited as the "Truth in Budgeting Act."

Section 402. Budgetary treatment of Highway, Airport and Airway, Inland Waterways, and Harbor Maintenance Trust Funds

This language tracks the language used to take the Social Security Trust Funds off-budget in Section 13301 of the Budget Enforcement Act of 1990. Specifically, the language provides that all receipts and disbursements of the Highway, Aviation, Inland Waterways, and Harbor Maintenance Trust Funds shall not be included in: (1) the budget of the United States Government as submitted by the President, or (2) the congressional budget (including allocations of budget authority and outlays provided therein). Additionally, the receipts and disbursements are exempted from any general budget limitations imposed by statute from sequestration under Gramm-Rudman.

The effect of this language is to remove the trust funds from: (1) calculations of the on-budget deficit, (2) congressional budget resolutions, including spending allocations provided to committees, and (3) spending points of order under the Budget Act.

Section 403. Safeguards against deficit spending out of Airport and Airway Trust Fund

This section duplicates for the Aviation Trust Fund the automatic spending safeguards provided by the Byrd Rule in the Highway Trust Fund. Specifically, if the Secretary of Transportation, in consultation with the Secretary of the Treasury, determines that fund balances and expected receipts do not cover unfunded aviation authorizations, those authorizations are reduced on a pro-rata basis to cover the shortfall.

While spending safeguards are already built into this trust fund, this provision provides the absolute assurance of a Byrd Rule process to ensure that the trust fund is deficit proof and operates on a pay as you go basis. (Note: the Byrd Rule as it applies to the Highway Trust Fund is named after former Senator Harry Byrd of Virginia and is not the same Byrd Rule in the Senate relating to extraneous matters in reconciliation legislation.)

Section 404. Safeguards against deficit spending out of the Inland Waterways Trust Fund and Harbor Maintenance Trust Fund

This section mirrors Section 403, excepts that it applies to the inland Waterways and Harbor Maintenance Trust Funds and has the Secretary of the Army consult with the Secretary of the Treasury.

Section 405. Applicability

Provides that this Act becomes effective beginning with the 1996 fiscal year.

HEARINGS AND LEGISLATIVE HISTORY

The Subcommittee on Surface Transportation held a series of six hearings on the designation of the National Highway System and ancillary issues in 1995. Hearings were held on February 8, 28, and March 1, 1995 regarding burdens, mandates and inefficiencies in the surface transportation programs. On March 2 and 8, 1995, the Subcommittee held hearings on the designation of the National Highway System. On March 10, 1995, the Subcommittee held a hearing on the Truth in Budgeting Act.

H.R. 2274 was introduced on September 7, 1995. On September 7, 1995 the Subcommittee reported the bill, with amendments, to the full Committee on Transportation and Infrastructure. On September 8, 1995, the Committee on Transportation and Infrastructure ordered the bill reported, with amendments, by voice vote. There were 5 full Committee roll call votes:

1. YOUNG AMENDMENT TO REPEAL HELMET LAW (38-17)

This amendment amends section 153(h) of title 23 by repealing the penalty States face if they do not have a universal motorcycle helmet law.

AYE	NAY
Barcia	Bachus
Bateman	Boehlert
Blute	Borski
Brewster	Clyburn
Clement	Collins
Clinger	Ehlers
Coble	Horn
Costello	Johnson
Cramer	McCarthy
Danner	Mineta
DeFazio	Molinari
Duncan	Nadler
Emerson	Oberstar
Ewing	Parker
Filner	Rahall
Fowler	Wise
Franks	Shuster
Gilchrest	
Hutchinson	
Kelly	

Kim
LaHood
Latham
LaTourette
Lipinski
Martini
Mascara
Menendez
Mica
Petri
Poshard
Quinn
Seastrand
Tate
Traficant
Weller
Young
Zeliff

2. MINETA SPEED LIMIT (19–37)

This amendment would strike a provision to repeal the national maximum speed limit.

AYE
Boehlert
Brown
Clinger
Clyburn
Ehlers
Fowler
Gilchrest
LaTourette
Lipinski
Menendez
Mineta
Molinari
Nadler
Oberstar
Parker
Rahall
Traficant
Wise
Shuster

NAY
Bachus
Baker
Barcia
Bateman
Blute
Brewster
Clement
Coble
Collins
Costello
Cramer
Danner
DeFazio
Duncan
Emerson
Filner
Franks
Horn
Hutchinson
Johnson
Kelly
Kim
LaHood
Latham
McCarthy
Martini
Mascara
Mica
Petri
Poshard

Quinn
 Seastrand
 Tate
 Wamp
 Weller
 Young
 Zelif

3. RAHALL 65 MPH SPEED LIMIT (22-29)

This amendment sought to establish a new maximum speed limit of 65 MPH.

AYE	NAY
Borski	Bachus
Brown	Baker
Clinger	Bateman
Collins	Blute
Costello	Brewster
Ehlers	Clement
Fowler	Coble
Gilchrest	Cramer
Johnson	Danner
LaTourette	DeFazio
Lipinski	Emerson
McCarthy	Filner
Martini	Franks
Menendez	Horn
Mineta	Hutchinson
Molinari	Kelly
Nadler	Kim
Oberstar	LaHood
Parker	Latham
Poshard	Mascara
Rahall	Mica
Shuster	Petri
	Quinn
	Seastrand
	Tate
	Wamp
	Weller
	Young
	Zelif

4. RAHALL REPEAL TRIGGER PROVISION (21-34)

This amendment would strike section 102 and section 103 of H.R. 2274 which sequester highway and transit funds for fiscal year 1997.

AYE	NAY
Borski	Bachus
Brown	Baker
Clement	Bateman
Clyburn	Blute
Collins	Boehlert

Costello
Cramer
Danner
DeFazio
Filner
Johnson
Lipinski
McCarthy
Mascara
Menendez
Mineta
Nadler
Norton
Oberstar
Poshard
Rahall

Brewster
Clinger
Coble
Duncan
Ehlers
Emerson
Ewing
Fowler
Franks
Gilchrest
Horn
Hutchinson
Kelly
Kim
LaHood
Latham
LaTourette
Martini
Mica
Molinari
Parker
Petri
Quinn
Tate
Wamp
Weller
Young
Zeliff
Shuster

5. EMERSON EXEMPTIONS COMMERCIAL MOTOR VEHICLES (36-14)

This amendment provides a series of exemptions from burdensome Federal regulations for certain, specified motor carrier operations where there is a time-sensitive need for an exemption or where driving is incidental to the driver's overall duties.

AYE
Bachus
Baker
Bateman
Blute
Boehlert
Clement
Clinger
Clyburn
Coble
Cramer
Danner
Duncan
Ehlers
Emerson
Ewing
Fowler
Franks

NAY
Borski
Brown
DeFazio
Filner
Johnson
Lipinski
McCarthy
Mascara
Menendez
Mineta
Nadler
Norton
Oberstar
Rahall

Gilchrest
 Horn
 Kelly
 Kim
 LaHood
 Latham
 LaTourette
 Martini
 Molinari
 Petri
 Poshard
 Quinn
 Seastrand
 Tate
 Wamp
 Weller
 Young
 Zeliff
 Shuster

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2274 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COSTS OF THE LEGISLATION

Clause 7 of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2274.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional budget Act of 1974, the Committee has received the

following cost estimate for H.R. 2274 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 14, 1995.

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN, The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2274, the National Highway System Designation Act of 1995.

Because enacting H.R. 2274 would affect direct spending and receipts, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, *Director*).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill Number: H.R. 2274.
2. Bill Title: National Highway System Designation Act of 1995.
3. Bill Status: As ordered reported by the House Committee on Transportation and Infrastructure on September 8, 1995.
4. Bill Purpose: The bill would designate the National Highway System and establish procedures for modifying the system. In addition, the bill would:

Withhold 1997 highway, highway safety, and transit funds from apportionment or allocation until August 1, 1997; funds that are for administrative tasks or are exempt from the obligation limitation for the Federal-Aid Highways program would not be withheld;

Provide \$360 million and \$155 million of contract authority for highway programs in fiscal years 1996 and 1997, respectively;

Rescind \$230 million of unobligated funds for highway projects in fiscal year 1996 and reduce contract authority for high-speed rail and highway safety programs by \$91 million and \$155 million in fiscal years 1996 and 1997, respectively;

Grant states the flexibility to use certain unobligated highway funds for types of projects different than those for which they were originally provided;

Fund the minimum allocation program at \$1.1 billion and \$1.3 billion in fiscal years 1996 and 1997, respectively, rather than at the levels dictated by the minimum allocation formula;

Change the description or scope of various highway demonstration projects;

Change the scope of some transit projects authorized to receive transit funds;

Exempt certain categories of drivers and commercial motor vehicles from some regulations;

Require the Secretary of Transportation to carry out various studies and rulemaking proceedings and issue reports and regulations; and

Make numerous other changes to highway and transit programs.

Finally, the bill would take the Highway, Airport and Airway, Harbor Maintenance, and Inland Waterway Trust Funds off-budget and would exempt trust fund spending from various budget enforcement procedures.

5. Estimated cost to the Federal Government: By changing the funding for transportation programs, particularly the minimum allocation program, H.R. 2274 would result in an estimated increase in contract authority of \$3.2 billion over the next five years. Contract authority is a form of mandatory spending and is attributable to the authorizing legislation that creates it. In general, outlays resulting from contract authority depend on obligation limitations established in transportation appropriations acts. Therefore, under the scoring procedures that have been in effect in the House of Representatives, these outlays are shown as discretionary. CBO estimates that the provisions of H.R. 2274, if followed by corresponding appropriations actions, would result in a net reduction in outlays of \$1 million over the 1996–2000 period.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
Direct spending					
Estimated Changes in Budget Authority:					
New Highway Contract Authority	360	155	160	166	172
Rescission of Highway Funds	-230	0	0	0	0
Reduction in Contract Authority	-91	-155	-160	-166	-172
Minimum Allocation	0	780	780	780	780
Equity Accounts	(¹)				
Total	39	780	780	780	780
Discretionary spending					
Estimated Changes in Outlays:					
New Highway Contract Authority	60	189	163	172	160
Rescission of Highway Funds	-32	-113	-37	-12	-8
Reduction in Contract Authority	-36	-89	-146	-167	-167
Minimum Allocation	0	88	391	570	655
Equity Accounts	(¹)				
Withholding of 1997 Funds	0	-3,463	-7,204	6,587	2,428
Studies, Regulations, Rulemaking Proceedings	6	1	0	0	0
Total ²	-2	-3,387	-6,833	7,153	3,068
Receipts					
Estimated Changes in Receipts from Civil Penalties	0	-1	-1	-1	-1

¹ These estimates are not yet available.

² Totals do not include estimated changes in equity accounts, which are not yet available.

The costs of this bill fall within budget function 400.

New Contract Authority. H.R. 2774 would provide new contract authority of \$360 million for 1996 and \$155 million for 1997 for highway programs. In addition, if this provision were enacted, CBO's baseline for the Federal-Aid Highways program would be increased for fiscal years 1998–2000 to reflect the additional 1997

funding. (This extension beyond 1997 reflects the requirement in the Balanced Budget and Emergency Deficit Control Act of 1985 that, in preparing budget baseline, mandatory programs with current year outlays greater than \$50 million shall be assumed to continue, even if they would expire under current law.) If the appropriations committees increase the obligation limitation for the Federal-Aid Highways program over the next five years by corresponding amounts, outlays will increase by \$744 million over the 1996–2000 period. Any such outlay increase would depend on appropriation action.

Rescission of Highway Funds.—The rescissions would reduce contract authority by \$230 million in 1996. We expect that \$9 million of the \$230 million will not be spent under current law because they come from highway demonstration projects that are not viable. Therefore, rescinding the \$9 million would not result in any outlay savings. The remaining \$221 million is subject to obligation limitations established in appropriations acts. If these funds would have been obligated in 1996, the rescission of the \$221 million would reduce outlays by \$202 million over the next five years.

Reduction in Contract Authority.—H.R. 2274 would reduce contract authority for high-speed rail and highway safety programs by \$91 million and \$155 million in fiscal years 1996 and 1997, respectively. In addition, if this provision were enacted, CBO's baseline for these programs would be reduced for fiscal years 1998–2000 to reflect the decreasing funding. If the appropriations committees decrease the obligation limitation for these programs over the next five years by corresponding amounts, outlays will decrease by \$602 million.

Minimum Allocation.—The bill would find the minimum allocation program at \$1.1 billion and \$1.4 billion, respectively, in fiscal years 1996 and 1997, rather than at the levels dictated by the minimum allocation formula. CBO currently estimates that the minimum allocation formula would result in funding of \$527 million in 1996 and \$598 million in 1997. Therefore, relative to our current estimates, H.R. 2274 would provide an additional \$1.4 billion of contract authority over these two years. In addition, in fiscal year 1998 through 2000, CBO's baseline for this program would be increased to reflect the additional funding.

The budget resolution baseline for 1996 is \$1.1 billion, reflecting the higher levels of spending experienced in previous years. For 1996 scorekeeping purposes, the changes made by this bill are measured against that baseline figure. Thus, relative to the baseline, this would not increase funding for the minimum allocation program in 1996. The above table therefore includes additional costs for this program only for fiscal years 1997–2000.

Equity Accounts.—Increasing funding for the minimum allocation program would change the amount of contract authority provided by three of the equity accounts in the Federal-Aid Highways program—hold harmless, donor state bonus, and 90 percent adjustment. These accounts guarantee that the states receive a fair share of highway funds. If the core programs do not provide enough funding to meet the thresholds established by these accounts, the equity accounts make up the difference. The Federal Highway Administration is calculating the effect the minimum allocation provision

will have on these accounts, and we will provide this information to the committee as soon as it becomes available

Receipts.—The bill would exempt certain categories of drivers of commercial motor vehicles from the hours of service requirements and would exempt commercial motor vehicles that weigh less than 26,000 pounds from numerous regulations. As a result, CBO estimates that civil penalties collected for violations of these regulations would drop by \$1 million annually. The Office of Motor Carrier Safety at the Federal Highway Administration collects about \$9 million in civil penalties a year, and commercial motor vehicles that weigh less than 26,000 pounds account for about 40 percent of the trucks on the road. However, the loss of receipts would be relatively small because the Secretary of Transportation would have the authority to stop an exemption if it would have an adverse impact on safety. In addition, the Department of Transportation may shift some of its enforcement resources to large trucks once smaller trucks are exempted.

