Public Law 94-280
94th Congress

An Act

May 5, 1976
[H.R. 8235]

To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Highway construction and safety. Appropriation authorization. Federal-Aid Highway Act of 1976.

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1976".

23 USC 101 note.

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. (a) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1978, and the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1979.", and by inserting in lieu thereof the following: "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 $3,625,000,000 for the fiscal year ending September 30, 1980, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1981, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1982, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1983, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1985, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1986, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1987, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1988, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1989, and the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1990.".

23 USC 101 note.

(b) (1) At least 30 per centum of the apportionment made to each State for each of the fiscal years ending September 30, 1978, and September 30, 1979, of the sums authorized in subsection (a) of this section shall be expended by such State for projects for the construction of intercity portions (including beltways) which will close essential gaps in the Interstate System and provide a continuous System.

(2) The Secretary of Transportation shall report to Congress before October 1, 1976, on those intercity portions of the Interstate System the construction of which would be needed to close essential gaps in the System.

Report to Congress.

(3) A State which does not have sufficient projects to meet the 30 per centum requirement of paragraph (1) of this subsection may, upon approval of the Secretary of Transportation, be exempt from the requirements of such paragraph to the extent of such inability.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

23 USC 101 note.

(c) No part of the funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for the Interstate System, shall be obligated for any project for resurfacing, restoring, or rehabilitating any portion of the Interstate System.

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

23 USC 101 note.

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1978, the sums authorized to be appropriated for such periods by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of Committee Print 94-38 of the Committee on Public Works and Transportation of the House of Representatives.

TRANSITION QUARTER AUTHORIZATION

SEC. 104. (a) There is hereby authorized to be appropriated, out of the Highway Trust Fund, $1,637,390,000 for the transition quarter ending September 30, 1976, for those projects authorized by title 23 of the United States Code, the approval of which creates a contractual obligation of the United States for payment out of the Highway Trust Fund of the Federal share of such projects except those authorized by section 142 of such title, and those on the Interstate System (other than as permitted in subsection (b)). Such sums shall be apportioned or allocated on the date of enactment of this Act among the States, as follows:

23 USC 142.

(1) 60 per centum according to the formula established under section 104(b)(1) of title 23, United States Code, as such section is in effect on the day preceding the date of enactment of this Act.

(2) 40 per centum in the ratio which the population of each State bears to the total population of all the States shown by the latest available Federal census.

(b) Any State which received less than one-half of 1 per centum of the apportionment made under section 104(b)(5) of title 23, United States Code, for the Interstate System for fiscal year 1977 may expend all or any part of its apportionment under this section for projects on the Interstate System in such State.

(c) There is hereby authorized to be appropriated out of the Highway Trust Fund, for the transition quarter ending September 30, 1976, $8,250,000 for forest highways, and $4,000,000 for public lands highways. Such sums shall be apportioned or allocated on the date of enactment of this Act in accordance with section 202 of title 23, United States Code.

(d) There is authorized to be appropriated, out of the Highway Trust Fund, for the transition quarter ending September 30, 1976, $120,000 to the Virgin Islands, $120,000 to Guam, and $120,000 to American Samoa, for projects and programs under sections 152, 153, and 402 of title 23, United States Code, such sums shall be apportioned on the date of enactment of this Act in accordance with section 402(c) of title 23, United States Code.

HIGHWAY AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,350,000,000 for the fiscal year ending September 30, 1977, and $1,350,000,000 for the fiscal year ending September 30, 1978. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending September 30, 1977, and $400,000,000 for the fiscal year ending September 30, 1978.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $800,000,000 for the fiscal year ending September 30, 1977, and $800,000,000 for the fiscal year ending September 30, 1978.

(3) For forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending September 30, 1977, and $33,000,000 for the fiscal year ending September 30, 1978.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending September 30, 1977, and $16,000,000 for the fiscal year ending September 30, 1978.

(5) For forest development roads and trails, $35,000,000 for the three-month period ending September 30, 1976, $140,000,000 for the fiscal year ending September 30, 1977, and $140,000,000 for the fiscal year ending September 30, 1978.

(6) For public lands development roads and trails, $2,500,000 for the three-month period ending September 30, 1976, $10,000,000 for the fiscal year ending September 30, 1977, and $10,000,000 for the fiscal year ending September 30, 1978.

(7) For park roads and trails, $7,500,000 for the three-month period ending September 30, 1976, $30,000,000 for the fiscal year ending September 30, 1977, and $30,000,000 for the fiscal year ending September 30, 1978.

(8) For parkways, $11,250,000 for the three-month period ending September 30, 1976, $45,000,000 for the fiscal year ending September 30, 1977, and $45,000,000 for the fiscal year ending September 30, 1978, except that the entire cost of any parkway project on any Federal-aid system paid under the authorization contained in this paragraph shall be paid from the Highway Trust Fund.

(9) For Indian reservation roads and bridges, $20,750,000 for the three-month period ending September 30, 1976, $83,000,000 for the fiscal year ending September 30, 1977, and $83,000,000 for the fiscal year ending September 30, 1978.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending September 30, 1977, and $50,000,000 for the fiscal year ending September 30, 1978.

(11) For necessary administrative expenses in carrying out section 131 and section 136 of title 23, United States Code, $375,000 for the three-month period ending September 30, 1976, $1,500,000 for the fiscal year ending September 30, 1977, and $1,500,000 for the fiscal year ending September 30, 1978.

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

(A) for the Virgin Islands, not to exceed $1,250,000 for the three-month period ending September 30, 1976, not to exceed $5,000,000 for the fiscal year ending September 30, 1977, and not to exceed $5,000,000 for the fiscal year ending September 30, 1978.

(B) for Guam, not to exceed $1,250,000 for the three-month period ending September 30, 1976, not to exceed $5,000,000 for the fiscal year ending September 30, 1977, and not to exceed $5,000,000 for the fiscal year ending September 30, 1978.

(C) for American Samoa, not to exceed $250,000 for the three-month period ending September 30, 1976, not to exceed $1,000,000 for the fiscal year ending September 30, 1977, and not to exceed $1,000,000 for the fiscal year ending September 30, 1978.

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

23 USC 101 *et seq.*

(13) For authorized landscaping, including, but not limited to, the planting of flowers and shrubs indigenous to the area, and for litter removal an additional $25,000,000 for the fiscal year ending September 30, 1977 and $25,000,000 for the fiscal year ending September 30, 1978.

(14) For the Great River Road, $2,500,000 for the three-month period ending September 30, 1976, $10,000,000 for the fiscal year ending September 30, 1977, and $10,000,000 for the fiscal year ending September 30, 1978, for construction or reconstruction of roads not on a Federal-aid highway system; and out of the Highway Trust Fund, $6,250,000 for the three-month period ending September 30, 1976, $25,000,000 for the fiscal year ending September 30, 1977, and $25,000,000 for the fiscal year ending September 30, 1978, for construction or reconstruction of roads on a Federal-aid highway system.

(15) For control of outdoor advertising under section 131 of title 23, United States Code, $25,000,000 for the fiscal year ending September 30, 1977, and $25,000,000 for the fiscal year ending September 30, 1978.

(16) For control of junkyards under section 136 of title 23, United States Code, $15,000,000 for the fiscal year ending September 30, 1977, and $15,000,000 for the fiscal year ending September 30, 1978.

