

PROVIDING FOR THE CONSIDERATION OF H.R. 2274, TO  
DESIGNATE THE NATIONAL HIGHWAY SYSTEM

SEPTEMBER 19, 1995.—Referred to the House Calendar and ordered to be printed

Mr. QUILLEN, from the Committee on Rules,  
submitted the following

REPORT

[To accompany H. Res. 224]

The Committee on Rules, having had under consideration House Resolution 224, by a voice vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 2274, to “Designate the National Highway System” under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives section 302(f) (prohibiting consideration of legislation providing new budget authority in excess of committee’s allocation) of the Congressional Budget Act of 1974 against the consideration of the bill.

The rule makes in order an amendment in the nature of a substitute as an original bill for purpose of amendment consisting of the text of H.R. 2349. The substitute shall be considered by title rather than by section, and the first two sections and each title shall be considered as read.

The rule waives section 302(f) of the Congressional Budget Act, clause 5(a) of rule XXI (prohibiting appropriations in a legislative bill), and clause 1(q)(10) of rule X (prohibiting inclusion in a general roads bill provisions addressing specific roads) against the amendment in the nature of a substitute.

The rule also provides for the consideration of the (manager’s) amendment printed in the Rules Committee report, which is considered as read, not subject to amendment or to a division of the

question, and is debatable for 10 minutes equally divided between the proponent and an opponent. All points of order against the amendment are waived. If adopted, the amendment is considered as part of the base text for further amendment purposes.

Members who have preprinted their amendments in the Record prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules. Finally, the rule provides for one motion to recommit, with or without instructions.

PROVISIONS OF BILL REQUIRING WAIVERS OF POINTS OF ORDER

(Provided by the Committee on Transportation and Infrastructure)

The Parliamentarian advises that we need the following waivers of points of order for the bill (H.R. 2274) and the substitute text (H.R. 2349). In addition, points 2 and 3 below would need waivers for the en bloc amendment:

(1) *Section 302(f) of the Budget Act*: CBO reported that the Committee-reported bill has \$39 million in excess budget authority. This is corrected in the en bloc amendment (the amendment to page 11, line 18).

(2) *Rule XXI, clause 5(a)*: The bill in a number of places changes the purposes for which funds already available for particular projects and programs may be used. The Committee believes that all of these changes are of contract authority over which the Transportation Committee has jurisdiction, not of appropriated funds. However, the Parliamentarian believes that we should have the waiver as a safeguard.

(3) *Rule X, clause 1(q)(10)*: This rule states that "it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road". The bill does contain a number of provisions relating to specific roads and so this waiver is needed.

THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHUSTER OF PENNSYLVANIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 11, line 18, strike "\$360,420,595" and insert "\$321,420,595".

Page 15, strike lines 12 through 14 and insert the following:

(B) by striking "1996, and 1997" and inserting "and 1996, and \$146,000,000 for fiscal year 1997".

Page 25, line 5, strike "any" and all that follows through "limitation so that" on line 8 and insert the following:

section 5336(d) of title 49, United States Code, the Secretary shall distribute the limitation on operating assistance under such section—

(1) so that

Page 25, line 12, strike "fiscal year 1996" and insert "each of fiscal years 1996 and 1997".

Page 25, line 14, by striking the period and inserting "; and".

Page 25, after line 14, insert the following:

(2) so that an urbanized area that had a population under the 1980 decennial census of the United States of more than 1,000,000 and has a population under the 1990 decennial cen-

sus of less than 1,000,000, will receive under the distribution of such limitation for each of fiscal years 1996 and 1997, 90 percent of the amount of funds apportioned in fiscal year 1982 under sections 5(a)(1)(A), 5(a)(2)(A), and 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 to such area.

Page 35, line 8, strike “shall be” and insert “shall not be less than”.

Page 36, after line 9, insert the following:

(t) SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—Section 5320 of title 49, United States Code, is amended—

(1) in subsection (h)(1)(A) by striking “for the fiscal year ending September 30, 1992,”;

(2) in subsection (h)(1)(B) by striking “for the fiscal year ending September 30, 1993,”;

(3) in subsection (h)(1)(C) by striking “for the fiscal year ending September 30, 1994,”; and

(4) by adding at the end the following new subsection:

“(l) DEADLINE.—

“(1) COMPLETION OF COMPETITION.—Notwithstanding any other provision of this section, not later than 60 days after the date of the enactment of this subsection, the Secretary shall complete the national competition initiated under subsection (c) by selecting the public entity referred to in subsection (c)(3).

“(2) THEREAFTER.—Following selection of the public entity in accordance with paragraph (1)—

“(A) the Secretary shall make to such public entity the payments under subsections (h)(1)(B) and (h)(1)(C); except that such payments shall be made in the form of grants under section 5312(a); and

“(B) the Secretary, upon completion of preliminary engineering and design, shall negotiate and enter into a full financing grant agreement with such public entity under subsection (e), consistent with section 5309(g).”.

Page 36, line 10, strike “(t)” and insert “(u)”.

Page 51, line 1, after “Secretary” insert “, in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration,”.

Page 69, line 18, before “Arkansas” insert “Mississippi,”.

Page 69, line 25, strike “(20)” and insert “(18)”.