Withholding 1997 Funding.—H.R. 2274 would withhold from apportionment or allocation most of the 1997 funding for highway, safety, and transit programs until August 1, 1997. The provision would not apply to funds for administrative tasks and for programs that are exempt from the obligation limitation for the Federal-Aid Highways program, except that funds for the applied research program—which is exempt from the obligation limitation—would be withheld. This delay would prevent about \$23.2 billion of 1997 funds from being obligated until August 1, 1997, and would shift outlays of about \$10.7 billion from 1997 and 1998 to later fiscal years.

The bill would prevent any transit funds appropriated after this bill is enacted from being obligated until August 1, 1997. If H.R. 2274 is enacted before the 1996 appropriations bill, 1996 transit funds also will not be available for obligation until August 1, 1997, unless the appropriations bill overrides this provision.

Studies, Regulations, and Rulemaking Proceedings.—This bill would require the Secretary of Transportation to carry out various studies and rulemaking proceedings and issue reports and regulations. These administrative tasks would cost several million dollars over the next five years. Most of these funds would come from contract authority already provided in law; however, the obligation limitations for the Federal-Aid Highways program might have to be increased, or else these tasks would have to be carried out by diverting resources from other tasks. The largest cost would be associated with the rulemaking proceedings that the Secretary of Transportation would have to carry out regarding commercial motor vehicle regulatory exemptions.

Trust Fund Off-Budget.—This bill would take the Highway, Airport and Airway, Harbor Maintenance, and inland Waterways Trust Funds off-budget and may exempt trust fund spending from the discretionary spending caps, pay-as-you-go procedures and other Congressional budget controls (including the Budget Resolution, 602 allocations, and reconciliation instructions). However, it is unclear whether the bill actually exempts the spending from these budgetary enforcement procedures. Even though the language that makes Social Security off-budget is much more specific than the

provisions in H.R. 2274, the administrative expenses of the Social Security Administration are still subject to all these procedures.

By itself, taking programs off-budget does not change total spending of the federal government and does not affect spending or revenue estimates for Congressional scorekeeping purposes. However, if the provision does exempt trust fund spending from the budgetary control and enforcement procedures that apply to most other programs, transportation spending could increase significantly. The likelihood and amount of such increase are very uncertain because they would depend upon future actions by both authorizing and appropriations committees. Competing factors would come into play. On the one hand, the Congress would be free to spend more money because the current budgetary controls would no longer apply. On the other hand, the Congress plans on balancing the overall federal budget by 2002, and spending for these programs would still count in determining whether the budget is balanced.

Currently, the amount of unobligated contract authority for transportation programs subject to an obligation limitation totals \$10.4 billion. In the years after 1996, the balance would grow under CBO's baseline assumptions. The Congress could decide to make these balances available for obligation. In addition, it could choose to increase funding for the Federal Aviation Administration in order to modernize the air traffic control system. Even if the Congress limits trust fund spending to the amounts of income to the funds, spending could increase substantially over the 1995 level.

In addition, the bill would establish rules similar to the Highway Trust Fund's Byrd rule for the Airport and Airway, Harbor Maintenance, and Inland Waterways Trust Funds. The Byrd rule tries to preserve the solvency of the highway account of the Highway Trust Fund by comparing unexpended budget authority to the fund's cash balance and two years of future revenue. If the unexpended budget authority is greater than the cash balance and revenue, the budget authority is reduced. The rules established in H.R. 2274 compares authorizations of appropriations that have not been appropriated—rather than budget authority—to the fund's unobligated cash balance and one year of revenue. If the test is not passed, the authorizations of appropriations would be reduced. The rule is ineffective in preserving a trust fund's solvency because, unlike the special rules for authorizations for the Highway Trust Fund, an authorization of appropriations is not budget authority but only a stamp of approval for a program to receive budget authority in the future.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of H.R. 2274 would increase contract authority and decrease civil penalties. Therefore, pay-as-you-go procedures would apply to the bill. Even though contract authority would increase, direct spending would not because the outlays are categorized as discretionary. The following table summarizes the estimated pay-as-you-go impact of this bill.

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998
Change in outlays	(¹)	(¹)	(¹)	(¹)
Change in receipts	0	0	-1	-1

¹ Not applicable.

7. Estimated cost to State and local governments: CBO estimates that the provisions in H.R. 2274 affecting state and local government budgets would, taken together, result in a net savings to those entities.

Enactment of H.R. 2274 would save state and local governments money by extending the temporary waiver for overweight transit buses traveling on the Interstate System and by eliminating requirements that paving materials contain recycled rubber. The bill would also relieve states of the requirement to implement management systems in the coming fiscal year and remove the possibility that states would have to convert highway signs to metric units before fiscal year 1998. While CBO has not completed an analysis of all of those provisions, the Federal Highway Administration estimates that states, in total, would save an average of \$400 million annually in paving costs by not having to comply with the recycled rubber requirements. In addition, based on a General Accounting Office estimate, delaying the metric sign requirements would postpone one time conversion costs of up to \$440 million.

A number of provisions in H.R. 2274 would increase costs for state and local governments, although in total these costs would be significantly lower than the savings described above. Federally funded mass transit and highway contracts and subcontracts would be required to follow certain federal cost principles and use approved indirect cost rates. States would have to perform life cycle and value engineering analyses on National Highway System projects with an estimated cost of \$25 million or more. In addition, small costs could result from the provision requiring high-cost federal aid highway and transit projects to submit annual financial plans. Similar increases could stem from the requirement for metropolitan planning organizations to consider recreational travel and tourism in their transportation plans. CBO estimates that the total costs resulting from these provisions are unlikely to exceed \$200 million annually.

8. Estimate comparison: None.

9. Previous CBO estimate: On July 11, 1995, CBO transmitted a cost estimate of S. 440, the National Highway System Designation Act of 1995, as passed by the Senate on June 22, 1994. The Senate bill is very different from this bill except for designating the National Highway System, and this estimate reflects those differences.

10. Estimate prepared by: Federal costs: John Patterson and Stephanie Weiner. State and local: Karen McVey.

11. Estimate approved by: Robert A. Sunshine, for Paul N. Van de Water, Assistant Director for Budget Analysis.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 13, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On September 8, 1995, the Committee on Transportation and Infrastructure ordered reported H.R. 2274, a bill to designate the National Highway System, and for other purposes.

As ordered reported by the Transportation Committee, H.R. 2274 contains several provisions which fall within the jurisdiction of the Commerce Committee: Section 207 amends Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 providing for the use of recycled paving material in highway construction; Section 316(c) requires the Secretary of Transportation to conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles; Section 320 of H.R. 2274 amends Section 176(c) of the Clean Air Act providing for transportation conformity; and Section 326 amends Section 134(f) of title 23 to add "recreational travel and tourism" as a factor to be considered in developing transportation plans.

In recognition of your desire to move this legislation expeditiously, I will not seek a sequential referral of the bill; however, by agreeing not to seek a sequential referral, the Commerce Committee does not waive its jurisdiction over these provisions. In addition, the Commerce Committee reserves its authority to seek an appropriate number of conferees on these and any other provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

I would appreciate your including this letter as a part of the Transportation Committee's report on H.R. 2274 and as part of the record during consideration of the bill by the full House.

Thank you for your consideration.

Sincerely,

THOMAS J. BLILEY, Jr., *Chairman.*

Hon. THOMAS J. BLILEY, Jr.,
Chairman, Committee on Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of September 13 regarding H.R. 2274, the National Highway System Designation Act of 1995. I appreciate your cooperation in not insisting on a sequential referral, so that we can proceed expeditiously to take this bill up on the Floor.

I agree that the Commerce Committee has a valid claim to jurisdiction over the items cited in your letter. I would support your request to have an appropriate number of conferees appointed for consideration of these matters in any House-Senate conference on H.R. 2274.

Again, thank you for your cooperation.

With warm regards, I am
Sincerely,

BUD SHUSTER, *Chairman.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 23, UNITED STATES CODE

* * * * *

CHAPTER 1—FEDERAL-AID HIGHWAYS

Sec.

101. Definitions and declaration of policy.
102. Program efficiencies.
103. Federal-aid systems.

* * * * *

[154. National maximum speed limit.]

* * * * *

§ 103. Federal-aid systems

(a) * * *

* * * * *

(c) *INITIAL DESIGNATION OF NHS.*—*The National Highway System as submitted by the Secretary of Transportation on the map entitled “Official Submission, National Highway System, Federal Highway Administration”, and dated September 1, 1995, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.*

(d) *MODIFICATIONS TO THE NHS.*—

(1) *PROPOSED MODIFICATIONS.*—*The Secretary may submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives proposed modifications to the National Highway System. The Secretary may only propose a modification under this subsection if the Secretary determines that such modification meets the criteria and requirements of subsection (b). Proposed modifications may include new segments and deletion of existing segments of the National Highway System.*

(2) *APPROVAL OF CONGRESS REQUIRED.*—*A modification to the National Highway System may only take effect if a law has been enacted approving such modification.*

(3) *REQUIRED SUBMISSIONS.*—

(A) *INITIAL SUBMISSION.*—*Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System. Such modifications shall include a list and*

description of additions to the National Highway System consisting of connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities.

(B) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System consisting of any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037) which was not identified on the National Highway System designated by subsection (c).

(4) INTERIM ELIGIBILITY.—

(A) IN GENERAL.—Notwithstanding paragraph (2), a modification to the National Highway System which adds to the National Highway System a connection to a major port, airport, international border crossing, public transportation or transit facility, interstate bus terminal, or rail or other intermodal transportation facility shall be eligible for funds apportioned under section 104(b)(1) for the National Highway System if the Secretary finds that such modification is consistent with criteria developed by the Secretary for such modifications to the National Highway System.

(B) PERIOD OF ELIGIBILITY.—A modification to the National Highway System which is eligible under subparagraph (A) for funds apportioned under section 104(b)(1) may remain eligible for such funds only until the date on which a law has been enacted approving modifications to the National Highway System which connect the National Highway System to facilities referred to in subparagraph (A).

* * * * *

§ 104. Apportionment

(a) * * *

(b) On October 1 of each fiscal year except as provided in paragraph (5)(A) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section and the set asides authorized by subsection (f) of this section and section 307 of this title, shall apportion the remainder of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, and the Interstate System for that fiscal year, among the several States in the following manner:

(1) * * *

(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program, in the ratio which the weighted nonattainment area population of each State bears to the total weighted

nonattainment area population of all States. The weighted nonattainment area population shall be calculated by multiplying the population of each area within any State that [is a nonattainment area (as defined in the Clean Air Act) for ozone] *was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1994* by a factor of—

- (A) 1.0 if the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act;
- (B) 1.1 if the area is classified as a moderate ozone nonattainment area under such subpart;
- (C) 1.2 if the area is classified as a serious ozone nonattainment area under such subpart;
- (D) 1.3 if the area is classified as a severe ozone nonattainment area under such subpart; or
- (E) 1.4 if the area is classified as an extreme ozone nonattainment area under such subpart.

If the area [is] *was* also classified under subpart 3 of part D of title I of such Act as a nonattainment area for carbon monoxide *during any part of fiscal year 1994*, for purposes of calculating the weighted nonattainment area population, the weighted nonattainment area population of the area, as determined under the preceding provisions of this paragraph, shall be further multiplied by a factor of 1.2. Notwithstanding any provision of this paragraph, in the case of States with a total 1990 census population of 15,000,000 or greater, the amount apportioned under this paragraph in a fiscal year to all of such States in the aggregate, shall be distributed among such States based on their relative populations; except that none of such States shall be distributed more than 42 percent of the aggregate amount so apportioned to all of such States. Notwithstanding any other provision of this paragraph, each State shall receive a minimum apportionment of 1/2 of 1 percent of the funds apportioned under this paragraph. The Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.

* * * * *

§ 106. Plans, specifications, and estimates

(a) * * *

* * * * *

(e) *LIFE-CYCLE COST ANALYSIS.—*

(1) *ESTABLISHMENT.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of all projects on the National Highway System with an estimated total cost of \$25,000,000 or more.*

(2) *ANALYSIS OF LIFE-CYCLE COSTS DEFINED.—In this subsection, the term “analysis of life-cycle costs” means a process for evaluating the total economic worth of one or more projects by analyzing both initial costs as well as discounted future costs, such as maintenance, reconstruction, rehabilitation, re-*

storing, and resurfacing costs, over the life of the project or projects.

(f) VALUE ENGINEERING FOR NHS.—

(1) REQUIREMENT.—The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System with an estimated total cost of \$25,000,000 or more.

(2) VALUE ENGINEERING DEFINED.—For purposes of this subsection, the term “value engineering analysis” means a systematic process of review and analysis of a project or activity during its design phase by a multidisciplined team of persons not originally involved in the project or activity in order to provide suggestions for reducing the total cost of the project or activity and providing a project or activity of equal or better quality. Such suggestions may include a combination or elimination of inefficient or expensive parts of the original proposed design for the project or activity and total redesign of the proposed project or activity using different technologies, materials, or methods so as to accomplish the original purpose of the project or activity.

* * * * *

§ 109. Standards

(a) * * *

* * * * *

(j) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall develop and promulgate guidelines to assure that highways constructed pursuant to this title are consistent with any approved [plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.] plan for—

(1) the implementation of a national ambient air quality standard for which an area is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

(2) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area for the standard and that is required to develop a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a).