(17) For safer off-system roads under section 219 of title 23, United States Code, $200,000,000 for the fiscal year ending September 30, 1977, and $200,000,000 for the fiscal year ending September 30, 1978.

(18) For access highways under section 155 of title 23, United States Code, $3,750,000 for the three-month period ending September 30, 1976, $15,000,000 for the fiscal year ending September 30, 1977, and $15,000,000 for the fiscal year ending September 30, 1978.

(19) Nothing in the first ten paragraphs or in paragraph (12), (13), (14), (17), or (18) of this section shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or chapter 4 of title 23, United States Code.

23 USC 401 *et seq.*

23 USC 104 note.

(b) (1) For each of the fiscal years 1978 and 1979, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, and rehabilitation of the Interstate System within such State, the excess amount shall be transferred to and added to the

amounts last apportioned to such State under paragraphs (1), (2) and (6) of section 104(b) in the ratio which these respective amounts bear to each other in that State, and shall thereafter be available for expenditure in the same manner and to the same extent as the amounts to which they are added. In order to carry out this subsection, there are authorized to be appropriated, out of the Highway Trust Fund, not to exceed $91,000,000 for the fiscal year ending September 30, 1978, and $125,000,000 for the fiscal year ending September 30, 1979. 23 USC 104.

(2) In addition to funds otherwise authorized, $65,000,000 for the fiscal year ending September 30, 1977, and $65,000,000 for the fiscal year ending September 30, 1978, out of the Highway Trust Fund, are hereby authorized for the purpose of completing projects approved under the urban high density traffic program prior to the enactment of this paragraph. Such sums shall be in addition to sums previously authorized.

(c)(1) In the case of priority primary routes, $50,000,000 of the sum authorized for fiscal year ending September 30, 1977, by the amendment made by subsection (a)(1) of this section, shall not be apportioned. Such $50,000,000 shall be available for obligation on July 1, 1976, in the same manner and to the same extent as sums apportioned for fiscal year 1977 except that such $50,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost which require long periods of time for their construction. Any part of such $50,000,000 not obligated by such Secretary before October 1, 1977, shall be immediately apportioned in the same manner as funds apportioned on October 1, 1977, for priority primary routes and available for obligation for the same period as such apportionment.

(2) In the case of priority primary routes, $50,000,000 of the sum authorized for the fiscal year ending September 30, 1978, by the amendment made by subsection (a)(1) of this section, shall not be apportioned. Such $50,000,000 of such authorized sum shall be available for obligation on the date of such apportionment, in the same manner and to the same extent as the sums apportioned on such date, except that such $50,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost which require long periods of time for their construction. Any part of such $50,000,000 not obligated by such Secretary before October 1, 1978, shall be immediately apportioned in the same manner as funds apportioned on October 1, 1978, for such routes, and available for obligation for the same period as such apportionment.

INTERSTATE SYSTEM RESURFACING

SEC. 106. (a) In addition to any other funds authorized for the Interstate System, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $175,000,000 for the fiscal year ending September 30, 1978, and $175,000,000 for the fiscal year ending September 30, 1979. Such sums shall be obligated only for projects for resurfacing, restoring, and rehabilitating those lanes on the Interstate System which have been in use for more than five years and which are not on toll roads.

(b) Paragraph (5) of subsection (b) of section 104 of title 23, United States Code, is amended by inserting "(A) Except as provided in subparagraph (B)—" immediately after "(5)" and by adding at the end of such paragraph the following:

"(B) For resurfacing, restoring, and rehabilitating the Interstate System:

"In the ratio which the lane miles on the Interstate System which have been in use for more than five years (other than those on toll roads) in each State bears to the total of the lane miles on the Inter-State System which have been in use for more than five years (other than those on toll roads) in all States.".

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second sentence of the second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty-three years" and inserting in lieu thereof "thirty-four years" and by striking out "June 30, 1979", and inserting in lieu thereof "September 30, 1990".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1979" each place it appears and inserting in lieu thereof at each such place "1990".

Congressional approvals.

(2) The last four sentences of such section 104(b)(5) are amended to read as follows: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making the apportionment for the fiscal year ending September 30, 1977. The Secretary shall make the apportionment for the fiscal year ending September 30, 1978, in accordance with section 103 of the Federal-Aid Highway Act of 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1979, and September 30, 1980. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1979. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1981, and September 30, 1982. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1981. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1983, and September 30, 1984. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1983. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1985, and September 30, 1986. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner

Cost estimates, transmittal to Congress.

as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1987, and September 30, 1988. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1987. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1989, and September 30, 1990. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives.".

DEFINITIONS

SEC. 108. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) The definition of the term "construction" is amended by inserting immediately after "Commerce)", the following "resurfacing, restoration, and rehabilitation,".

(2) The definition of the term "urban area" is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except in the case of cities in the State of Maine and in the State of New Hampshire.".

(b) Section 101(a) of title 23, United States Code, is amended by adding the following definition after "public lands highways":

"The term 'public road' means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.".

ELIGIBILITY FOR WITHDRAWAL

SEC. 109. (a) The second sentence of paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended by striking out "prior to the enactment of this paragraph".

(b) Section 103(e) of title 23, United States Code, is amended by adding the following new paragraph at the end thereof:

"(5) Interstate mileage authorized for any State and withdrawn and transferred under the provisions of paragraph (2) of this subsection after the date of enactment of the Federal-Aid Highway Act of 1976, must be constructed by the State receiving such mileage as part of its Interstate System. Any State receiving such transfer of mileage may not, with respect to that transfer, avail itself of the optional use of Interstate funds under the second sentence of paragraph (4) of this subsection.".

INTERSTATE SYSTEM

SEC. 110. (a) Section 103(e)(4) of title 23, United States Code. is amended to read as follows:

"(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System which is within an urbanized area or which passes through and connects urbanized areas within a State and which was selected and approved in accordance with

this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof. When the Secretary withdraws his approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of enactment of the Federal-Aid Highway Act of 1976 or the date of approval of each substitute project under this paragraph, whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or projects authorized under any highway assistance program under section 103 of this title; or both, which will serve the urbanized area and the connecting non-urbanized area corridor from which the Interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the urbanized area or area to be served, and which are submitted by the Governor of the State in which the withdrawn route was located. Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of the substitute projects shall be determined in accordance with the provisions of section 120 of this title applicable to the highway program of which the substitute project is a part, except that in the case of mass transit projects, the Federal share shall be that specified in section 4 of the Urban Mass Transportation Act of 1964, as amended. The sums available for obligation shall remain available until obligated. The sums obligated for mass transit projects shall become part of, and be administered through, the Urban Mass Transportation Fund. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph such sums as may be necessary out of the general fund of the Treasury. Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all Interstate routes in that State as reflected in the latest cost estimate approved by the Congress. In any State where the withdrawal of an Interstate route or portion thereof has been approved under section 103(e)(4) of this title prior to the date of enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on the date of enactment of the Federal-Aid Highway Act of 1976 shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown on the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all Interstate routes in that State, as shown on such cost estimate, except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph prior to enactment of such Federal-Aid Highway Act. Funds available for expenditure to carry

49 USC 1603.

out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of this paragraph as amended by the Federal-Aid Highway Act of 1976, shall be effective as of August 13, 1973.". 49 USC 1601 note.

(b) Section 103(e)(4) of title 23, United States Code, is further amended by adding the following sentence at the end thereof: "In the event a withdrawal of approval is accepted pursuant to this section, the State shall not be required to refund to the Highway Trust Fund any sums previously paid to the State for the withdrawn route or portion of the Interstate System as long as said sums were applied to a transportation project permissible under this title.".