Page 71, line 17, strike the closing quotation marks and the final period.

Page 71, after line 17, insert the following:

“(27) The Camino Real Corridor from El Paso, Texas, to Denver, Colorado, as follows:

“(A) In the State of Texas, the Camino Real Corridor shall generally follow—

“(i) arterials from the international ports of entry to I-10 in El Paso County; and

“(ii) I-10 from El Paso County to the New Mexico border.

“(B) In the State of New Mexico, the Camino Real Corridor shall generally follow—

“(i) I-10 from the Texas Border to Las Cruces; and

“(ii) I-25 from Las Cruces to the Colorado Border.

“(C) In the State of Colorado, the Camino Real Corridor shall generally follow I-25 from the New Mexico Border to Denver.”.

Page 82, line 3, strike “and”.

Page 82, line 15, strike the period and insert “; and”.

Page 82, after line 15, insert the following:

(3) in item 33, relating to Orange County, New York, strike “Stuart Airport Interchange Project” and insert “Stewart Airport interchange projects”.

Page 86, line 20, before the period insert “, including the structure over the Delaware River”.

Page 93, line 17, strike “50” and insert “100”.

Page 94, after line 13, insert the following:

(4) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, 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.

Page 94, line 14, strike “(4)” and insert “(5)”.

Page 96, after line 24, insert the following:

(6) UTILITY SERVICE VEHICLE.—The term “utility service vehicle” means any motor vehicle, regardless of gross weight—

(A) used on highways in interstate or intrastate commerce in the furtherance of building, repairing, expanding, improving, maintaining, or operating any structures, facilities, excavations, poles, lines, or any other physical feature necessary for the delivery of public utility services, including the furnishing of electric, water, sanitary sewer, telephone, and television cable or community antenna service;

(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(C) except for any occasional emergency use, operated primarily within the service area of a utility’s subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented or otherwise contracted for by the utility.

Page 97, line 2, strike “erected under” and insert “referred to in”.

Page 97, after line 12, insert the following:

**SEC. 354. MOTOR CARRIER SAFETY PROGRAM.**

Section 31136(e) of title 49, United States Code, is amended—

(1) by inserting “(1) IN GENERAL.—” before “After notice”;

(2) by indenting paragraph (1), as designated by paragraph (1) of this section, and moving paragraph (1), as so redesignated, 2 ems to the right; and

(3) by adding the following at the end:

“(2) MOTOR CARRIER SAFETY PROGRAM.—

“(A) IN GENERAL.—The Secretary, within 180 days of the application of an operator of motor vehicles with a gross

vehicle weight rating of at least 10,001 pounds but not more than 26,000 pounds, shall exempt some or all of such vehicles and drivers of such vehicles from some or all of the regulations prescribed under this section and sections 504 and 31502 of this title if the Secretary finds such applicant—

“(i) has a current satisfactory safety fitness rating issued by the Secretary; and

“(ii) will implement a program of safety management controls designed to achieve a level of operational safety equal to or greater than that resulting from compliance with the regulations prescribed under this section.

The Secretary shall modify the exemption if there is a material change in the regulations prescribed under such sections. In granting such exemptions, the Secretary shall ensure that approved participants in the motor carrier safety program are subject to a minimum of paperwork and regulatory burdens.

“(B) MONITORING; EXEMPTION PERIOD.—The Secretary and participants in the program established by this paragraph shall periodically monitor the safety of vehicles and drivers exempted from regulations under the program. An exemption approved under subparagraph (A) shall remain in effect until such time as the Secretary finds—

“(i) that the operator has exceeded the average ratio of preventable accidents to vehicle miles travelled for a period of 12 months for the class of vehicles with a gross vehicle weight of at least 10,001 pounds but not more than 26,000 pounds; or

“(ii) that such operator’s exemption is not in the public interest and would result in a significant adverse impact on the safety of commercial motor vehicles.

“(C) FACTORS.—In approving applications under the program established by this paragraph, the Secretary shall—

“(i) ensure that applicants in the program represent a broad cross-section of fleet size and operators of vehicles between 10,000 and 26,000 pounds; and

“(ii) to the extent feasible, ensure participation by as many qualified applicants as possible.

“(D) LIMITATION.—The Secretary shall not grant the exemptions set forth in subparagraph (A) to vehicles—

“(i) designed to transport more than 15 passengers; including the driver; or

“(ii) used in transporting material found by the Secretary to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under such section 5103.

“(E) EMERGENCIES.—The Secretary may revoke or modify the participation of an operator in the program established by this section in the case of an emergency.

“(3) REVIEW OF REGULATIONS.—The Secretary shall conduct a zero-based review of the need and the costs and benefits of all regulations issued under this section and sections 504 and 31502 of this title to determine whether such regulations should apply to vehicles weighing between 10,000 and 26,000 pounds. The review shall focus on the appropriate level of safety and the paperwork and regulatory burdens of such regulations as they apply to operators of vehicles weighing between 10,000 and 26,000 pounds. The Secretary shall complete the review within 18 months after the date of the enactment of this paragraph. Upon completion of the review, the Secretary shall grant such exemptions or modify or repeal existing regulations to the extent appropriate.”.

Conform the table of contents of the bill accordingly.