* * * * *

§ 112. Letting of contracts

(a) * * *

(b) BIDDING REQUIREMENTS.—

(1) * * *

(2) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—

(A) * * *

* * * * *

(C) PERFORMANCE AND AUDITS.—Any contract or sub-contract awarded in accordance with subparagraph (A),

whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

(D) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or sub-contract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

(E) STATE OPTION.—Subparagraphs (C) and (D) shall take effect 2 years after the date of the enactment of this subparagraph with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to such State.

* * * * *

§ 120. Federal share payable

(a) * * *

* * * * *

(c) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The Federal share payable on account of any project for traffic control signalization, *safety rest areas*, pavement marking, commuter carpooling and vanpooling, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier endtreatments, breakaway utility poles, or priority control systems for emergency vehicles at signalized intersections may amount to 100 percent of the cost of construction of such projects; except that not more than 10 percent of all sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.

* * * * *

§ 129. Toll roads, bridges, tunnels, and ferries

(a) * * *

* * * * *

(c) Notwithstanding section 301 of this title, the Secretary may permit Federal participation under this title in the construction of ferry boats and terminal facilities, whether toll or free, subject to the following conditions:

(1) * * *

* * * * *

(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii and the islands which comprise the Commonwealth of Puerto Rico) or between adjoining States or between a point in a State and a point in the Dominion of Canada. Except with respect to operations between the islands which comprise the State of Hawaii and operations between the islands which comprise the Commonwealth of Puerto Rico, between a point in a State and a point in the Dominion of Canada, and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of such ferry operations shall be in any foreign or international waters.

* * * * *

§ 131. Control of outdoor advertising

(a) * * *

* * * * *

(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, (3) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural sur-

faces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section, [and (5)] (5) signs, displays, and devices identifying and announcing free motorist aid call boxes and advertising their sponsorship by corporations or other organizations, and (6) signs, displays, and devices advertising the distribution by 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. *The Secretary shall ensure that spacing of signs, displays, and devices announcing motorist aid call boxes is reasonable.*

* * * * *

(f) The Secretary shall, in consultations with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary. *For purposes of this subsection, the term "specific information in the interest of the traveling public" includes identification, announcement, and sponsorship of motorist aid call boxes.*

* * * * *

(s) SCENIC BYWAY PROHIBITION.—If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section[.]; *except that nothing in this subsection or section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 shall restrict, or otherwise be applied by the Secretary to affect, the authority of a State under subsection (d) of this section with respect to commercial or industrial areas or the authority of a State under subsection (k) of this section to establish standards imposing stricter limitations than those established in this subsection.* Control of any sign, display, or device on such a highway shall be in accordance with this section.

* * * * *

§ 134. Metropolitan planning

(a) * * *

* * * * *

(f) FACTORS TO BE CONSIDERED.—In developing transportation plans and programs pursuant to this section, each metropolitan planning organization shall, at a minimum, consider the following:

(1) * * *

* * * * *

(16) Recreational travel and tourism.

* * * * *

§ 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.]

* * * * *

§ 144. Highway bridge replacement and rehabilitation program

(a) * * *

* * * * *

(1) 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, shall be eligible for assistance under this section 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. *Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.*

* * * * *

§ 149. Congestion mitigation and air quality improvement program

(a) * * *

(b) ELIGIBLE PROJECTS.—Except as provided in subsection (c), a State may obligate funds apportioned to it under section 104(b)(2) for the congestion mitigation and air quality improvement program only for a transportation project or program *for areas in the State that were designated as nonattainment areas under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d))*—

(1)(A) if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines, on the basis of information published by the Environmental Protection Agency pursuant to section 108(f)(1)(A) of the Clean Air Act (other than clauses (xii) and (xvi) of such section), that the project or program is likely to [contribute to the attainment of a national ambient air quality standard; or] *contribute to—*

(i) the attainment of a national ambient air quality standard; or

(ii) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

* * * * *

§ 153. Use of safety belts and motorcycle helmets

(a) * * *

* * * * *

(h) PENALTY.—

(1) FISCAL YEAR 1994.—If, at any time in fiscal year 1994, a State does not have in effect [a law described in subsection (a)(1) and] a law described in subsection (a)(2), the Secretary shall transfer 1½ percent of the funds apportioned to the State for fiscal year 1995 under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

(2) THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 1994, a State does not have in effect [a law described in subsection (a)(1) and] a law described in subsection (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

* * * * *

§ 154. National maximum speed limit

[(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour other than a highway on the Interstate System located outside of an urbanized area of 50,000 population or more, (2) a maximum speed limit on any highway within its jurisdiction on the Interstate System located outside of an urbanized area of 50,000 population or more in excess of 65 miles per hour, (3) a maximum speed limit in excess of 65 miles per hour on any highway within its jurisdiction located outside an urbanized area of 50,000 population or more (A) which is constructed to interstate standards in accordance with section 109(b) of this title and connected to a highway on the Interstate System, (B) which is a divided 4-lane fully controlled access highway designed or constructed to connect to a highway on the Interstate System posted at 65 miles per hour and constructed to design and construction standards as determined by the Secretary which provide a facility adequate for a speed limit of 65 miles per hour, or (C) which is constructed to the geometric and construction standards adequate for current and probable future traffic demands and for the needs of the locality and is designated by the Secretary as part of the Interstate System in accordance with section 139(c) of this title, or (4)

a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clause (4) of this subsection shall not apply to any portion of a highway, during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

[(b) As used in this section the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

[(c) Notwithstanding the provisions of section 120 sums apportioned to any State under section 104 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

[(d) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section.

[(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 the speed limit on maximum speed limit highways 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. Such data shall include, but not be limited to, data on citations, travel speeds, and the posted speed limit and the design characteristics of roads from which such travel speed data are gathered. The Secretary shall issue regulations which ensure (1) that the monitoring programs conducted by the States to collect data for purposes of this subsection are uniform, (2) that devices and equipment under such programs are placed at locations on maximum speed limit highways on a scientifically random basis which takes into account the relative risk, as determined by the Secretary, of motor vehicle accidents occurring considering the classes of such highways and the speeds at which vehicles are traveling on such classes of highways, and (3) that the data submitted under this subsection will be in such form as the Secretary determines is necessary to carry out this section.

[(i) ANNUAL REPORT.—The Secretary shall transmit to Congress an annual report on travel speeds of motor vehicles on roads subject to subsection (a), State enforcement efforts with respect to speeding violations on such roads, and speed-related highway safety statistics.]

* * * * *

§ 157. Minimum allocation

(a) GENERAL RULES.—

(1) * * *

* * * * *

(4) THEREAFTER.—**[In fiscal]**

(A) *IN GENERAL.*—*In fiscal year 1992 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate funds authorized to be appropriated by subsection (f) among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Interstate construction, Interstate maintenance, Interstate highway substitute, National Highway System, surface transportation program, bridge program, scenic byways, and grants for safety belts and motorcycle helmets shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.*

(B) *ADDITIONAL ALLOCATION.*—*If the aggregate amount allocated to the States under subparagraph (A) after application of section 1003(c) the Intermodal Surface Transportation Efficiency Act of 1991 for any fiscal year beginning after September 30, 1995, is less than the amount authorized to be appropriated to carry out this section for such fiscal year, then the excess of such authorized amount shall be allocated as follows:*

(i) *The Secretary shall first allocate to each State such amount as may be necessary to increase the allocation under subparagraph (A) to the amount that would have been allocated to the State for such fiscal year if the full amount of the funds authorized to be appropriated for such fiscal year by such Act out of the Highway Trust Fund (other than the Mass Transit Account) were appropriated without regard to such section 1003(c).*

(ii) *If any of such excess remains after the allocation under clause (i), the Secretary shall allocate to each State such amount as may be necessary so that the amount authorized to be appropriated for such fiscal year for each project to be carried out in such State under sections 1103 through 1108 of such Act without regard to section 1003(c) of such Act is available for the project.*

(iii) *The Secretary shall allocate among the States any excess remaining after the allocations under clauses (i) and (ii) so that each State is allocated the following percentages of the remaining excess:*

<i>States:</i>	<i>Percentages</i>
Alabama	1.80
Alaska	1.20
Arizona	1.43
Arkansas	1.42

California	9.17
Colorado	1.27
Connecticut	1.74
Delaware	0.39
District of Columbia	0.52
Florida	4.04
Georgia	2.92
Hawaii	0.54
Idaho	0.70
Illinois	3.88
Indiana	2.18
Iowa	1.27
Kansas	1.13
Kentucky	1.53
Louisiana	1.52
Maine	0.65
Maryland	1.68
Massachusetts	4.11
Michigan	2.75
Minnesota	1.69
Mississippi	1.11
Missouri	2.28
Montana	0.93
Nebraska	0.79
Nevada	0.69
New Hampshire	0.48
New Jersey	2.86
New Mexico	1.02
New York	5.35
North Carolina	2.62
North Dakota	0.64
Ohio	3.64
Oklahoma	1.36
Oregon	1.23
Pennsylvania	4.93
Rhode Island	0.56
South Carolina	1.42
South Dakota	0.69
Tennessee	2.00
Texas	6.21
Utah	0.73
Vermont	0.43
Virginia	2.28
Washington	2.05
West Virginia	1.15
Wisconsin	1.90
Wyoming	0.65
Puerto Rico	0.46
Territories	0.01.

(C) TERRITORIES DEFINED.—In this paragraph, the term “territories” means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

* * * * *
 (d) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000 IN FISCAL YEARS 1996 AND 1997.—

(1) GENERAL RULE.—The percentage determined under paragraph (2) of funds allocated to a State under subsection (a)(4)(B)(iii) for each of fiscal years 1996 and 1997 shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3).

(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

(A) the total amount of the reduction in funds which would have been attributed under section 133(d)(3) to urbanized areas of the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991; by

(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).

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

[(e)] (f) In order to carry out this section there is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, such sums as may be necessary for each of the fiscal years ending on or after September 30, 1983 and before October 1, 1995, \$1,101,000,000 for fiscal year 1996, \$1,378,000,000 for fiscal year 1997.

* * * * *

CHAPTER 3.—GENERAL PROVISIONS

* * * * *

§ 306. Mapping

(a) *IN GENERAL.*—In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

(b) *GUIDANCE.*—The Secretary shall issue guidance to encourage States to utilize, to the maximum extent practicable, private sector sources for surveying and mapping services for highway projects under this title. In carrying out this subsection, the Secretary shall determine appropriate roles for State and private mapping and surveying activities, including—

- (1) preparation of standards and specifications;
- (2) research in surveying and mapping instrumentation and procedures and technology transfer to the private sector;
- (3) providing technical guidance, coordination, and administration of State surveying and mapping activities; and
- (4) establishing a schedule with quantifiable goals for increasing the use by the States of private sector sources for surveying and mapping activities.

* * * * *

Chapter 4.—HIGHWAY SAFETY

* * * * *

§ 409. Discovery and admission as evidence of certain reports and surveys

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

§ 410. Alcohol-impaired driving countermeasures

(a) * * *

* * * * *

(d) BASIC GRANT ELIGIBILITY.—A State is eligible for a basic grant under this section in a fiscal year only if such State provides for 5 or more of the following:

(1) Establishes an expedited driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

(A) * * *

* * * * *

(E) in the case of a person who, in any 5-year period beginning after [the date of enactment of this section] *December 18, 1991*, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by the law enforcement officer, the State entity responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

(i) * * *

* * * * *

(3)(A) A statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether or not the operators of such motor vehicles are driving while under the influence of alcohol.

(B) A State shall be treated as having met the requirement of this paragraph if—

(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

(ii) the State demonstrates to the satisfaction of the Secretary—

(I) that the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent

calendar years for which statistics for determining such rate are available; and

(II) that the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years.

* * * * *

(7) Any individual under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

* * * * *

(f) SUPPLEMENTAL GRANTS.—

[(1) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.]—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

[(2) (1) OPEN CONTAINER LAWS.]—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

(A) * * *

* * * * *

[(3) (2) SUSPENSION OF REGISTRATION AND RETURN OF LICENSE PLATES.]—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides for the suspension of the registration of, and the return to such State of the license plates for an individual who—

(A) * * *

* * * * *

[(4) (3) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.]—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in an accident resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

[(5)] (4) DRUGGED DRIVING PREVENTION.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and—
 (A) * * *

* * * * *

[(6)] (5) BLOOD ALCOHOL CONCENTRATION LEVEL PERCENTAGE.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and requires that any person with a blood alcohol concentration of .08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated in each of the first three fiscal years in which a basic grant is received.

[(7)] (6) VIDEO EQUIPMENT FOR DETECTION OF DRUNK AND DRUGGED DRIVERS.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol or a controlled substance and in effectively prosecuting those persons, and to train personnel in the use of that equipment.

**INTERMODAL SURFACE TRANSPORTATION EFFICIENCY
 ACT OF 1991**

* * * * *

TITLE I—SURFACE TRANSPORTATION

Part A—Title 23 Programs

* * * * *

SEC. 1023. GROSS VEHICLE WEIGHT RESTRICTION.

(a) * * *

* * * * *

(h) **PUBLIC TRANSIT VEHICLES.**—

(1) **TEMPORARY EXEMPTION.**—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways, shall not apply, for the **[2-year period beginning on the date of enactment of this Act,] period beginning on October 6, 1992, and ending on the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National High-**

way System Designation Act of 1995, to any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus. The Secretary may extend such 2-year period for an additional year.

* * * * *

SEC. 1036. NATIONAL HIGH-SPEED GROUND TRANSPORTATION PROGRAMS.

(a) * * *

* * * * *

(d) FUNDING.—

(1) OUT OF HIGHWAY TRUST FUND.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) the following sums:

(A) NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM.—For the national magnetic levitation prototype development program under this section \$5,000,000 for fiscal year 1992, \$45,000,000 for fiscal year 1993, \$100,000,000 for fiscal year 1994, and \$100,000,000 for fiscal year 1995, \$125,000,000 for fiscal year 1996, and \$125,000,000 for fiscal year 1997.

(B) NATIONAL HIGH-SPEED GROUND TRANSPORTATION TECHNOLOGY DEMONSTRATION PROGRAM.—For the national high-speed ground transportation technology demonstration program under section 309 of title 49, United States Code, \$5,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997 and 1996.