ROUTE WITHDRAWALS

SEC. 111. (a) The existing fourth sentence of paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended by striking out "increased or decreased," and all that follows down through and including the period at the end thereof and inserting in lieu thereof the following: "or if the cost of any such withdrawn route was not included in such 1972 Interstate System cost estimate, the cost of such withdrawn route as set forth in the last Interstate System cost estimate before such 1972 cost estimate which was approved by Congress and which included the cost of such withdrawn route, increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof, which, (i) in the case of a withdrawn route the cost of which was not included in the 1972 cost estimate but in an earlier cost estimate, have occurred between such earlier cost estimate and the date of enactment of the Federal-Aid Highway Act of 1976, and (ii) in the case of a withdrawn route the cost of which was included in the 1972 cost estimate, have occurred between the 1972 cost estimate and the date of enactment of the Federal-Aid Highway Act of 1976, or the date of withdrawal of approval, whichever date is later, and in each case costs shall be based on that design of such route or portion thereof which is the basis of the applicable cost estimate.".

(b) The amendment made by subsection (a) of this section shall be applicable to each route on the Interstate System approval of which was withdrawn or is hereafter withdrawn by the Secretary of Transportation in accordance with the provisions of section 103(e)(2) of title 23, United States Code, including any route on the Interstate System approval of which was withdrawn by the Secretary of Transportation in accordance with the provisions of title 23, United States Code, on August 30, 1965, for the purpose of designating an alternative route. 23 USC 103 note.

APPORTIONMENTS

SEC. 112. (a) Section 104(b) of title 23, United States Code, is amended by striking "On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection," and inserting in lieu thereof "On October 1 of each fiscal year except as provided in paragraphs (4) and (5) of this subsection,".

(b) Section 104(b)(1) of title 23, United States Code, is amended to read as follows:

"(1) For the Federal-aid primary system (including extensions in urban areas and priority primary routes)—

"Two-thirds according to the following formula: one-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census, and one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bear to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary; and one-third as follows: in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment.".

Repeal.

(c) Section 104(b)(3) of title 23, United States Code, is repealed.

(d) Section 104(e) of title 23, United States Code, is amended to read as follows:

"(e) On October 1 of each fiscal year the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder (other than under subsection (b)(5) of this section) to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section. On October 1 of the year preceding the fiscal year for which authorized, the Secretary shall certify to each of the State highway departments the sums which he has apportioned under subsection (b)(5) of this section to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section. To permit the States to develop adequate plans for the utilization of apportioned sums, the Secretary shall advise each State of the amount that will be apportioned each year under this section not later than ninety days before the beginning of the fiscal year for which the sums to be apportioned are authorized, except that in the case of the Interstate System the Secretary shall advise each State ninety days prior to the apportionment of such funds.".

(e) Section 104(f)(1) of title 23, United States Code, is amended by striking out "On or before January 1 next preceding the commencement" and inserting in lieu thereof "On October 1". Section 104(f)(1) is further amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that in the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of one-half of 1 per centum) on October 1 of the year next preceding the fiscal year for which such funds are authorized for such System.".

(f) Section 104(f)(3) of title 23, United States Code, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof ", except that States receiving the minimum apportionment under paragraph (2) may, in addition, subject to the approval of the Secretary, use the funds apportioned to finance transportation planning outside of urbanized areas.".

(g) Section 104(b)(5) of title 23, United States Code, is amended by striking out "a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized." and inserting in lieu thereof the following: "October 1 of the year preceding the fiscal year for which authorized.".

(h) Notwithstanding any other provision of this Act, including any amendments made by this Act, funds authorized by this Act (other than for the Interstate System) for the transition quarter ending September 30, 1976, and for the fiscal year ending September 30, 1977, shall be apportioned on July 1, 1976, except as otherwise provided in section 104.

TRANSFERABILITY

SEC. 113. (a) Subsections (c) and (d) of section 104 of title 23, United States Code, are amended to read as follows:

"(c)(1) Subject to subsection (d), the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraph (1) or (2) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. 23 USC 104 note.

"(2) Subject to subsection (d), the amount apportioned in any fiscal year to each State in accordance with paragraph (1) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. Funds apportioned in accordance with paragraph (6) of subsection (b) of this section shall not be transferred from their allocation to any urbanized area of two hundred thousand population or more under section 150 of this title, without the approval of the local officials of such urbanized area. 23 USC 150.

"(d) Each transfer of apportionments under subsection (c) of this section shall be subject to the following conditions:

"(1) In the case of transfers under paragraph (1), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 40 per centum. Not more than 40 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

"(2) In the case of transfers under paragraph (2), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 20 per centum. Not more than 20 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

"(3) No transfer shall be made from an apportionment during any fiscal year if during such fiscal year a transfer has been made to such apportionment.

"(4) No transfer shall be made to an apportionment during any fiscal year if during such fiscal year a transfer has been made from such apportionment.".

(b) The amendment made by subsection (a) of this section shall take effect on July 1, 1976, and shall be applicable with respect to funds authorized for the fiscal year ending September 30, 1977, and for subsequent fiscal years. With respect to the fiscal year 1976 and earlier fiscal years, the provisions of subsections (c) and (d) of section 104 of title 23, United States Code, as in effect on June 30, 1976, shall remain applicable to funds authorized for such years. Effective dates. 23 USC 104 note.

CONSTRUCTION ESTIMATES

SEC. 114. Section 106(c) of title 23, United States Code, is amended to read as follows:

"(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of a project financed with Federal-aid highway funds, after excluding from such total estimate cost, the estimated costs of rights-of-way, preliminary engineering, and construction engineering. However, this limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary.".

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 115. (a) Paragraph (2) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "made pursuant to section 133 or chapter 5 of this title".

(b) Section 108(a) of title 23, United States Code, is amended by inserting after "request is made" the words "unless a longer period is determined to be reasonable by the Secretary" in the last sentence.

(c) Section 108(c)(3) of title 23, United States Code, is amended by inserting "or later" following "earlier" in the first sentence.

CERTIFICATION ACCEPTANCE

SEC. 116. (a) Subsection (a) of section 117 of title 23, United States Code, is amended by striking out "establishing requirements at least equivalent to those contained in, or issued pursuant to, this title." and inserting in lieu thereof "which will accomplish the policies and objectives contained in or issued pursuant to this title.".

(b) Section 117 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(f)(1) In the case of the Federal-aid secondary system, in lieu of discharging his responsibilities in accordance with subsections (a) through (d) of this section, the Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (A) were adopted by such State highway department, (B) were applicable to projects in this category, and (C) were approved by him.

"(2) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

23 USC 105, 106, 109.

"(3) Paragraphs (1) and (2) of this subsection shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.".

AVAILABILITY

SEC. 117. (a) Subsection (b) of section 118 of title 23, United States Code, is amended to read as follows:

"(b) Sums apportioned to each Federal-aid system (other than the Interstate System) shall continue available for expenditure in that

State for the appropriate Federal-aid system or part thereof (other than the Interstate System) for a period of three years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse. Sums apportioned to the Interstate System shall continue available for expenditure in that State for the Interstate System for a period of two years after the close of the fiscal year for which such sums are authorized. Any amount apportioned to the States for the Interstate System under subsection (b) (5) (A) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) (A) of section 104 of this title. Any amount apportioned to the States for the Interstate System under subsection (b) (5) (B) of section 104 of this title remaining unexpended at the end of the period of its availability shall lapse. Sums apportioned to a Federal-aid system for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is obligated. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.". 23 USC 104.