* * * * *

SEC. 1038. USE OF RECYCLED PAVING MATERIAL.

(a) * * *

* * * * *

[(d) USE OF ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—

[(1) STATE CERTIFICATION.—Beginning on January 1, 1995, and annually thereafter, each State shall certify to the Secretary that such State has satisfied the minimum utilization requirement for asphalt pavement containing recycled rubber established by this section. The minimum utilization requirement for asphalt pavement containing recycled rubber as a percentage of the total tons of asphalt laid in such State and financed in whole or part by any assistance pursuant to title 23, United States Code, shall be—

- [(A) 5 percent for the year 1994;**
- [(B) 10 percent for the year 1995;**
- [(C) 15 percent for the year 1996; and**
- [(D) 20 percent for the year 1997 and each year thereafter.**

[(2) OTHER MATERIALS.—Any recycled material or materials determined to be appropriate by the studies under subsection (b) may be substituted for recycled rubber under the minimum utilization requirement of paragraph (1) up to 5 percent.

[(3) INCREASE.—The Secretary may increase the minimum utilization requirement of paragraph (1) for asphalt pavement containing recycled rubber to be used in federally assisted highway projects to the extent it is technologically and economically feasible to do so and if an increase is appropriate to assure markets for the reuse and recycling of scrap tires. The minimum utilization requirement for asphalt pavement containing recycled rubber may not be met by any use or technique found to be unsuitable for use in highway projects by the studies under subsection (b).

[(4) PENALTY.—The Secretary shall withhold from any State that fails to make a certification under paragraph (1) for any fiscal year, a percentage of the apportionments under section 104 (other than subsection (b)(5)(A)) of title 23, United States Code, that would otherwise be apportioned to such State for such fiscal year under such section equal to the percentage utilization requirement established by paragraph (1) for such fiscal year.

[(5) SECRETARIAL WAIVER.—The Secretary may set aside the provisions of this subsection for any 3-year period on a determination, made in concurrence with the Administrator of the Environmental Protection Agency with respect to subparagraphs (A) and (B) of this paragraph, that there is reliable evidence indicating—

[(A) that manufacture, application, or use of asphalt pavement containing recycled rubber substantially increases the threat to human health or the environment as compared to the threats associated with conventional pavement;

[(B) that asphalt pavement containing recycled rubber cannot be recycled to substantially the same degree as conventional pavement; or

[(C) that asphalt pavement containing recycled rubber does not perform adequately as a material for the construction or surfacing of highways and roads.

The Secretary shall consider the results of the study under subsection (b)(1) in determining whether a 3-year set-aside is appropriate.

[(6) RENEWAL OF WAIVER.—Any determination made to set aside the requirements of this section may be renewed for an additional 3-year period by the Secretary, with the concurrence of the Administrator with respect to the determinations made under paragraphs (5)(A) and (5)(B). Any determination made with respect to paragraph (5)(C) may be made for specific States or regions considering climate, geography, and other factors that may be unique to the State or region and that would prevent the adequate performance of asphalt pavement containing recycled rubber.

[(7) INDIVIDUAL STATE REDUCTION.—The Secretary shall establish a minimum utilization requirement for asphalt pavement containing recycled rubber less than the minimum utilization requirement otherwise required by paragraph (1) in a particular State, upon the request of such State and if the Secretary, with the concurrence of the Administrator of the Envi-

ronmental Protection Agency, determines that there is not a sufficient quantity of scrap tires available in the State prior to disposal to meet the minimum utilization requirement established under paragraph (1) as the result of recycling and processing uses (in that State or another State), including retreading or energy recovery.]

[(e)] (d) DEFINITIONS.—For purpose of this section—

(1) the term “asphalt pavement containing recycled rubber” means any hot mix or spray applied binder in asphalt paving mixture that contains rubber from whole scrap tires which is used for asphalt pavement base, surface course or interlayer, or other road and highway related uses and—

(A) is a mixture of not less than 20 pounds of recycled rubber per ton of hot mix or 300 pounds of recycled rubber per ton of spray applied binder; or

(B) is any mixture of asphalt pavement and recycled rubber that is certified by a State and is approved by the Secretary, provided that the total amount of recycled rubber from whole scrap tires utilized in any year in such State shall be not less than the amount that would be utilized if all asphalt pavement containing recycled rubber laid in such State met the specifications of subparagraph (A) and subsection (d)(1); and

(2) the term “recycled rubber” is any crumb rubber derived from processing whole scrap tires or shredded tire material taken from automobiles, trucks, or other equipment owned and operated in the United States.

* * * * *

SEC. 1058. ROADSIDE BARRIER TECHNOLOGY.

(a) REQUIREMENT FOR INNOVATIVE BARRIERS.—Not less than 2½ percent of the mileage of new or replacement permanent [median] or temporary crashworthy barriers included in awarded contracts along Federal-aid highways within the boundaries of a State in each calendar year shall be innovative crashworthy safety barriers.

(b) CERTIFICATION.—Each State shall annually certify to the Secretary its compliance with the requirements of this section.

(c) DEFINITION OF INNOVATIVE CRASHWORTHY SAFETY BARRIER.—For purposes of this section, the term “innovative crashworthy safety barrier” means a [median] barrier, other than a guardrail or guiderail, classified by the Federal Highway Administration as “experimental” or that was classified as “operational” after January 1, 1985, and meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers.

* * * * *

[SEC. 1092. PILOT PROGRAM FOR UNIFORM AUDIT PROCEDURES.

[(a) ESTABLISHMENT.—The Secretary shall establish a pilot program under which any contract or subcontract awarded in accordance with section 112(b)(2)(A) of title 23, United States Code, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations. The pilot program under this section shall include participation of not more than 10 States.

[(b) INDIRECT COST RATES.—In lieu of performing their own audits, the States participating in the pilot program shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or audited by an independent certified public accountant, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, all the recipients of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or defacto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subsection shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subsection, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.]

[(c) REPORT.—Each State participating in the pilot program shall report to the Secretary not later than 3 years after the date of the enactment of this Act on the results of the program.]

* * * * *

SEC. 1103. HIGH COST BRIDGE PROJECTS.

(a) PURPOSE.—The purpose of this section is to provide funds to accelerate construction of high cost bridge projects.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the high cost of bridge projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

CITY/STATE	HIGH COST BRIDGES	AMOUNT in millions
1. Delaware, Oklahoma	Construction of a replacement bridge on U.S. Rt. 59 over Grand Lake in Delaware, Oklahoma	9.7
* * *	* * *	*
5. Gloucester Point, Virginia	Provide for additional crossing capacity of the York River <i>and for repair, strengthening, and rehabilitation of the existing bridge ...</i>	11.8
* * *	* * *	*
10. Shakopee, Minnesota	Bloomington Ferry Bridge replacement project, including the bypass of, Shakopee, Minnesota	22.0
* * *	* * *	*

SEC. 1104. CONGESTION RELIEF PROJECTS.

(a) PURPOSE.—The purpose of this section is to improve methods of congestion relief.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the congestion relief projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

CITY/STATE	CONGESTION RELIEF	AMOUNT in millions
1. Long Beach, California ... * * *	Construction of [HOV Lanes on] <i>downtown Long Beach access ramps into the southern terminus of I-710</i>	7.4 *
10. San Diego, California * * *	Construct [1 block of Cut and Cover Tunnel on Rt. 15] <i>bridge decking on Route 15</i> in downtown San Diego, California	5.0 *
23. Tucson, Arizona	To make interchange improvements at Oracle and Orange Grove Roads in Tucson, Arizona, <i>of which a total of \$3,609,620 shall be available for the project authorized by item number 74 of the table contained in section 1106(b)</i>	3.9 *
43. West Virginia	Construction of the [Coal Fields] <i>Coalfields Expressway</i> from Beckley, West Virginia to Virginia State line	50.0 *

SEC. 1105. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) * * *

* * * * *

(c) IDENTIFICATION OF HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—The following are high priority corridors on the National Highway System:

(1) * * *

* * * * *

(3) East-West Transamerica Corridor *commencing on the Atlantic Coast in the Hampton Roads-Norfolk area going westward across Virginia to a West Virginia corridor centered around Beckley to Welch as part of the Coalfields Expressway described in section 1069(v), then to Williamson sharing a common corridor with the I-73/74 Corridor (referred to in item 12 of the table contained in subsection (f)), then to a Kentucky Corridor centered on the cities of Pikeville, Jenkins, Hazard, London, Somerset, Columbia, Bowling Green, Hopkinsville, Benton, and Paducah, into Illinois, and into Missouri and exiting Western Missouri and entering the southeast corner of Kansas.*

* * * * *

[(5) I-73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, and Detroit, Michigan.]

(5)(A) I-73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, to termini at Detroit, Michigan and Sault Ste. Marie, Michigan. The Sault Ste. Marie terminus shall be reached via a corridor connecting Adrian, Jackson, Lansing, Mount Pleasant, and Grayling, Michigan.

(B)(i) In the Commonwealth of Virginia, the Corridor shall generally follow—

(I) United States Route 220 from the Virginia-North Carolina border to I-581 south of Roanoke;

(II) I-581 to I-81 in the vicinity of Roanoke;

(III) I-81 to the proposed highway to demonstrate intelligent transportation systems authorized by item 29 of the table in section 1107(b) in the vicinity of Christiansburg to United States Route 460 in the vicinity of Blacksburg; and

(IV) United States Route 460 to the West Virginia State line.

(ii) In the States of West Virginia, Kentucky, and Ohio, the Corridor shall generally follow—

(I) United States Route 460 from the West Virginia State line to United States Route 52 at Bluefield, West Virginia; and

(II) United States Route 52 to United States Route 23 at Portsmouth, Ohio.

(iii) In the States of North Carolina and South Carolina, the Corridor shall generally follow—

(I) in the case of I-73—

(aa) United States Route 220 from the Virginia State line to State Route 68 in the vicinity of Greensboro;

(bb) State Route 68 to I-40;

(cc) I-40 to United States Route 220 in Greensboro;

(dd) United States Route 220 to United States Route 1 near Rockingham;

(ee) United States Route 1 to the South Carolina State line; and

(ff) South Carolina State line to Charleston, South Carolina; and

(II) in the case of I-74—

(aa) I-77 from Bluefield, West Virginia, to the junction of I-77 and the United States Route 52 connector in Surry County, North Carolina;

(bb) the I-77/United States Route 52 connector to United States Route 52 south of Mount Airy, North Carolina;

(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina;

(dd) United States Route 311 to United States Route 220 in the vicinity of Randleman, North Carolina.

(ee) United States Route 220 to United States Route 74 near Rockingham;

- (ff) United States Route 74 to United States Route 76 near Whiteville;*
- (gg) United States Route 74/76 to the South Carolina State line in Brunswick County; and*
- (hh) South Carolina State line to Charleston, South Carolina.*

* * * * *

(18) Corridor from Indianapolis, Indiana, through Evansville, Indiana, Memphis, Tennessee, Arkansas, Shreveport/Bossier, Louisiana, [and] to Houston, Texas, and to the Lower Rio Grande Valley at the border between the United States and Mexico.

* * * * *

(20) United States Route 59 Corridor from Laredo, Texas, through Houston, Texas, to the vicinity of Texarkana, Texas, and to include the Corpus Christi Northside Highway and Rail Corridor from the existing intersection of United States Route 77 and Interstate Route 37 to United States Route 181.

* * * * *

(22) The Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California.

(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota.

(24) The Dalton Highway from Deadhorse, Alaska to Fairbanks, Alaska.

(25) State Route 168 (South Battlefield Boulevard), Virginia, from the Great Bridge Bypass to the North Carolina State line.

(26) The CANNAMEX CORRIDOR from Nogales, Arizona, through Las Vegas, Nevada, to Salt Lake City, Utah, to Idaho Falls, Idaho, to Great Falls, Montana, to the Canadian Border as follows:

(A) In the State of Arizona, the CANAMEX CORRIDOR shall generally follow—

- (i) I-19 from Nogales to Tucson;*
- (ii) I-10 from Tucson to Phoenix; and*
- (iii) United States Route 93 from Phoenix to the Nevada Border.*

(B) In the State of Nevada, the CANAMEX CORRIDOR shall follow—

- (i) United States Route 93 from the Arizona Border to Las Vegas; and*
- (ii) I-15 from Las Vegas to the Utah Border.*

(C) From the Utah Border to the Canadian Border, the CANAMEX CORRIDOR shall follow I-15.

* * * * *

(e) PROVISIONS APPLICABLE TO CORRIDORS.—

(1) * * *

(2) FEASIBILITY STUDIES.—The Secretary, in cooperation with the affected State or States, may prepare feasibility and design

studies, as necessary, for those corridors for which such studies have not been prepared. A feasibility study may be conducted under this subsection with respect to the corridor described in subsection (c)(2), relating to Avenue of the Saints, to determine the feasibility of an adjunct to the Avenue of the Saints serving the southern St. Louis metropolitan area and connecting with I-55 in the vicinity of Route A in Jefferson County, Missouri. A study may be conducted under this subsection to determine the feasibility of constructing a more direct limited access highway between Peoria and Chicago, Illinois. *A feasibility study may be conducted under this subsection to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.*

* * * * *

(5) *INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Where not a part of the Interstate System, the routes referred to in clauses (i), (ii), and (iii) of subsection (c)(5)(B) (other than the portion located in the State of West Virginia), in subsection (c)(9), and in subsections (c)(18) and (c)(20) are hereby designated future parts of the Interstate System. Any segment of such routes shall become a part of the Interstate System at such time as the Secretary determines that the segment—*

(A) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

(B) connects to an existing Interstate System segment and functions as a safe and usable segment.

(f) **HIGH PRIORITY SEGMENTS.**—Highway segments of the corridors referred to in subsection (c) which are described in this subsection are high priority segments eligible for assistance under this section. Subject to subsection (g)(2), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out a project on each such segment the amount listed for each such segment:

CITY/STATE	HIGH PRIORITY CORRIDORS	AMOUNT in millions
1. Pennsylvania	For the segment described in item 6 of this table and up to \$11,000,000 for upgrading U.S. 220 High Priority and the Appalachian Thruway Corridor between State College and I-80	50.7
2. Alabama, Georgia, Mississippi, Tennessee	Upgrading of the East-West Corridor along Rt. 72 and up to \$1,500,000 from the State of Alabama's share of the project for modification of the Keller Memorial Bridge in Decatur, Alabama, to a pedestrian structure	25.4

CITY/STATE	HIGH PRIORITY CORRIDORS	AMOUNT in millions
* * * 26. Indiana, Kentucky, Tennessee	* * * To improve the Bloomington, Indiana, to [Newberry] <i>Evansville</i> , Indiana, segment of the Indianapolis, Indiana, to Memphis, Tennessee, high priority corridor	* 23.7 *

SEC. 1106. RURAL AND URBAN ACCESS PROJECTS.

(a) RURAL ACCESS PROJECTS.—

(1) PURPOSE.—The purpose of this subsection is to provide funds for projects that ensure better rural access and that promote economic development in rural areas.

(2) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out rural access projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

CITY/STATE	RURAL ACCESS	AMOUNT in millions
1. Cadiz, Ohio	Improvements of Short Creek Highway from Cadiz, Ohio to Rayland, Ohio	2.5
* * *	* * *	*
17. Lake Charles, Louisiana	Construction of roads and bridge to provide access to Rose Bluff Industrial Area, Lake Charles, LA	[4.1] 8.8
* * *	* * *	*
34. Illinois	[Resurfacing IL Rt. 1 from Cave-In-Rock to north of Omaha] <i>Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County</i>	1.8
* * *	* * *	*
52. Pennsylvania	To construct an access road in Bedford Springs, Pennsylvania, along Old U.S. 220 to the Springs Project and to construct other facilities to facilitate movement of traffic within the site and construction of a parking facility to be associated therewith or other projects in the counties of Bedford, Blair, Fulton, [and Huntington] <i>Franklin, and Huntingdon</i> , as selected by the State of Pennsylvania	19.7

CITY/STATE	RURAL ACCESS	AMOUNT in millions
* * * 61. Lubbock, Texas	Initiate feasibility and route studies and preliminary engineering and design for highway to connect Lubbock [with Interstate 20] with Interstate 10 through Interstate 20 and Interstate 27 north of Amarillo to the Texas/Oklahoma border	* 2.9
* * * 71. Chautauqua County, New York	Construct 2 additional expressway lanes and other improvements from Chautauqua Lake Bridge to Pennsylvania Border	* 17.0
* * * 75. Pennsylvania	[Widen 14-mile segment of U.S. 15 from 2 to 4 lanes] Road improvements on a 14-mile segment of U.S. Route 15 in Lycoming County, Pennsylvania	* 13.8
* * * 93. New Mexico	[Raton-Clayton Rd., Clayton, New Mexico] U.S. Rt. 64/87 from Raton, New Mexico, through Clayton to the Texas-New Mexico State line	* 9.3
* * * 111. [Parker County] Parker and Tarrant Counties, Texas (SH199)	Upgrade existing highway [to four-] in Tarrant County, to freeway standards and in Parker County to a 4-lane divided highway	* 33.5
* * *	* * *	* *

(b) URBAN ACCESS AND URBAN MOBILITY PROJECTS.—

(1) PURPOSE.—The purpose of this subsection is to provide funds for projects that enhance urban access and urban mobility.

(2) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out urban access and urban mobility projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

CITY/STATE	URBAN ACCESS & MOBILITY	AMOUNT in millions
1. Santa Ana, California * * *	Bristol Street Project	* 4.1
9. New York, New York	[Improvements on Miller Highway in New York City, NY] Projects in New York City, New York (other than improvements to the Miller Highway)	15.6

CITY/STATE	URBAN ACCESS & MOBILITY	AMOUNT in millions
* * * 13. Joliet, Illinois	* * * For rehabilitation of Houbolt Road from Jefferson Street to Joliet Jr. College [and construction and interchange at Houbolt Road and I-80]	* 1.0
* * * 36. Compton, California	* * * [For a grade separation project at W. Alameda Street and the Mealy St. Corridor] <i>For grade separations and other improvements in the city of Compton, California</i>	* 6.6
* * * 52. Chicago, Illinois	* * * [Right-of-way preservation projects (Eisenhower & Stevenson Connector)] <i>Reconstruct the Michigan Avenue viaduct</i>	* 4.8
* * *	* * *	*

SEC. 1107. INNOVATIVE PROJECTS.

(a) IN GENERAL.—The purpose of this section is to provide assistance for highway projects demonstrating innovative techniques of highway construction and finance. Each State in which 1 of the projects authorized by subsection (b) is located shall select and use, in carrying out such project, innovative techniques in highway construction or finance. Such techniques may include state-of-the-art technology for pavement, safety, or other aspects of highway construction; innovative financing techniques; or accelerated procedures for construction.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the innovative projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
1. Cadiz, Ohio	Construction of 4-lane Limited Access Highway from Cadiz, OH to Interstate 70 Interchange at St. Clairsville, OH along U.S. Rt. 250	20.0
* * * 19. [Water Street,] Pennsylvania	* * * Construction of a 2 lane bypass around the Borough of Water Street on U.S. 22 of Pennsylvania, or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania	* 8.0

CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
20. [Holidaysburg,] Penn- sylvania	To relocate U.S. 22 around the Borough of Holidaysburg, Pennsylvania, or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania	52.0
* * * 24. Pennsylvania	To relocate section of railroad tracks between Hagerstown, Maryland and Shippensburg, Pennsylvania to eliminate 23 at-grade crossings and to make connection to an existing railroad line and for the purchase, rehabilitation, and improvement of any similar existing facility within a 150-mile radius of such project, as selected by the State of Pennsylvania	14.4
* * * 29. Blacksburg, Montgomery County, Virginia	Construction of 6 mile 4 lane highway to demonstrate methods of facilitating public and private participation in intelligent/vehicle highway systems	5.9
* * * 35. Alabama	To construct a 4-lane access controlled highway [to bypass Montgomery, Alabama and connect I-65 and I-85] beginning on U.S. Route 80 west of Montgomery, Alabama, and connecting to I-65 south of Montgomery and I-85 east of Montgomery	11.8
* * * 49. Suffolk County, New York	Evaluate suitability of composting and recycling for use on Federal-aid highway medians and perimeters and provide funds to the towns of Brookhaven, Riverhead, Smithtown, East Hampton, Southold, Shelter Island, and Southampton for the purchase of vehicles to meet the transportation needs of the elderly and persons with disabilities	2.0
* * * 52. Pennsylvania	Design, engineer and construct [2 exits off Interstate 81 at Wilkes-Barre and Mountaintop, Pennsylvania] or rehabilitate (or both) highway and transportation infrastructure projects within 30 miles of I-81 or I-80 in northeastern Pennsylvania	16.7
* * * 61. [Mojave] Victorville, California	Widen and reconstruct Mojave bridge to CALTRANS height standards	1.8

CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
68. * * * 【Portland/S. Portland,】 Maine	* * * Portland-S. Portland Bridge and improvements to the Carlton Bridge in Bath-Woolworth	* 134.5
76. * * * Tennessee	* * * Improved access to I-81/Industrial Park South 【Interchange】, Sulli- van County, Tennessee via im- provements at I-181/Eastern Star Road and I-81/Kendrick Creek Road	* 5.8
100. * * * Arkansas	* * * North Belt Freeway Project, 【Thornton】 Little Rock, Arkan- sas	* 8.9
113. * * * Durham County, North Carolina	* * * Accelerated construction of a four- lane divided freeway on Route 147, including the interchange at I-85	* 38.3
114. * * * Corpus Christi to Angleton, Texas	* * * 【Construct new multi-lane free- way】 Construct a 4-lane divided highway	* 41.7
193. * * * Corning, New York	* * * Additional funding for Corning By- pass (Route 1), except any excess funds from the \$13.4 million in total funding for this project shall be available for construc- tion of two additional express- way lanes and other improve- ments from Chautauqua Lake Bridge to Pennsylvania border on Route 17	* 2.4
196. * * * 【Orlando,】 Florida	* * * 【Land & right-of-way acquisition & guideway construction for magnetic limitation project】 One or more regionally significant, intercity ground transportation projects	* 97.5

SEC. 1108. PRIORITY INTERMODAL PROJECTS.

(a) PURPOSE.—The purpose of this section is to provide for the construction of innovative intermodal transportation projects.

(b) AUTHORIZATION OF PRIORITY PROJECTS.—The Secretary is authorized to carry out the priority intermodal transportation projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

CITY/STATE	INTERMODAL PROJECTS	AMOUNT in millions
1. Long Beach, California ... * * *	Interchange at Terminal Island Freeway and Ocean Boulevard ... * * *	11.8 *
12. Buffalo, New York	Construction of Buffalo River/Gate- way Tunnel Project and the Crossroads Arena Project	20.2 *
31. Los Angeles, California ... * * *	【To improve ground access from Sepulveda Blvd. to Los Angeles, California】 For the Los Angeles International Airport central ter- minal ramp access project, \$3,500,000; for the widening of Aviation Boulevard south of Im- perial Highway, \$3,500,000; for the widening of Aviation Boule- vard north of Imperial Highway, \$1,000,000; and for transpor- tation systems management im- provements in the vicinity of the Sepulveda Boulevard/Los Ange- les International Airport tunnel, \$950,000	8.95 *

**PART B—NATIONAL RECREATIONAL TRAILS
FUND ACT**

SEC. 1301. SHORT TITLE.

This part may be cited as the “Symms National Recreational Trails Act of 1991”.

SEC. 1302. NATIONAL RECREATIONAL TRAILS FUNDING PROGRAM.

(a) * * *

* * * * *

(c) STATE ELIGIBILITY.—

(1) TRANSITIONAL PROVISION.—Until the date that is 3 years after the date of enactment of this part, a State shall be eligible to receive moneys under this [Act] part only if such State’s application proposes to use the moneys as provided in subsection (e).

(2) PERMANENT PROVISION.—On and after the date that is three years after the date of the enactment of this [Act] part, a State shall be eligible to receive moneys under this part only if—

(A) a recreational trail advisory board on which both motorized and nonmotorized recreational trail users are represented exists within the State;

【(B) in the case of a State that imposes a tax on non-highway recreational fuel, the State by law reserves a reasonable estimation of the revenues from that tax for use in providing and maintaining recreational trails;】

[(C)] (B) the Governor of the State has designated the State official or officials who will be responsible for administering moneys received under this **[Act]** part; and

[(D)] (C) the State's application proposes to use moneys received under this part as provided in subsection (e).

(3) *SIXTH YEAR PROVISION.*—*On and after the date that is 5 years after the date of the enactment of this part, a State shall be eligible to receive moneys under this part in a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in such fiscal year.*

(d) **ALLOCATION OF MONEYS IN THE FUND.**—

(1) **ADMINISTRATIVE COSTS.**—No more than 3 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary for—

(A) approving applications of States for moneys under this part;

(B) paying expenses of the National Recreational Trails Advisory Committee;

(C) conducting national surveys of nonhighway recreational fuel consumption by State, for use in making determinations and estimations pursuant to this part; **[and]**

(D) *contracting for services with other land management agencies; and*

[(D)] (E) if any such funds remain unexpended, research on methods to accommodate multiple trail uses and increase the compatibility of those uses, information dissemination, technical assistance, and preparation of a national trail plan as required by the National Trails System Act (16 U.S.C. 1241 et al).

(e) **USE OF ALLOCATED MONEYS.**—

(1) * * *

* * * * *

(4) **ASSURED ACCESS TO FUNDS.**—Except as provided under **[paragraphs (6) and (8)(B)]** *paragraphs (7) and (9)(B)*, not less than 30 percent of the moneys received annually by a State under this part shall be reserved for uses relating to motorized recreation, and not less than 30 percent of those moneys shall be reserved for uses relating to non-motorized recreation.

(5) **ENVIRONMENTAL MITIGATION.**—

(A) **REQUIREMENT.**—*To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State shall give priority to project proposals which provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.*

(B) **COMPLIANCE.**—*The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).*

[(5)] (6) **DIVERSIFIED TRAIL USE.**—

(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend moneys received under this part in a manner that gives preference to project proposals which—

(i) provide for the greatest number of compatible recreational purposes including, but not limited to, those described under the definition of “recreational trail” in subsection (g)(5); or

(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective until such time as a State has allocated not less than 40 percent of moneys received under this part in the aforementioned manner.

(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).

[(6) SMALL STATE EXCLUSION.—] (7) EXCLUSIONS.—

(A) *SMALL STATE.*—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of paragraph (4) of this subsection upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

(B) *BEST INTEREST OF A STATE.*—Any State which determines based on trail needs identified in its State Comprehensive Outdoor Recreation Plan that it is in the best interest of the State to be exempt from the requirements of paragraph (4) may apply to the Secretary for such an exemption. Before approving or disapproving an application for such an exemption, the Secretary shall publish in the Federal Register notice of receipt of the application and provide an opportunity for public comment on the application.

* * * * *

[(7)] (8) CONTINUING RECREATIONAL USE.—At the option of each State, moneys made available pursuant to this part may be treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act.

[(8)] (9) RETURN OF MONEYS NOT EXPENDED.—

(A) Except as provided in subparagraph (B), moneys paid to a State that are not expended or dedicated to a specific project within 4 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d).

(B) If approved by the State recreational trail advisory board satisfying the requirements of subsection (c)(2)(A), the State may be exempted from the requirements of paragraph (4) [and expended or committed to projects for purposes otherwise stated in this subsection for a period not

to extend beyond 4 years after receipt, after which any remaining moneys not expended or dedicated shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d)].

SEC. 1303. NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the National Recreational Trails Advisory Committee.