(b) (1) The first sentence of section 203 of title 23, United States Code, is amended by striking out "or a date not earlier than one year preceding the beginning" and inserting in lieu thereof "or on October 1,".

(2) The second sentence of such section 203 is amended by striking out "two years" and inserting in lieu thereof "three years".

(c) The funds authorized by section 104 of this Act and all funds authorized by titles I and II of this Act for the transition quarter ending September 30, 1976, shall, for the purposes of the application of sections 118 and 203 of title 23, United States Code, remain available for expenditure for the same period as funds authorized by this Act for the fiscal year ending September 30, 1977.

PAYMENT TO STATES FOR CONSTRUCTION

SEC. 118. (a) Section 121(d) of title 23, United States Code, is amended to read as follows:

"(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any project financed with Federal-aid highway funds shall not exceed 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering. However, this limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary.". 23 USC 120, 130.

EMERGENCY RELIEF

SEC. 119. (a) Section 125(a) of title 23, United States Code, is amended—

(1) by striking out "June 30, 1972," and inserting in lieu thereof "June 30, 1972, and ending before June 1, 1976,";

(2) by striking out "June 30, 1973," and inserting in lieu thereof "June 30, 1973, to carry out the provisions of this section, and not more than $25,000,000 for the three-month period beginning July 1, 1976, and ending September 30, 1976, is authorized to be expended to carry out the provisions of this section, and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1976,"; and

(3) by adding before the last sentence the following new sentence: "For the purposes of this section the period beginning July 1, 1976, and ending September 30, 1976, shall be deemed to be a part of the fiscal year ending September 30, 1977.".

23 USC 125.

(b) The second sentence of section 125(b) of such title is amended by striking out the period and inserting in lieu thereof the following: ", except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93-288) concurrence of the Secretary is not required.".

42 USC 5121 note.

BUS WIDTHS

SEC. 120. Section 127 of title 23, United States Code is amended by adding at the end thereof the following new sentence: "Notwithstanding any limitation relating to vehicle widths contained in this section, a State may permit any bus having a width of 102 inches or less to operate on any lane of 12 feet or more in width on the Interstate System.".

FERRY OPERATIONS

SEC. 121. The first sentence of paragraph (5) of subsection (g) of section 129 of title 23, United States Code, is amended by inserting after "Hawaii" the following: "and the islands which comprise the Commonwealth of Puerto Rico". The second sentence of such paragraph (5) is amended by inserting after "Hawaii" the following: "and operations between the islands which comprise the Commonwealth of Puerto Rico".

CONTROL OF OUTDOOR ADVERTISING

SEC. 122. (a) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of 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".

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

"(o) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

Compensation.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Fed-

eral-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs). 23 USC 101 note.

"(q)(1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes. 23 USC 131.

"(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed.".

(c) Section 131(i) of title 23, United States Code, is amended to read as follows:

"(i) In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system.". 23 USC 120.

TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 123. (a) Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Traffic operations improvement programs.

"(a) The Congress hereby finds and declares it to be in the national interest that each State shall have a continuing program designed to reduce traffic congestion and facilitate the flow of traffic.

"(b) The Secretary may approve under this section any project for improvements on any public road which project will directly facilitate and control traffic flow on any of the Federal-aid systems.".

(b) The analysis of chapter 1 is amended by striking out:

"135. Urban area traffic operations improvement programs."

and inserting in lieu thereof:

"135. Traffic operations improvement programs.".

PRESERVATION OF PARKLANDS

Studies.

SEC. 124. Section 138 of title 23, United States Code, is amended by adding a new sentence at the end thereof to read as follows: "In carrying out the national policy declared in this section the Secretary, in cooperation with the Secretary of the Interior and appropriate State and local officials, is authorized to conduct studies as to the most feasible Federal-aid routes for the movement of motor vehicular traffic through or around national parks so as to best serve the needs of the traveling public while preserving the natural beauty of these areas.".

ADDITIONS TO INTERSTATE SYSTEM

SEC. 125. Section 139(b) of title 23, United States Code, is amended by striking "(d)" the two places it appears and inserting in lieu thereof "(e)".

EQUAL EMPLOYMENT OPPORTUNITY

SEC. 126. The second sentence of subsection (b) of section 140, title 23, United States Code, is amended to read as follows: "Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $2,500,000 for the transition quarter ending September 30, 1976, and not to exceed $10,000,000 per fiscal year, for the administration of this subsection.".

PUBLIC TRANSPORTATION

SEC. 127. (a) Section 142(a)(1) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: "If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility (including compensation to any person for operating the facility).".

(b) Section 142(e)(3) of title 23, United States Code, is amended by striking out "section." and inserting in lieu thereof "title.".

SPECIAL URBAN HIGH DENSITY

Repeal.
23 USC 146.

SEC. 128. (a) Section 146 of title 23, United States Code, is repealed.

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

"146. Special urban high density traffic programs."

and inserting in lieu thereof:

"146. Repealed.".

RURAL BUS DEMONSTRATION

23 USC 142 note.

SEC. 129. Section 147(a) of the Federal-Aid Highway Act of 1973, as amended, is amended by adding after the first sentence a new sentence as follows: "Such sums shall remain available for a period of two years after the close of the fiscal year for which such sums are authorized.".

PRIORITY PRIMARY

SEC. 130. Section 147(b) of title 23, United States Code, is amended to read as follows:

23 USC 120.

"(b) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to the priority primary routes selected under this section.".

DEFINING STATE

SEC. 131. Section 152 and section 153 of title 23, United States Code, are amended by adding at the end of each such section the following new subsection:

"(f) For the purposes of this section the term 'State' shall have the meaning given it in section 401 of this title.". 23 USC 401.

HIGHWAYS CROSSING FEDERAL PROJECTS

SEC. 132. (a) Chapter I of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 156. Highways crossing Federal projects 23 USC 156.

"(a) The Secretary is authorized to construct and to reconstruct any public highway or highway bridge across any Federal public works project, notwithstanding any other provision of law, where there has been a substantial change in the requirements and costs of such highway or bridge since the public works project was authorized, and where such increased costs would work an undue hardship upon any one State. No such highway or bridge shall be constructed or reconstructed under authority of this section until the State shall agree that upon completion of such construction or reconstruction it will accept ownership to such highway or bridge and will thereafter operate and maintain such highway or bridge.

"(b) There is hereby authorized to be appropriated not to exceed $100,000,000 to carry out this section. Amounts authorized by this subsection shall be available for the fiscal year in which appropriated and for two succeeding fiscal years.".

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

"156. Highways crossing Federal projects.".

APPORTIONMENTS OR ALLOCATIONS

SEC. 133. Section 202(a) of title 23, United States Code, is amended by striking "On or before January 1 next preceding the commencement" and inserting in lieu thereof "On October 1".

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

SEC. 134. Section 217(e) of title 23, United States Code, is amended by striking out "$40,000,000" and inserting in lieu thereof "$45,000,000", and by striking out "$2,000,000" and inserting in lieu thereof "$2,500,000".

SAFER OFF-SYSTEM ROADS

SEC. 135. (a) Section 219 of title 23 of the United States Code, is amended to read as follows:

"§ 219. Safer off-system roads.