(b) MEMBERS.—There shall be [11] 12 members of the advisory committee, consisting of—

(1) 8 members appointed by the Secretary from nominations submitted by recreational trail user organizations, one each representing the following recreational trail uses:

- (A) hiking,
- (B) cross-country skiing,
- (C) off-highway motorcycling,
- (D) snowmobiling,
- (E) horseback riding,
- (F) all-terrain vehicle riding,
- (G) bicycling, and
- (H) four-wheel driving;

(2) 1 member appointed by the Secretary representing individuals with disabilities;

[(2)] (3) an appropriate official of government with a background in science or natural resources management, including any official of State or local government, designated by the Secretary;

[(3)] (4) 1 member appointed by the Secretary from nominations submitted by water trail user organizations; and

[(4)] (5) 1 member appointed by the Secretary from nominations submitted by hunting and fishing enthusiast organizations.

* * * * *

TITLE II—HIGHWAY SAFETY

PART A—HIGHWAY SAFETY GRANT PROGRAMS

SEC. 2001. SHORT TITLE.

This part may be cited as the “Highway Safety Act of 1991”.

* * * * *

SEC. 2005. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the provisions of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NHTSA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration \$126,000,000 for fiscal year 1992 [and], \$171,000,000 for each of fiscal years 1993,

1994[, 1995, 1996, and 1997] and 1995, and \$146,000,000 for each of fiscal years 1996 and 1997.

* * * * *

**TITLE III—FEDERAL TRANSIT ACT
AMENDMENTS OF 1991**

SEC. 3001. SHORT TITLE.

This title may be cited as the “Federal Transit Act Amendments of 1991”.

* * * * *

SEC. 3031. NEW JERSEY URBAN CORE PROJECT.

(a) * * *

* * * * *

(d) ELEMENTS OF URBAN CORE PROJECT.—For the purposes of this section, the New Jersey Urban Core Project consists of the following elements: Secaucus Transfer, Kearny Connection, Waterfront Connection, Northeast Corridor Signal System, Hudson River Waterfront Transportation System (*including corridor connections to and within the city of Bayonne*), Newark-Newark International Airport-Elizabeth Transit Link, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, *the West Shore Line*, and the equipment needed to operate revenue service associated with improvements made by the project. The project includes elements advanced with 100 percent non-Federal funds.

* * * * *

SEC. 3035. MISCELLANEOUS MULTIYEAR CONTRACTS.

(a) * * *

* * * * *

(c) NORTH BAY FERRY SERVICE.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Vallejo, California, which includes [\$8,000,000 in fiscal year 1992 and \$9,000,000 in fiscal year 1993] \$17,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out capital improvements under the North Bay Ferry Service Demonstration Program.

(d) STATEN ISLAND-MIDTOWN MANHATTAN FERRY SERVICE.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the New York City Department of Transportation in New York, New York, which includes [\$1,000,000 in fiscal year 1992 and \$11,000,000 in fiscal year 1993] \$12,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out capital improvements under the Staten Island-Midtown Ferry Service Demonstration Program.

(e) CENTRAL AREA CIRCULATOR PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Chicago, Illinois, which includes

\$260,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative for the Central Area Circulator Project. [Such grant agreement shall provide that the Federal share of the cost of such project shall be paid by the Secretary from amounts provided under such section 3(k)(1)(B) as follows:

[(1) Not less than \$21,000,000 for fiscal year 1992.

[(2) Not less than \$55,000,000 for fiscal year 1993.

[(3) Not less than \$70,000,000 for fiscal year 1994.

[(4) Not less than \$62,000,000 for fiscal year 1995.

[(5) Not less than a total of \$52,000,000 for fiscal years 1996 and 1997.]

(f) SALT LAKE CITY LIGHT RAIL PROJECT.—No later than August 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Utah Transit Authority, which includes \$131,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the initial segment of the locally preferred alternative for the Salt Lake City Light Rail Project, including *related high-occupancy vehicle lane, intermodal corridor design, feeder bus and other system related costs.*

(g) LOS ANGELES-SAN DIEGO (LOSSAN) RAIL CORRIDOR IMPROVEMENT PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Los Angeles-San Diego Rail Corridor Agency which includes [not less than \$10,000,000 for fiscal year 1992 and not less than \$5,000,000 in each of fiscal years 1993 and 1994] *\$20,000,000* from funds made available under section 3(k)(1)(B) of the Federal Transit Act to provide for capital improvements to the rail corridor between Los Angeles and San Diego, California.

(h) SAN JOSE-GILROY-HOLLISTER COMMUTER RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the responsible operating entity for the San Francisco Peninsula Commute Service which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, \$13,000,000 for capital improvements and trackage rights related to the extension of commuter rail service from San Jose, through Gilroy, to Hollister, California. The Secretary shall allocate to the Santa Clara County Transit District in fiscal year 1992, from funds made available under such section 3(k)(1)(B), \$8,000,000 for the purpose of a one-time purchase of additional trackage rights and/or purchase of right-of-way between the existing termini in San Jose and Gilroy, California. In connection with the purchase of such additional trackage rights and/or purchase of right-of-way, the Secretary shall either approve a finding of no significant impact, or approve a final environmental impact statement and issue a record of decision no later than [July 1, 1994] *September 30, 1996*. No later than [August 1, 1994,] *October 31, 1996*, the Secretary shall negotiate and sign a grant agreement with the Santa Clara County Transit District which includes the funds made available under this section for the purchase of additional trackage rights and/or purchase of right-of-way.

(i) DALLAS LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement

with Dallas Area Rapid Transit which includes \$160,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative for the initial [6.4 miles] *9.6 miles* and [10 stations] *not to exceed 14 stations* of the South Oak Cliff light rail line. Non-Federal funds used to acquire rights-of-way and to plan, design, and construct any of the elements of [such light rail line] *the program of interrelated projects identified in section 5328(c)(1)(G) of title 49, United States Code*, on or after August 13, 1983, may be used to meet the non-Federal share funding requirement for financing construction of any [of such elements] *element of such program of interrelated projects*.

(k) KANSAS CITY LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Kansas City Area Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, [\$1,500,000 in fiscal year 1992, and \$4,400,000 in fiscal year 1993] *\$5,900,000* to provide for the completion of alternatives analysis and preliminary engineering for the Kansas City Light Rail Project.

(l) [ORLANDO STREETCAR (OSCAR) DOWNTOWN TROLLEY PROJECT.—No later than April 30, 1992, the] *DOWNTOWN ORLANDO CIRCULATOR PROJECT.—The* Secretary shall negotiate and sign a multiyear grant agreement with the City of Orlando, Florida, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, \$5,000,000 to provide for the completion of alternatives analysis and preliminary engineering [for the Orlando Streetcar (OSCAR) Downtown Trolley Project.] *and the completion of final design, construction, land and equipment acquisition, and related activities for the Downtown Orlando Circulator project.*

(m) DETROIT LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the city of Detroit, Michigan, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, [not less than \$10,000,000 for fiscal year 1992, and not less than \$10,000,000 for fiscal year 1993,] *\$20,000,000* to provide for the completion of alternatives analysis and preliminary engineering for the Detroit Light Rail Project.

[(o) LONG BEACH METRO LINK FIXED RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Los Angeles County Transportation Commission which includes \$4,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to provide for the completion of alternatives analysis and preliminary engineering for the Metro Link Project in Long Beach, California.]

(p) LAKEWOOD-FREEHOLD-MATAWAN OR JAMESBURG RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the New Jersey Transit Corporation, which includes, from funds made available to the Northeastern New Jersey urbanized area under section 3(k)(1)(B) of the Federal Transit Act, [\$1,800,000 in fiscal year 1992 and \$3,000,000 in each of fiscal years 1993 and 1994] *\$7,800,000* to provide for the completion of alternatives analysis,

preliminary engineering, and environmental impact statement for the Lakewood-Freehold-Matawan or Jamesburg Rail Project.

(r) CHARLOTTE LIGHT RAIL STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Charlotte, North Carolina, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, **[\$125,000 in fiscal year 1992 and \$375,000 in fiscal year 1993]** *\$500,000* to provide for the completion of systems planning and alternatives analysis for a priority light rail corridor in the Charlotte metropolitan area.

(u) SAN DIEGO **[MID COAST LIGHT RAIL PROJECT.—No later than April 30, 1992, the]** *METROPOLITAN TRANSIT IMPROVEMENT PROGRAM.—The Secretary shall negotiate and sign a multiyear grant agreement with the San Diego Metropolitan Transit Development Board which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, \$2,000,000 in fiscal year 1992, \$5,000,000 in fiscal year 1993, and \$20,000,000 in fiscal year 1994, to provide for the completion of alternatives analysis and the final environmental impact statement, and to purchase right-of-way, for the San Diego Mid Coast Light Rail Project.]* *\$27,000,000 for the integrated project financing of the San Diego Mid Coast and Mission Valley East Corridor fixed guideway projects.*

(z) BUS PURCHASE FOR EUREKA SPRINGS, ARKANSAS.—**[No later than April 30, 1992, the Secretary shall enter into a grant agreement with Eureka Springs Transit for \$63,600 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act to provide for the purchase of an electrically powered bus which is accessible to and usable by individuals with disabilities.]** *From funds made available under section 5309(m)(1)(C) of title 49, United States Code, the Secretary shall make available \$63,600 to Eureka Springs Transit for the purchase of an alternative fueled vehicle which is accessible to and usable by individuals with disabilities.*

* * * * *

(nn) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—The Secretary shall carry out the Baltimore-Washington Transportation Improvements Program as follows:

(1) BALTIMORE-CENTRAL LIGHT RAIL EXTENSION.—By entering into a full funding grant agreement with the Mass Transit Administration of the Maryland Department of Transportation to carry out construction of locally preferred alternatives for the Hunt Valley, Baltimore-Washington International Airport and Penn Station extensions to the light rail line in Baltimore, Maryland. The grant agreement under this paragraph shall provide that the Federal share shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act **[as follows:**

[(A) Not less than \$30,000,000 for fiscal year 1993.

[(B) Not less than \$30,000,000 for fiscal year 1994.]
and shall be \$60,000,000.

(2) MARC EXTENSIONS.—By entering into a full funding grant agreement with the Mass Transit Administration of the Maryland Department of Transportation for service extensions and other improvements, including extensions of the MARC

commuter rail system to Frederick and mass transportation improvements to the Waldorf area, planning and engineering, purchase of rolling stock and station improvements and expansions. The transit improvements in the corridor from the Waldorf area to the Washington, D.C. area shall be based on the locally preferred alternatives that result from the Southern Maryland Mass Transportation Alternatives Study of the Tri-County Council for Southern Maryland and shall include any additional work needed on that study, detailed planning and engineering to be carried out by the Maryland Department of Transportation in conjunction with the Tri-County Council, advanced land acquisition in the transit corridor, and implementation of interim and long-range transit improvements in the transit corridor. The grant agreement under this paragraph shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act [as follows:

[(A) Not less than \$60,000,000 for fiscal year 1993.

[(B) Not less than \$50,000,000 for fiscal year 1994.

[(C) Not less than \$50,000,000 for fiscal year 1995.]

and shall total \$160,000,000.

(3) LARGO EXTENSION.—By entering into a full funding grant agreement with the State of Maryland or its designee to provide alternative analysis, the preparation of an environmental impact statement and preliminary engineering for a proposed rail transit project to be located in the corridor between the Washington Metropolitan Area Transit Authority Addison Road rail station and Largo, Maryland. The grant agreement under this paragraph shall provide that the Federal share shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act in an amount not less than \$5,000,000 [for fiscal year 1993].

* * * * *

(ww) HONOLULU RAPID TRANSIT PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City and County of Honolulu which includes [\$618,000,000] \$541,100,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative of a 17.3 mile fixed guideway system.

* * * * *

(aaa) DULLES CORRIDOR RAIL PROJECT.—[No later than April 30, 1992, the] The Secretary shall negotiate and sign a multiyear grant agreement with the State of Virginia, or its assignee, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, \$6,000,000 to provide for [the completion of alternatives analysis and preliminary engineering for] a rail corridor from the West Falls Church Washington Metropolitan Area Transit Authority rail station to Dulles International Airport.

[(bbb) PUGET SOUND CORE RAPID TRANSIT PROJECT.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the municipality of metropolitan Seattle, Washington, which includes, from funds made available

under section 3(k)(1)(B) of the Federal Transit Act, \$300,000,000 for the Puget Sound Core Rapid Transit Project.】

(bbb) *CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.*—From funds made available under section 5309(m)(1)(B) of title 49, United States Code, the Secretary shall make available \$300,000,000 for the Central Puget Sound Regional Transit Project.

* * * * *

(fff) CANAL STREET CORRIDOR LIGHT RAIL, NEW ORLEANS, LOUISIANA.—【No later than April 30, 1992, the】 *The* Secretary shall 【negotiate and sign a grant agreement with the city of New Orleans, Louisiana, which includes】 *make available*, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, \$4,800,000 to provide for the completion of alternatives analysis, preliminary engineering, and an environmental impact statement for the Canal Street Corridor Light Rail System in New Orleans, Louisiana.

* * * * *

TITLE 49, UNITED STATES CODE

* * * * *

SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

* * * * *

CHAPTER 53—MASS TRANSPORTATION

* * * * *

§ 5303. Metropolitan planning

(a) * * *

(b) **PLAN AND PROGRAM FACTORS.**—In developing plans and programs under this section and sections 5304–5306 of this title, each metropolitan planning organization at least shall consider the following factors:

(1) * * *

* * * * *

(16) *recreational travel and tourism.*

* * * * *

§ 5307. Block grants

(a) * * *

* * * * *

(d) **GRANT RECIPIENT REQUIREMENTS.**—A recipient may receive a grant in a fiscal year only if—

(1) the recipient, within the time the Secretary prescribes, submits a final program of projects prepared under subsection (c) of this section and a certification for that fiscal year that the recipient (including a person receiving amounts from a chief executive officer of a State under this section)—

(A) * * *

* * * * *

(J)(i) will expend for each fiscal year for mass transportation security projects, including increased lighting in or adjacent to a mass transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, *employing law enforcement or security personnel in areas within or adjacent to such systems*, and any other project intended to increase the security and safety of an existing or planned mass transportation system, at least one percent of the amount the recipient receives for each fiscal year under section 5336 of this title; or

* * * * *

§ 5309. Discretionary grants and loans

(a) * * *

* * * * *

(g) LETTERS OF INTENT, FULL FINANCING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

(1) *LETTERS OF INTENT*.—(A) The Secretary of Transportation may issue a letter of intent to an applicant announcing an intention to obligate, for a project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. The amount shall be sufficient to complete at least an operable segment when a letter is issued for a fixed guideway project.

(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph, the Secretary of Transportation shall notify in writing the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the proposed issuance of the letter.

(C) The issuance of a letter is deemed not to be an obligation under sections 1108(c) and (d), 1501, and 1502(a) of title 31 or an administrative commitment.

(D) An obligation or administrative commitment may be made only when amounts are appropriated.

(2) *FULL FINANCING GRANT AGREEMENTS*.—(A) The Secretary of Transportation may make a full financing grant agreement with an applicant. The agreement shall—

- (i) establish the terms of participation by the United States Government in a project under this section;
- (ii) establish the maximum amount of Government financial assistance for the project;

(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

(iv) make timely and efficient management of the project easier according to the law of the United States.

(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full financing grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary of Transportation, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. The amount stipulated in an agreement under this paragraph for a fixed guideway project shall be sufficient to complete at least an operable segment.

(3) *EARLY SYSTEM WORK AGREEMENTS.*—(A) The Secretary of Transportation may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

(i) a full financing grant agreement for the project will be made; and

(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary of Transportation decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus rea-

sonable interest and penalty charges the Secretary establishes in the agreement.

(4) *TOTAL ESTIMATED FUTURE OBLIGATIONS AND CONTINGENT COMMITMENTS.*—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full financing grant agreements, and early systems work agreements may be not more than the greater of the amount authorized under section 5338(a) of this title to carry out this section or 50 percent of the uncommitted cash balance remaining in the Mass Transit Account of the Highway Trust Fund (including amounts received from taxes and interest earned that are more than amounts previously obligated), less an amount the Secretary of Transportation reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full financing grant agreements and early systems work agreements may be not more than a limitation specified in law.

(5) *PREAUTHORIZATION OF FULL FEDERAL FINANCIAL RESPONSIBILITY.*—

(A) *IN GENERAL.*—After the date of the enactment of this paragraph and before the date on which Federal-aid highway and transit programs are reauthorized, the Secretary of Transportation may not issue a letter of intent, or enter into a full financing grant agreement or early systems work agreement, under this section for a project or operable segment of a project unless the full amount of Federal financial responsibility for the project or operable segment of a project has been included in an authorization law.

(B) *LIMITATION.*—The prohibition on entering into a full financing grant agreement under this paragraph shall not apply—

(i) to any project for which a letter of intent was issued before the date of the enactment of this paragraph; and

(ii) to any project included as an element of an inter-related project which also includes another project for which a letter of intent was issued before such date of enactment.

* * * * *

(m) *ALLOCATING AMOUNTS.*—

(1) *PERCENTAGES.*—Of the amounts available for grants and loans under this section for each of the fiscal years ending September 30, 1993–1997—

(A) 40 percent is available for fixed guideway modernization;

(B) 40 percent is available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems; and

(C) 20 percent is available to replace, rehabilitate, and buy buses and related equipment and to construct bus-related facilities.

(2) *NONURBANIZED AREA ALLOCATION*.—At least 5.5 percent of the amounts available in each fiscal year under paragraph (1)(C) of this subsection is available for areas other than urbanized areas.

(3) *REPORTS*.—Not later than January 20 of each year, the Secretary of Transportation shall submit to the Committee on **[Public Works and Transportation]** *Transportation and Infrastructure* of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate **[a proposal on the allocation]** a report on the proposed allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts. Such report shall include for each such capital project the following:

(A) An analysis of the potential funding requirements of the project under paragraph (1)(B) in the succeeding 5 fiscal years.

(B) A description of the planning and study process undertaken to select the locally preferred alternative for the project.

(C) A description of efforts undertaken to seek alternative funding sources for the project.

(4) *MULTIPLE ALLOCATIONS*.—A person applying for, or receiving, assistance for a project described in clause (A), (B), or (C) of paragraph (1) of this subsection may receive assistance for a project described in another of those clauses.

* * * * *

§ 5318. Bus testing facility

(a) * * *

(b) *OPERATION AND MAINTENANCE*.—The Secretary shall make a contract or cooperative agreement with a qualified person to operate and maintain the facility. The contract or cooperative agreement may provide for the testing of rail cars and other vehicles at the facility.

* * * * *

(f) *CONVERSION OF CONTRACTS*.—The Secretary may convert existing contracts entered into under this section into cooperative agreements.

* * * * *

§ 5325. Contract requirements

(a) * * *

* * * * *

(e) *SPECIAL RULES FOR ENGINEERING AND DESIGN CONTRACTS*.—
 (1) *PERFORMANCE AND AUDITS*.—Any contract or subcontract awarded in accordance with subsection (d), whether funded in whole or in part with Federal transit funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

(2) *INDIRECT COST RATES.*—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subsection (d) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rate data described in this paragraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

(3) *STATE OPTION.*—Paragraphs (1) and (2) shall take effect 2 years after the date of the enactment of this subsection with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such paragraphs shall not apply with respect to such State.

* * * * *

§ 5328. Project review

(a) * * *

* * * * *

(c) **PROGRAM OF INTERRELATED PROJECTS.**—(1) In this subsection, a program of interrelated projects includes the following:

(A) * * *

* * * * *

(G) the Dallas Area Rapid Transit Authority light rail elements of the New System Plan, consisting of the locally preferred alternative for the South Oak Cliff corridor, the South Oak Cliff corridor extension-**[Camp Wisdom]** *Interstate Route 20, L.B.J. Freeway*, the West Oak Cliff corridor-Westmoreland, the North Central corridor-Park Lane, the North Central corridor-Richardson, Plano, and Garland extensions, the Pleasant Grove corridor-Buckner, and the Carrollton corridors-Farmers Branch and Las Colinas terminal.

* * * * *

§ 5331. Alcohol and controlled substances testing

(a) * * *

[(b) TESTING PROGRAM FOR MASS TRANSPORTATION EMPLOYEES.—(1)(A) In the interest of mass transportation safety, the Sec-

retary of Transportation shall prescribe regulations not later than October 28, 1992, that establish a program requiring mass transportation operations that receive financial assistance under section 5307, 5309, or 5311 of this title or section 103(e)(4) of title 23 to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.】

(b) TESTING PROGRAM FOR MASS TRANSPORTATION EMPLOYEES.—
 (1)(A) *In the interest of mass transportation safety, the Secretary shall prescribe regulations that establish a program requiring mass transportation operations that receive financial assistance under section 5307, 5309, or 5311 of this title or section 103(e)(4) of title 23 to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such operations to conduct preemployment testing of such employees for the use of alcohol.*

* * * * *

§ 5337. Apportionment of appropriations for fixed guideway modernization

(a) PERCENTAGE DISTRIBUTION.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 of this title for each of the fiscal years ending September 30, 1993–1997, as follows:

(1) * * *

* * * * *

(3) The next \$70,000,000 shall be apportioned as follows:

(A) 50 percent in the urbanized areas listed in paragraphs (1) and (2) as provided in section 5336(b)(2)(A) of this title.

(B) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) of this title if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any other urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot be met adequately with amounts received as provided in section 5336(b)(2)(A). *The Alaska Railroad is eligible for assistance under this subparagraph with respect to improvements to its passenger operations.*

* * * * *

SUBTITLE V—RAIL PROGRAMS

* * * * *

PART A—SAFETY

CHAPTER 201—GENERAL

* * * * *

SUBCHAPTER II—PARTICULAR ASPECTS OF SAFETY

* * * * *

§ 20140. Alcohol and controlled substances testing

(a) * * *

(b) GENERAL.—(1) In the interest of safety, the Secretary of Transportation shall prescribe regulations and issue orders, not later than October 28, 1992, related to alcohol and controlled substances use in railroad operations. The regulations shall establish a program requiring—

[(A) a railroad carrier to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of alcohol or a controlled substance in violation of law or a United States Government regulation; and]

(A) a railroad carrier to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation; the regulations shall permit such railroad carriers to conduct preemployment testing of such employees for the use of alcohol; and

* * * * *

SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

* * * * *

PART A—GENERAL

* * * * *

CHAPTER 303—NATIONAL DRIVER REGISTER

* * * * *

§ 30308. Authorization of appropriations

(a) GENERAL.—The Secretary of Transportation shall make available from amounts made available to carry out section 402 of title 23 \$4,000,000 for each of the fiscal years ending September 30, 1993, and September 30, 1994 [and \$2,550,000 for fiscal year 1995] and \$2,550,000 for each of fiscal years 1995 and 1996, to carry out this chapter.

* * * * *

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

* * * * *

§ 31306. Alcohol and controlled substances testing

(a) * * *

[(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations not later than October 28, 1992, that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.]

(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.

* * * * *

SUBTITLE VII—AVIATION PROGRAMS

* * * * *

PART A—AIR COMMERCE AND SAFETY

* * * * *

SUBPART III—SAFETY

* * * * *

CHAPTER 451—ALCOHOL AND CONTROLLED SUBSTANCES TESTING

* * * * *

§ 45102. Alcohol and controlled substances testing programs

[(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations not later than October 28, 1992, that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.]

(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit air carriers and foreign air carriers to conduct preemployment testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol.

* * * * *

[(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of alcohol or a controlled substance in violation of law or a Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions.]

(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of a controlled substance in violation of law or a United States Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions and shall establish a program of reasonable suspicion, random and post-accident testing for the use of alcohol in violation of law or a United States Government regulation for such employees. The Administrator may establish a program of preemployment testing for the use of alcohol for such employees.

* * * * *

PART C—FINANCING

CHAPTER 481—AIRPORT AND AIRWAY TRUST FUND
AUTHORIZATIONS

Sec.						
48101.	Air navigation facilities.					
48102.	Research and development.					
48103.	Airport planning and development and noise compatibility planning and programs.					
		*	*	*	*	*
48111.	<i>Safeguards against deficit spending.</i>					
		*	*	*	*	*

§ 48111. Safeguards against deficit spending

(a) *ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.*—Not later than March 31 of each year, the Secretary, in consultation with the Secretary of the Treasury, shall estimate—

(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31, and

(2) the net aviation receipts at the close of such fiscal year.

(b) *PROCEDURE IF EXCESS UNFUNDED AVIATION AUTHORIZATIONS.*—If the Secretary determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

(c) *ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.*—

(1) *DETERMINATION OF PERCENTAGE.*—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

(A) such excess, is of

(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for the next fiscal year.

(2) *ADJUSTMENT OF AUTHORIZATIONS.*—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

(d) *AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.*—

(1) *ADJUSTMENT OF AUTHORIZATIONS.*—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in sub-

section (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

(2) APPORTIONMENT.—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

(3) PERIOD OF AVAILABILITY.—Any funds apportioned under paragraph (2) 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 under paragraph (2).

(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

(f) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) NET AVIATION RECEIPTS.—The term “net aviation receipts” means, with respect to any period, the excess of—

(A) the receipts (including interest) of the Airport and Airway Trust Fund during such period, over

(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

(2) UNFUNDED AVIATION AUTHORIZATIONS.—The term “unfunded aviation authorization” means, at any time, the excess (if any) of—

(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated).

* * * * *

SECTION 306 OF THE AMERICANS WITH DISABILITIES ACT OF 1990

SEC. 306. REGULATIONS.

(a) TRANSPORTATION PROVISIONS.—

(1) * * *

(2) SPECIAL RULES FOR PROVIDING ACCESS TO OVER-THE-ROAD BUSES.—

(A) * * *

(B) FINAL REQUIREMENT.—

(i) * * *

* * * * *

(iii) EFFECTIVE PERIOD.—Subject to section 305(d), the regulations issued pursuant to this subparagraph shall take effect—

(I) with respect to small providers of transportation (as defined by the Secretary), [7 years after

the date of the enactment of this Act] 3 years after the date of issuance of final regulations under subparagraph (B)(ii); and

(II) with respect to other providers of transportation, [6 years after such date of enactment] 2 years after the date of issuance of such final regulations.

* * * * *

SECTION 176 OF THE CLEAN AIR ACT

LIMITATIONS ON CERTAIN FEDERAL ASSISTANCE

SEC. 176. (c)(1) * * *

* * * * *

(5) *APPLICABILITY.*—This subsection shall apply only with respect to—

(A) a nonattainment area and each specific pollutant for which the area is designated as a nonattainment area; and

(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 175A with respect to the specific pollutant for which the area was designated nonattainment.

* * * * *

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987

* * * * *

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1987

SEC. 101. SHORT TITLE.

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

* * * * *

SEC. 149. DEMONSTRATION AND PRIORITY PROJECTS.