"(a) The Secretary is authorized to make grants to States for projects for the construction, reconstruction, and improvement of any off-system road, including, but not limited to, the correction of safety hazards, the replacement of bridges, the elimination of high-hazard locations and roadside obstacles. Grants.

"(b) On October 1 of each fiscal year the Secretary shall apportion the sums authorized to be appropriated to carry out this section among the several States as follows:

"(1) Two-thirds according to the following formula—

"(A) one-third in the ratio which the area of each State bears to the total area of all States;

"(B) one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States; and

"(C) one-third in the ratio in which the off-system road mileage of each State bears to the total off-system road mileage of all the States. Off-system road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(2) One-third in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census.

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

Formal agreement with local officials.

"(d) In any State wherein the State is without legal authority to construct or maintain a project under this section, such State shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the county or municipality in which such project is located.

"(e) Sums apportioned under this section and programs and projects under this section shall be subject to all of the provisions of chapter 1 of this title applicable to highways on the Federal-aid secondary system except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section. The Secretary is not authorized to determine as inconsistent with this section any provision relating to the obligation and availability of funds.

"Off-system road."

"(f) As used in this section, the terms 'off-system road' means any toll-free road (including bridges), which road is not on any Federal-aid system and which is under the jurisdiction of and maintained by a public authority and open to public travel.".

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

"219. Off-system roads."

and inserting in lieu thereof the following:

"219. Safer off-system roads.".

Repeal. 23 USC 405.

(c) Section 405 of title 23 of the United States Code is hereby repealed.

(d) The analysis of chapter 4 of title 23 of the United States Code is amended by striking out

"405. Federal-aid safer roads demonstration program."

and inserting in lieu thereof the following:

"405. Repealed."

LANDSCAPING AND SCENIC ENHANCEMENT

SEC. 136. (a) Section 319 of title 23, United States Code, is amended to read as follows:

"§ 319. Landscaping and scenic enhancement. 23 USC 319.

"The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways.".

(b) All sums authorized to be appropriated to carry out section 319(b) of title 23, United States Code, as in effect immediately before the date of enactment of this section shall continue to be available for appropriation, obligation, and expenditure in accordance with such section 319(b), notwithstanding the amendment made by the subsection (a) of this section. 23 USC 319 note.

BRIDGES ON FEDERAL DAMS

SEC. 137. (a) Section 320(d) of title 23, United States Code, is amended by striking out "$27,761,000" and inserting in lieu thereof "$50,000,000".

(b) Sums appropriated or expended under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be appropriated out of the Highway Trust Fund for the fiscal year ending September 30, 1977, and for subsequent fiscal years. 23 USC 320 note.

OVERSEAS HIGHWAY

SEC. 138. Subsection (b) of section 118 of the Federal-Aid Highway Amendments of 1974 (Public Law 93-643) is amended— 88 Stat. 2288.

(1) by striking out "1975, and" and inserting in lieu thereof "1975,"; and

(2) by striking out "can be obligated." and inserting in lieu thereof "$8,750,000 for the three-month period ending September 30, 1976, $35,000,000 for the fiscal year ending September 30, 1977, and $35,000,000 for the fiscal year ending September 30, 1978, can be obligated.".

TECHNICAL AMENDMENTS

SEC. 139. (a) The analysis of chapter I of title 23, United States Code, is amended by striking out

"111. Use of and access to rights-of-way—Interstate System."

and inserting in lieu thereof the following:

"111. Agreements relating to use of and access to rights-of-way—Interstate System.".

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

"119. Administration of Federal-aid for highways in Alaska."

and inserting in lieu thereof the following:

"119. Repealed.".

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

"133. Relocation assistance."

and inserting in lieu thereof the following:

"133. Repealed.".

DEMONSTRATION PROJECTS—RAILROAD HIGHWAY CROSSINGS

23 USC 130 note.

SEC. 140. (a) Section 163 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) is amended by inserting immediately after subsection (h) the following new subsections:

Metairie, La.

"(i) The Secretary of Transportation shall carry out a demonstration project in Metairie, Jefferson Parish, Louisiana, for the relocation or grade separation of rail lines whichever he deems most feasible in order to eliminate certain grade level railroad highway crossings.

Augusta, Ga.

"(j) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Augusta, Georgia, for the relocation of railroad lines and for the purpose of eliminating highway railroad grade crossings.

Pine Bluff, Ark.

"(k) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Pine Bluff, Arkansas, for the relocation of railroad lines for the purpose of eliminating highway railroad grade crossings.

Sherman, Tex.

"(l) The Secretary of Transportation shall carry out a demonstration project in Sherman, Texas, for the relocation of rail lines in order to eliminate the ground level railroad crossing at the crossing of the Southern Pacific and Frisco Railroads with Grand Avenue-Roberts Road.".

(b) Existing subsections (i), (j), (k), and (l) of section 163 of the Federal-Aid Highway Act of 1973 are relettered as (m), (n), (o), and (p), respectively, including any references to such subsections.

Federal share limitation.

(c) Subsection (m) (as relettered by subsection (b) of this section) of section 163 of the Federal-Aid Highway Act of 1973 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that in the case of projects authorized by subsections (i), (j), (k), and (l), the Federal share payable on account of such projects shall not exceed 70 per centum and the remaining costs of such projects shall be paid by the State or local governments.".

(d) Subsection (o) (as relettered by subsection (b) of this section) of section 163 of the Federal-Aid Highway Act of 1973 is amended by striking out "1976, except that" and inserting in lieu thereof the following: "1976, $6,250,000, for the period beginning July 1, 1976, and ending September 30, 1976, $26,400,000 for the fiscal year ending September 30, 1977, and $51,400,000 for the fiscal year ending September 30, 1978, except that not more than".

(e) Paragraph (2) of subsection (a) of section 163 of the Federal-Aid Highway Act of 1973 is amended by striking out "an engineering and feasibility study for".

49 USC 1605 note.

(f) Section 302 of the National Mass Transportation Assistance Act of 1974 (Public Law 93-503) is amended by striking out "$14,000,000, except that" and inserting in lieu thereof "$14,000,000, except that not more than".

ACCELERATION OF PROJECTS

23 USC 124 note.

SEC. 141. The Secretary of Transportation shall carry out a project to demonstrate the feasibility of reducing the time required from the

time of request for project approval through the completion of construction of highway projects in areas that, as a result of recent or imminent change, including but not limited to change in population or traffic flow resulting from the construction of Federal projects, show a need to construct such projects to relieve such areas from the impact of such change. There is authorized to be appropriated out of the Highway Trust Fund to carry out such project not to exceed $25,000,000.

MULTIMODAL CONCEPT

SEC. 142. Section 143 of the Federal-Aid Highway Act of 1973 is amended by inserting "(a)" immediately following "SEC. 143." and by adding the following new subsection at the end thereof: 87 Stat. 272.

"(b) The Secretary of Transportation is authorized and directed to study the feasibility of developing a multimodal concept along the route described in paragraph (1) of subsection (a) of this section, which study shall include an analysis of the environmental impact of such multimodal concept. The Secretary shall report to Congress the results of such a study not later than July 1, 1977.". Study. Report to Congress.

CARPOOL DEMONSTRATION PROJECTS

SEC. 143. Section 3 of the Emergency Highway Energy Conservation Act, as amended (87 Stat. 1047, 88 Stat. 2289), is amended as follows: 23 USC 101 note.