(a) **PROJECT DESCRIPTIONS.**—

(1) * * *

* * * * *

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

the airport authority for such airport.] *by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.*

* * * * *

(74) CHAMBERSBURG, PENNSYLVANIA.—The Secretary shall carry out a highway project which demonstrates how construction of an interchange on a north-south interstate route will provide access to Chambersburg, Pennsylvania, and relieve traffic congestion on an existing interchange on such interstate route *and other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon, Pennsylvania.*

* * * * *

(89) EAST LAFAYETTE AND LAKE CHARLES, LOUISIANA.—The Secretary is authorized to carry out a project to construct a full-diamond interchange to connect Louisiana Highway 354 to Interstate Route I-10 in East Lafayette, Louisiana *and, of amounts made available to carry out this paragraph, may use up to \$456,022 to carry out a comprehensive transportation and land use plan for Lafayette, Louisiana, \$1,000,000 to carry out a project to construct an exit ramp from the eastbound side of Interstate Route I-10 to Ryan Street in Lake Charles, Louisiana, and \$269,661 under this paragraph for projects described in section 149(a)(90).*

(90) EAST LAFAYETTE AND LAKE CHARLES, LOUISIANA.—The Secretary is authorized to carry out a project to construct a full-diamond interchange to connect Louisiana Avenue to Interstate Route I-10 in East Lafayette, Louisiana *and a project to construct the Contraband Bridge portion of the Nelson Access Road Project.*

* * * * *

(92) [UNITED STATES ROUTE 48] WASHINGTON AND FREDERICK COUNTIES, MARYLAND.—The Secretary is authorized to carry out a project on United States Route 48 in Washington County, Maryland, to construct an eastbound ramp to United States Route 40 and a westbound access road from Mountain Road *and to construct an interchange between Interstate Route I-70 and Interstate Route I-270 in Frederick County, Maryland.*

* * * * *

SECTION 108 OF THE FEDERAL-AID HIGHWAY ACT OF 1956

SEC. 108. NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

(a) * * *

* * * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, includ-

ing extensions thereof through urban areas, designated in accordance with the provisions of subsection (d) of section 103 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of \$1,000,000,000 for the fiscal year ending June 30, 1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of \$1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of \$2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of \$1,800,000,000 for the fiscal year ending June 30, 1961, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of \$2,400,000,000 for the fiscal year ending June 30, 1963, the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1964, the additional sum of \$2,700,000,000 for the fiscal year ending June 30, 1965, the additional sum of \$2,800,000,000 for the fiscal year ending June 30, 1966, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1967, the additional sum of \$3,400,000,000 for the fiscal year ending June 30, 1968, the additional sum of \$3,800,000,000 for the fiscal year ending June 30, 1969, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1970, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1971, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1972, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1973, the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1974, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1978, the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1979, 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 \$4,000,000,000 for the fiscal year ending September 30, 1984, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1985, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1986, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1987, the additional sum of \$3,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1989, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1990, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1991, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1992, the additional sum of \$1,800,000,000 for the fiscal year ending September 30, 1993, the additional sum of \$1,800,000,000 for the fiscal year ending September 30, 1994, the additional sum of \$1,800,000,000 for the fiscal year ending Septem-

ber 30, 1995, and the additional sum of \$1,800,000,000, reduced by the amount made available under section 1045(b)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, for the fiscal year ending September 30, 1996. Nothing in this subsection shall be construed to authorize the appropriation of any sums to carry out section 131, 136, or 319(b) of title 23, United States Code, or any provision of law relating to highway safety enacted after May 1, 1966. 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. Effective on and after the date of enactment of this sentence, the obligation of funds authorized by this subsection, except for advance construction interstate projects approved before the date of enactment of this sentence, shall be limited to the construction necessary to provide a minimum level of acceptable service on the Interstate System which shall consist of (1) full access control; (2) a pavement design to accommodate the types and volumes of traffic anticipated for the twenty-year period from date of authorization of the initial basic construction contract; (3) essential environmental requirements; (4) a design of not more than six lanes (exclusive of high occupancy vehicle lanes) in rural areas and all urbanized areas under four hundred thousand population, and up to eight lanes (exclusive of high occupancy vehicle lanes) in urbanized areas of four hundred thousand population or more as shown in the 1980 Federal census; and (5) those high occupancy vehicle lanes (including approaches and all directly related facilities) included in the interstate cost estimate for fiscal year 1981. The obligation of funds authorized by this subsection shall be further limited to the actual costs of only those design concepts, locations, geometrics, and other construction features included in the 1981 interstate cost estimate, except in any case where the Secretary of Transportation determines that a provision of Federal law requires a different design, location, geometric, or other construction feature of a type authorized by this subsection. Notwithstanding any other provision of law, including any other provision of this subsection, where a project is to be constructed (1) to provide parking garage ramps in conjunction with high occupancy vehicle lanes which flow into a distributor system emptying directly into ramps for off-street parking with preferential parking for carpools, vanpools, and buses and the ramps are part of an environmental mitigation effort and are designed to feed into an aerial walkway system, or (2) to provide a parking lot near the terminus of an Interstate System spur route which radiates from an Interstate System beltway which will be used as an intermodal transfer facility for a light rail transit project to be constructed in the median of the spur route and the parking lot is part of an environmental mitigation effort, or (3) to provide a parking garage and associated facilities as part of an intermodal transfer facility with a transit system near or within an Interstate System route right-of-way which will have direct and indirect access to the facility by way of local streets and the parking garage and associated facilities are part of an environmental mitigation effort, or (4) to provide for the comprehensive upgrading of existing high occupancy vehicle lanes, new ramps and parking facilities at mass tran-

sit intermodal transfer points on an existing Interstate System route which has temporary high occupancy vehicle lanes in the median and the parking facilities and ramps are part of an environmental mitigation effort, the costs of such parking garage ramps, parking lots, parking garages, associated interchange ramps, high occupancy vehicle lanes, and other associated work eligible under title 23, United States Code, shall be eligible for funds authorized by this subsection as if the costs for these projects were included in the 1981 interstate cost estimate and shall be included as eligible projects in any future interstate cost estimate. For purposes of this subsection, construction necessary to provide a minimum level of acceptable service on the Interstate System shall include, but not be limited to, any construction on the Interstate System which is required under a court order issued before the date of enactment of this sentence. Notwithstanding the fifth sentence of this subsection, the costs of a project which will upgrade an interstate route and will complete a gap on the Interstate System providing access to an international airport and which was described as the preferred alternative in a final environmental impact statement submitted to the Secretary of Transportation on September 30, 1983, shall be eligible for funds authorized by this subsection as if such costs were included in the 1981 interstate cost estimate and shall be included as eligible costs in any future interstate cost estimate, except that [(1)] such costs may be further developed in the design and environmental process under normal Federal-aid interstate procedures[, and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street].

DISSENTING VIEWS

We oppose the National Highway System Designation Act of 1995, as ordered reported by the Committee.

This bill was intended to address two critical problems which threaten our Nation's transportation system: designating the National Highway System (NHS) and fixing a budget scorekeeping problem. Regrettably, we no longer believe it will accomplish these important objectives.

The Committee leadership worked long and hard to work out a compromise bill. We all recognized the importance of this bill and worked hard to avoid the kind of controversies which could impede its progress, even where that meant accepting policy compromises which were not fully compatible with our positions, but which were necessary in an attempt to move the bill forward on a bipartisan basis. The bill as introduced which designated the NHS and provided a workable solution to the budget scorekeeping problem, was a compromise that we could support.

We believe the bill as introduced was enhanced by the Subcommittee on Surface Transportation's adoption of the "Truth in Budgeting" amendment. The "Truth in Budgeting" provisions of this bill are identical to the trust funds off-budget bill, H.r. 842, unanimously approved by the Committee earlier this year. That bill is cosponsored by a majority of Members of the U.S. House of Representatives including every Member of this Committee. The four infrastructure trust funds have common and unique characteristics which argue for special budget status and taking these trust funds off-budget is not a partisan issue. Rather, it is an issue of economics, of fairness, and of simple arithmetic. It is time to free the trust funds once and for all.

However, the Committee also adopted several amendments, such as repeal of the national maximum speed limit and motorcycle helmet requirement, that will lead to thousands of American deaths every year. When these amendments are considered together with provisions already in the bill which we opposed and which we accepted only as part of a balanced compromise, this bill no longer in our view represents a viable means to designating the NHS, no longer represents a reasonable compromise, and we cannot in good conscience support it.

The issues of greatest concern in the bill as reported are the repeal of the national speed limit, the effective repeal of the motorcycle helmet provision, the granting of substantial waivers to federal commercial motor vehicle safety standards, and the sequester of FY 97 highway and transit funds, also known as "the trigger". This bill, as amended, repeals the national maximum speed limit. Although today's cars are much safer than those of 20 years ago, they are not a substitute for speed limits. We need both safer vehicles and a national maximum speed limit. The data are unequivocal.

cal. When Congress enacted the national speed limit, fatalities dropped 16 percent the very first year. When Congress later raised that speed limit, the fatality rate rose with it, increasing by 18 percent. Moreover, this increased fatality rate is only the tip of the iceberg: for every one highway fatality, 14 people are hospitalized and 136 are medically attended.

For these reasons, we believe that there is a need to maintain an overall national maximum speed limit. During Committee consideration of the bill, a compromise amendment was offered to establish a national maximum speed limit of 65 miles per hour while giving the states more flexibility within that overall limit. However, the amendment was not agreed to and we cannot support the straight repeal of our Nation's speed limit.

Under the bill, as amended, states would have no speed limits at all. Think of large trucks passing motorists at unlimited speeds. The result is going to be the loss of thousands of American lives every year. We cannot support that result. In addition, this bill, as amended, repeals the national motorcycle helmet provision, another lifesaving measure. Again, we have historical data that show without question the effectiveness of helmets in preventing deaths and serious injuries and the effectiveness of a national provision in encouraging helmet use. When 27 states repealed or weakened their helmet laws, motorcycle fatalities increased 61 percent, while registrations increased only 15 percent.

As if these two deadly policy changes were not enough, the Committee also adopted a hastily drafted package of exemptions for certain industries from the motor carrier safety and commercial driver's license requirements. The bill, as amended, grants waivers to huge segments of the commercial vehicle population from the most basic safety provisions. Most importantly, this bill removes all federal safety standards for commercial vehicles between 10,000 and 26,000 pounds. As a result of that one provision, nearly 40 percent of trucks that now must comply with requirements such as driver qualifications and drug and alcohol prohibitions will be completely exempt.

Other provisions in this bill grant waivers for specified industries from hours of service standards designed to prevent truck driver fatigue and the accidents caused by fatigue. We do not believe that victims of a crash with one of the vehicles that will be exempt under this bill care much whether the vehicle is transporting agricultural supplies or construction equipment. The public has consistently indicated that as far as they are concerned, a truck is a truck, and there should be uniform safety standards.

Moreover, it is completely irresponsible for Congress to pick and choose to whom to grant waivers, to make *safety* determinations, without adequate background, knowledge, or expertise. Congress has already directed the U.S. Department of Transportation to undertake millions of dollars of research on the very complex topic of driver fatigue. These studies are currently underway. We should not grant statutory waivers without considering the results of this work.

Furthermore, several of these waivers have already been requested administratively and have been denied because they did not meet the statutory test of being "consistent with the public in-

terest and the safe operation of commercial motor vehicles." Is Congress now going to say that, even though a waiver is not consistent with the safe operation of commercial motor vehicles, we should grant it anyway? What are we saying to the residents of our districts who may be injured or even killed by these waivers?

Together, these amendments will cost lives and taxpayer dollars. These costs are not simply borne with the states that choose to allow higher speeds or unhelmeted riders or by the companies who fail to adopt basic safety standards for their drivers. We all pay. We pay through higher taxes to fund Medicare and Medicaid for those who need long-term care due to severe injuries, for emergency response services, and for more expensive goods and services. All told, highway crashes cost the economy more than \$135 billion every year.

As Members of Congress, we often have opportunities to vote on various funding issues. It is rare for us to be able to vote on an issue that is so directly a matter of life and death. That opportunity is now upon us. We cannot support a bill that will kill and maim thousands more people on our Nation's highways under the deceptive guise of individual and states' rights.

In addition, as we have stated from the outset, we are concerned about the so-called "trigger." The trigger provision sequesters ISTEA funds from the states during fiscal year 1997 for up to 10 months. Call it what you will, it withholds funds from badly needed transportation projects and breaks our commitment to the states at a time when our Nation's infrastructure is crumbling. For instance, more than one-half of our highways are in poor to fair condition and in need of immediate repair. The cost to eliminate these backlogged highway deficiencies is estimated at \$212 billion. In addition, one of every three bridges is rated structurally deficient or functionally obsolete. These inadequate conditions have a substantial adverse effect on our economy and our ability to compete in the global market.

Four years ago, with the enactment of ISTEA, Congress, and in particular this Committee, made a commitment to the states. We told them that they could plan for the future. We would give them time to develop strategic plans and implement transportation systems which would prepare them for the 21st Century. This bill breaks that commitment. Despite our Nation's infrastructure needs and ISTEA commitment, this bill proposes to sequester badly needed transportation infrastructure funds in order to leverage consideration of legislative proposals next year. An entire construction season could be lost. This is a bad precedent. The Committee should not adopt legislation that creates an environment of such funding instability for the states and local governments.

Moreover, the money we are withholding is not even our *own*. We support taking the trust funds off budget because we want to restore a promise made to the American people 40 years ago. We asked motorists to pay a gasoline tax into a common trust fund that would build America's Interstate Highways and other roads and bridges of national interest. At a time when every Member of this Committee is urging that these funds be rededicated to their original purpose and not be used for deficit reduction, this Committee is reporting a bill which will hold hostage the distribution of

these motorists' gas taxes. Let us not play Russian roulette with programs we all believe in.

In the final analysis, we cannot support a bill which repeals some of our Nation's most important transportation safety laws, such as the national maximum speed limit, motorcycle helmet law, and motor carrier safety requirements, and breaks our funding commitment to the states.

Unfortunately in this bill we have forgotten what we're here to do: designate the NHS and fix a budget scorekeeping problem. With the inclusion of such controversial safety and funding provisions, this bill threatens these objectives. As Secretary of Transportation Federico Peña stated in a letter to Committee Members: "Not only would inclusion of such a controversial trigger delay enactment of an NHS bill, it would create a crisis atmosphere, interrupting already authorized funding for States and localities and stalling vitally needed transportation projects." Similarly, the Senate Environment and Public Works Committee bipartisan leadership clearly stated in a recent letter to all Governors: "If the House insists on including very contentious issues such as requiring the reauthorization of the surface transportation program a year early * * * the conference will fail and these highway funds will be lost."

We oppose the bill as reported by the Committee. As the bill proceeds to Floor consideration, we hope to refocus it on the problems that most need fixing and to leave behind the baggage that will only slow it down and reduce its chances of enactment.

NORMAN Y. MINETA.
JAMES L. OBERSTAR.
NICK RAHALL.