(1) Subsection (a) is amended by adding at the end thereof the following: "For the purposes of this section, the term 'carpool' includes a vanpool.". Vanpool.

(2) Subsection (c) is amended by inserting after "such measures as" the words "providing carpooling opportunities to the elderly and the handicapped," and by inserting after "opportunities," the words "acquiring vehicles appropriate for carpool use,".

(3) Subsection (d) is amended by striking out "(3) and (6)" from the first sentence, and inserting in lieu thereof "(1) and (6)" and by striking out the second sentence.

USE OF TOLL RECEIPTS FOR HIGHWAY AND RAIL CROSSINGS

SEC. 144. Section 2 of the Act entitled "An Act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland", approved February 20, 1931, is amended as follows: 46 Stat. 1193.

(1) Subsection (a) is amended by striking out "heretofore enacted." and inserting in lieu thereof a period.

(2) The first sentence in subsection (b) is amended by striking out "of not to exceed two additional highway crossings and one rail transit crossing across the Bay of San Francisco and their approaches." and inserting in lieu thereof "(1) not to exceed two additional highway crossings and one rail transit crossing across the Bay of San Francisco and their approaches, and (2) any public transportation system in the vicinity of any toll bridge in the San Francisco Bay Area. Such tolls may also be used to pay the cost of constructing new approaches to the Richmond-San Rafael Bridge in the San Francisco Bay Area.".

(3) The existing third sentence in subsection (b) which begins "After" is repealed. Repeal.

EXTENSION OF REPAYMENT

23 USC 120 note.

SEC. 145. The first sentence of section 2 of Public Law 94-30 is amended by striking out "before January 1, 1977." and inserting in lieu thereof "January 1, 1979, at a rate of 20 per centum by January 1, 1977, 30 per centum by January 1, 1978, and 50 per centum by January 1, 1979. If a State fails to make any repayment in accordance with the preceding sentence, the entire unpaid balance shall immediately become due and payable.".

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION PROJECTS

23 USC 135 note.

SEC. 146. (a) The Secretary of Transportation is authorized to carry out traffc control signalization demonstration projects designed to demonstrate through the use of technology not now in general use the increased capacity of existing highways, the conservation of fuel, the decrease in traffic congestion, the improvement in air and noise quality, and the furtherance of highway safety, giving priority to those projects providing coordinated signalization of two or more intersections. Such projects can be carried out on any highway whether on or off a Federal-aid system.

(b) There is authorized to be appropriated to carry out this section of the Highway Trust Fund, not to exceed $40,000,000 for the fiscal year ending September 30, 1977, and $40,000,000 for the fiscal year ending September 30, 1978.

Report.

(c) Each participating State shall report to the Secretary of Transportation not later than September 30, 1977, and not later than September 30 of each year thereafter, on the progress being made in implementing this section and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the benefits resulting from such projects comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such traffic control signalization. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1978, on the progress being made in implementing this section and an evaluation of the benefits resulting therefrom.

Report to Congress.

ACCESS RAMPS TO PUBLIC BOAT LAUNCHING AREAS

23 USC 104 note.

SEC. 147. Funds apportioned to States under subsections (b)(1), (b)(2), and (b)(6) of section 104 of title 23, United States Code, may be used upon the application of the State and the approval of the Secretary of Transportation for construction of access ramps from bridges under construction or which are being reconstructed, replaced, repaired, or otherwise altered on the Federal-aid primary, secondary, or urban system to public boat launching areas adjacent to such bridges. Approval of the Secretary shall be in accordance with guidelines developed jointly by the Secretary of Transportation and the Secretary of the Interior.

DEMONSTRATION PROJECT

49 USC 1605 note.

49 USC 1605.

SEC. 148. The Secretary of Transportation, acting pursuant to his authority under section 6 of the Urban Mass Transportation Act of 1964, shall conduct a demonstration project in urban mass transportation for design, improvement, modification, and urban deployment of the Automated Guideway Transit system now in operation at the

Dallas/Fort Worth Regional Airport. There is authorized to be appropriated to carry out this section $7,000,000 for the fiscal year ending September 30, 1977.

URBAN SYSTEM STUDY

SEC. 149. The Secretary of Transportation is authorized and directed to conduct a study of the various factors involved in the planning, selection, programing, and implementation of Federal-aid urban system routes which shall include but not be limited to the following: 23 USC 134 note.

(1) An analysis of the various types of organizations now in being which carry out the planning process required by section 134 of title 23, United States Code. Such analysis shall include but not be limited to the degree of representation of various governmental units within the urbanized area, the organizational structure, size and calibre of staff, authority provided to the organization under State and local law, and relation to State governmental entities.

(2) The status of jurisdiction over roads on the Federal-aid urban system (State, county, city, or other local body having control).

(3) Programing responsibilities under local and State laws with respect to the Federal-aid urban system.

(4) The authority for and capability of local units of government to carry out the necessary steps to process a highway project through and including the plan, specification, and estimate requirement of section 106 of title 23, United States Code, and final construction.

Such study shall be carried out in cooperation with State, county, city, and other local organizations which the Secretary deems appropriate. The study shall be submitted to the Congress within six months of enactment of this section. Submittal to Congress.

INTERSTATE FUNDING STUDY

SEC. 150. (a) The Secretary of Transportation is hereby directed to undertake a complete study of the financing of completion of the Interstate Highway System. Such study should identify and analyze optional financing methods including State bonding authority under which the Secretary contracts to reimburse the States for up to 90 per centum of the principal and interest on such bonds. The Secretary shall report to the Congress not later than nine months after the date of enactment of this Act the results of the study. 23 USC 101 note. Report to Congress.

(b) Within one year of the date of enactment of this Act, the Secretary shall submit to the Congress his recommendations regarding the need to provide Federal financial assistance for resurfacing, restoration, and rehabilitation of routes on the Interstate System. In arriving at his recommendations, he shall conduct a full and complete study in cooperation and in consultation with the States of alternative means of assuring that the high level of transportation service provided by the Interstate System is maintained. The results of the study shall accompany the Secretary's recommendations. The study shall include an estimate of the cost of implementing any recommended programs as well as an analysis of alternative methods of apportioning such Federal assistance among the States. Recommendations, submittal to Congress.

ALASKAN ROADS STUDY

Investigation. 23 USC 218 note.

SEC. 151. (a) The Secretary of Transportation is authorized to undertake an investigation and study to determine the cost of, and the responsibility for, repairing the damage to Alaska highways that has been or will be caused by heavy truck traffic during construction of the trans-Alaska pipeline and to restore them to proper standards when construction is complete. The Secretary of Transportation shall report his initial findings to the Congress on or before September 30, 1976, and his final conclusions on rebuilding costs no later than three months after completion of pipeline construction.

Report to Congress.

(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of $200,000 for the purpose of making the study authorized by subsection (a) of this section.

GLENWOOD CANYON HIGHWAY CONSTRUCTION

SEC. 152. Notwithstanding section 109(b) of title 23 of the United States Code, the Secretary of Transportation is authorized, upon application of the Governor of the State, to approve construction of that section or portions thereof of Interstate Route 70 from a point three miles east of Dotsero, Colorado, westerly to No-Name Interchange, approximately 2.3 miles east of Glenwood Springs, Colorado, approximately 17.5 miles in length, to provide for variations from the number of lanes and other requirements of said section 109(b) in accordance with geometric and construction standards whether or not in conformance with said section 109(b) which the Secretary determines are necessary for the safety of the traveling public, for the protection of the environment, and for preservation of the scenic and historic values of the Glenwood Canyon. The Secretary shall not approve any project for construction under this section unless he shall first have determined that such variations will not result in creation of safety hazards and that there is no reasonable alternative to such project.

STUDY OF HIGHWAY NEEDS TO SOLVE ENERGY PROBLEMS

Investigation. 23 USC 101 note.

SEC. 153. (a) The Secretary of Transportation shall make an investigation and study for the purpose of determining the need for special Federal assistance in the construction or reconstruction of highways on the Federal-aid system necessary for the transportation of coal or other uses in order to promote the solution of the Nation's energy problems. Such study shall include appropriate consultations with the Secretary of the Interior, the Administrator of the Federal Energy Administration, and other appropriate Federal and State officials.

Report to Congress.

(b) The Secretary shall report the results of such investigation and study together with his recommendations, to the Congress not later than one year after the date of enactment of this Act.

(c) In order to carry out the study, the Secretary is authorized to use such funds as are available to him for such purposes under section 104(a) of title 23, United States Code.

ESTABLISHMENT OF COMMISSION

National Transportation Policy Study Commission. 23 USC 101 note.

SEC. 154. (a)(1) There is hereby established a Commission to be known as the National Transportation Policy Study Commission, hereinafter referred to as the "Commission".

(2) The Commission shall make a full and complete investigation and study of the transportation needs and of the resources, requirements, and policies of the United States to meet such expected needs. It shall take into consideration all reports on National Transportation Policy which have been submitted to the Congress including but not limited to the National Transportation Reports of 1972 and 1974. It shall evaluate the relative merits of all modes of transportation in meeting our transportation needs. Based on such study, it shall recommend those policies which are most likely to insure that adequate transportation systems are in place which will meet the needs for safe and efficient movement of goods and people.

Investigation and study.

(b) Such Commission shall be comprised of 19 members as follows:

Membership.

(A) Six members appointed by the President of the Senate from the membership of the Committee on Public Works, Committee on Commerce, and Committee on Banking, Housing and Urban Affairs of the United States Senate;

(B) five members appointed by the Speaker of the House of Representatives from the membership of the Committee on Public Works and Transportation and one member appointed by the Speaker from the membership of the Committee on Interstate and Foreign Commerce; and

(C) seven members of the public appointed by the President.

(c) The Commission shall not later than December 31, 1978 submit to the President and the Congress its final report including its findings and recommendations. The Commission shall cease to exist six months after submission of such report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

Report to President and Congress. Termination.

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

(A) the Nation's transportation needs, both national and regional, through the year 2000;

(B) the ability of our current transportation systems to meet the projected needs;

(C) the proper mix of highway, rail, waterway, pipeline, and air transportation systems to meet anticipated needs;

(D) the energy requirements and availability of energy to meet anticipated needs;

(E) the existing policies and programs of the Federal government which affect the development of our national transportation systems; and

(F) the new policies required to develop balanced national transportation systems which meet projected need.

(e)(1) The Chairman of the Commission, who shall be elected by the Commission from among its members, shall request the head of each Federal department or agency which has an interest in or a responsibility with respect to a national transportation policy to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section. Such departments and agencies shall include, but not be limited to, the Department of Transportation, the Federal Highway Administration, the Federal Railroad Administration, the Urban Mass Transportation Administration, the Federal Aviation Administration, the Interstate Commerce Commission, the Civil Aeronautics Board, and the U.S. Army Corps of Engineers.

Chairman.

(2) In carrying out its duties the Commission shall seek the advice of various groups interested in national transportation policy includ-

ing, but not limited to, State and local governments, public and private organizations working in the fields of transportation and safety, industry, education, and labor.

Hearings.

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

Information acquisition.

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

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

Compensation.

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

5 USC 5332 note.

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

5 USC 5101 *et seq.*, 5331.

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

5 USC 5313.

Contract authority.

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

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

(k) There are hereby authorized to be appropriated not to exceed $15,000,000 to carry out this section. Funds appropriated under this section shall be available to the Commission until expended.

LIMITATIONS

SEC. 155. To the extent that any section of this Act provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

TITLE II

Highway Safety Act of 1976.

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1976". 23 USC 401 note.

HIGHWAY SAFETY

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

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $122,000,000 for the fiscal year ending September 30, 1977, and $137,000,000 for the fiscal year ending September 30, 1978.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $10,000,000 for the three-month period ending September 30, 1976, $40,000,000 for the fiscal year ending September 30, 1977, and $50,000,000 for the fiscal year ending September 30, 1978.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1977, and $25,000,000 for the fiscal year ending September 30, 1978.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, $2,500,000 for the three-month period ending September 30, 1976, $10,000,000 for the fiscal year ending September 30, 1977, and $10,000,000 for the fiscal year ending September 30, 1978.

(5) For bridge reconstruction and replacement under section 144 of title 23, United States Code, out of the Highway Trust Fund, $180,000,000 for the fiscal year ending September 30, 1977, and $180,000,000 for the fiscal year ending September 30, 1978.

(6) For carrying out section 151 of title 23, United States Code (relating to pavement marking), out of the Highway Trust Fund, $50,000,000 for the fiscal year ending September 30, 1977, and $50,000,000 for the fiscal year ending September 30, 1978.

(7) For projects for high-hazard locations under section 152 of title 23, United States Code, and for the elimination of roadside obstacles under section 153 of title 23, United States Code, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending September 30, 1977, and $125,000,000 for the fiscal year ending September 30, 1978.

(8) For carrying out subsection (j)(2) of section 402 of title 23, United States Code (relating to incentives for the reduction of the rate of traffic fatalities), out of the Highway Trust Fund, $1,875,000 for the three-month period ending September 30, 1976, $7,500,000 for the fiscal year ending September 30, 1977, and $7,500,000 for the fiscal year ending September 30, 1978.

(9) For carrying out subsection (j)(3) of section 402 of title 23, United States Code (relating for incentives for reduction of actual traffic fatalities), out of the Highway Trust Fund, $1,875,000 for the three-month period ending September 30, 1976, $7,500,000 for the fiscal year ending September 30, 1977, and $7,500,000 for the fiscal year ending September 30, 1978.

RAIL-HIGHWAY CROSSINGS

23 USC 130 note.

SEC. 203. (a) Subsections (b) and (c) of section 203 of the Highway Safety Act of 1973 (Public Law 93-87) are hereby amended to read as follows:

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

"(2) Funds authorized by this subsection shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System).

"(c) There is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings on roads other than those on any Federal-aid system $18,750,000 for the three-month period ending September 30, 1976, $75,000,000 for the fiscal year ending September 30, 1977, and $75,000,000 for the fiscal year ending September 30, 1978. Sums apportioned under this section for projects under this subsection shall be subject to all of the provisions of chapter 1 of title 23, United States Code, applicable to highways on the Federal-aid system, except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section.".

(b) Subsection (d) of section 203 of the Highway Safety Act of 1973 is amended by adding immediately before the first sentence thereof the following new sentence: "50 per centum of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a)(1) of section 104 of the Federal-aid Highway Act of 1973 and 50 per centum of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a)(2) of section 104 of the Federal-aid Highway Act of 1973.".

87 Stat. 251.

INCENTIVE SAFETY GRANTS

SEC. 204. Subsection (j) (3) of section 402 of title 23, United States Code, is hereby amended to read as follows:

"(3) In addition to other grants authorized by this section, the Secretary may make additional incentive grants to those States which have significantly reduced the actual number of traffic fatalities during the calendar year immediately preceding the fiscal year for which such incentive funds are authorized compared to the average of the actual number of traffic fatalities for the four calendar year period preceding such calendar year. Such incentive grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section.

(4) No State shall receive from funds authorized for any fiscal year or period by this subsection incentive grants under paragraph (1) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period. No State shall receive from funds authorized for any fiscal year or period by this subsection incentive awards under paragraph (2) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period. No State shall receive from funds authorized for any fiscal year or period by this subsection incentive awards under paragraph (3) of this subsection which exceed an amount equal to 25 per centum of the amount apportioned to such State under this section for such fiscal year or period.

"(5) Notwithstanding subsection (c) of this section, no part of the sums authorized by this subsection shall be apportioned as provided in such subsection. Sums authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under subsection (c) of this section.".

SCHOOL BUS DRIVER TRAINING

SEC. 205. The second subsection (b) of section 406 of title 23, United States Code (relating to authorizations), is relettered as subsection (c), including all references thereto, and the second sentence of such relettered subsection (c) is amended to read as follows: "Not less than $7,000,000 of the sums authorized to carry out section 402 of this title for each of the fiscal years 1977 and 1978 shall be obligated to carry out this section. All sums authorized to carry out this section shall be apportioned among the States in accordance with the formula established under subsection (c) of section 402 of this title, and shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under such subsection (c).". 23 USC 402.

TRANSFERABILITY

SEC. 206. (a) The first sentence of subsection (g) of section 104 of title 23, United States Code, is amended by striking out "30 per centum" and inserting in lieu thereof "40 per centum".

(b) The second sentence of such subsection (g) is amended to read as follows: "The Secretary may approve the transfer of 100 per centum of the apportionment under one such section to the apportionment under any other of such sections if such transfer is requested by the State highway department, and is approved by the Secretary

as being in the public interest, if he has received satisfactory assurances from such State highway department that the purposes of the program from which such funds are to be transferred have been met.".

(c) Subsection (g) of section 104 of title 23, United States Code, is further amended by adding at the end thereof the following new sentences: "All or any part of the funds apportioned in any fiscal year to a State in accordance with section 203(d) of the Highway Safety Act of 1973 from funds authorized in section 203(c) of such Act, may be transferred from that apportionment to the apportionment made under section 219 of this title if such transfer is requested by the State highway department and is approved by the Secretary after he has received satisfactory assurances from such department that the purposes of such section 203 have been met. Nothing in this subsection authorizes the transfer of any amount apportioned from the Highway Trust Fund to any apportionment the funds for which were not from the Highway Trust Fund, and nothing in this subsection authorizes the transfer of any amount apportioned from funds not from the Highway Trust Fund to any apportionment the funds for which were from the Highway Trust Fund.".

23 USC 130 note.

PAVEMENT MARKING PROGRAM

SEC. 207. (a) Subsection (c) of section 151 of title 23, United States Code, is amended by striking out "and which are" and all that follows down through and including "Federal-aid system".

(b) Subsection (g) of such section 151 is amended by adding at the end thereof the following: "No State shall submit any such report to the Secretary for any year after the second year following completion of the pavement marking program in that State, and the Secretary shall not submit any such report to Congress after the first year following the completion of the pavement marking program in all States.".

HIGHWAY SAFETY PROGRAMS

Motorcycle safety helmets.

SEC. 208. (a) The last three sentences of subsection (c) of section 402 of title 23, United States Code, are amended to read as follows: "For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a standard promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform standard, or with every element of every uniform standard, in every State.".

Evaluation.
23 USC 402 note.

(b) The Secretary of Transportation shall, in cooperation with the States, conduct an evaluation of the adequacy and appropriateness of all uniform safety standards established under section 402 of title 23 of the United States Code which are in effect on the date of enactment of this Act. The Secretary shall report his findings, together with his recommendations, including but not limited to, the need for revision or consolidation of existing standards and the establishment of new

Report to Congress.

standards, to Congress on or before July 1, 1977. Until such report is submitted, the Secretary shall not, pursuant to subsection (c) of section 402 of title 23, United States Code, withhold any apportionment or any funds apportioned to any State because such State is failing to implement a highway safety program approved by the Secretary in accordance with such section 402.

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

SEC. 209. Section 404(a)(1) of title 23, United States Code, is amended by deleting "who shall be Chairman," from the first sentence thereof, and by adding immediately after such first sentence the following: "The Secretary shall select the Chairman of the Committee from among the Committee members.".

STEERING AXLE STUDY

SEC. 210. The Secretary of Transportation is directed to conduct an investigation into the relationship between the gross load on front steering axles of truck tractors and the safety of operation of vehicle combinations of which such truck tractors are a part. Such investigation shall be conducted in cooperation with representatives of (A) manufacturers of truck tractors and related equipment, (B) labor, and (C) users of such equipment. The Secretary shall report the results of such study to the Congress not later than July 1, 1977.

23 USC 127 note.

Report to Congress.

SAFETY PROGRAM APPORTIONMENT

SEC. 211. The sixth sentence of section 402(c) of title 23, United States Code, is amended by deleting the period at the end and adding the following: ", except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one-third of 1 per centum of the total apportionment.".

PENALTY

SEC. 212. Section 402(c) of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.".

LIMITATIONS

SEC. 213. To the extent that any section of this title provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND CERTAIN RELATED PROVISIONS

23 USC 120 note.

SEC. 301. HIGHWAY TRUST FUND.

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

(1) by striking out "1977" each place it appears and inserting in lieu thereof "1979"; and

(2) by striking out "1978" each place it appears and inserting in lieu thereof "1980".

(b) Subsection (e)(1) of section 209 of such Act is amended by striking out "June 30, 1978" and inserting in lieu thereof "September 30, 1980".

SEC. 302. TRANSFER FROM LAND AND WATER CONSERVATION FUND.

Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-11) is amended—

16 USC 460l-11.

(1) by striking out "1977" and inserting in lieu thereof "1979"; and

(2) by striking out "1978" each place it appears and inserting in lieu thereof "1980".

SEC. 303. POSTPONEMENT OF CERTAIN EXCISE TAX REDUCTIONS.

(a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1977" each place it appears and inserting in lieu thereof "1979":

26 USC 4041.

(1) Section 4041(c)(3) (relating to rate of tax on fuel for noncommercial aviation).

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

26 USC 4061.

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

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

26 USC 4071.

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

26 USC 4081.

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

26 USC 4481.

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

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

26 USC 4482.

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

26 USC 6156.

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

26 USC 6421.

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

(b) Section 6412(a)(2) of such Code (relating to floor stocks refunds) is amended— 26 USC 6412.

(1) by striking out "1977" each place it appears and inserting in lieu thereof "1979"; and

(2) by striking out "1978" each place it appears and inserting in lieu thereof "1980".

Approved May 5, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-716 (Comm. on Public Works and Transportation) and No. 94-1017 (Comm. of Conference).

SENATE REPORTS: No. 94-485 accompanying S. 2711 (Comm. on Public Works) and No. 94-741 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 121 (1975): Dec. 11, 12, S. 2711 considered and passed Senate.
Dec. 18, considered and passed House.

Vol. 122 (1976): Jan. 19, considered and passed Senate, amended, in lieu of S. 2711.
Apr. 13, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 12, No. 19 (1976): May 5, Presidential statement.