Public Law 96-106
96th Congress

An Act

Nov. 9, 1979
[H.R. 4249]

To amend title 23 of the United States Code, the Surface Transportation Assistance Act of 1978, and for other purposes.

Surface Transportation Assistance Act of 1978, amendment.
23 USC 139.
92 Stat. 2695.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103(e)(4) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to a designation made under section 139 of this title.".

SEC. 2. (a) Section 103(e)(5) of title 23, United States Code, is amended by striking out "(5) Notwithstanding any other provision of law—" and inserting in lieu thereof "(5) Notwithstanding any other provision of law, in the case of any withdrawal of approval before November 6, 1978—".

Repeal.
23 USC 103 note.
92 Stat. 2694.

(b) Paragraph (2) of section 107(f) of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is hereby repealed.

(c) Paragraph (6) of section 103(e) of title 23, United States Code, is renumbered as paragraph (8), and paragraph (7) of such section is renumbered as paragraph (9), including any references thereto, and such section 103(e) is further amended by inserting immediately after paragraph (5) the following new paragraphs:

Interstate System.

"(6) Notwithstanding any other provision of law—

"(A) in the case of any withdrawal of approval on or after November 6, 1978, of a route or portion thereof on the Interstate System, a State, subject to the approval of the Secretary, shall not be required to refund to the Highway Trust Fund any sums paid to the State for intangible costs;

"(B) in the case of any withdrawal of approval on or after November 6, 1978, of any route or portion thereof on the Interstate System under this section, a State shall not be required to refund to the Highway Trust Fund the costs of construction items, materials, or rights-of-way of the withdrawn route or portion thereof if such items, materials, and rights-of-way were acquired before November 6, 1978, if by the date of withdrawal of approval the Secretary has not approved the environmental impact statement required by the National Environmental Policy Act of 1969, and if such construction items, materials, or rights-of-way will be or have been applied (i) to a transportation project permissible under this title, (ii) to a public conservation or public recreation purpose, or (iii) to any other public purpose determined by the Secretary to be in the public interest on condition that the State gives assurances satisfactory to the Secretary that such construction items, materials, or rights-of-way have been or will be so applied by the State, or any political subdivision thereof, to a project under clause (i), (ii), or (iii) within ten years from the date of withdrawal of approval;

42 USC 4321 note.

"(7) In any case where a withdrawal of approval of a route or portion thereof on the Interstate System on or after November 6, 1978, does not come within the provisions of paragraph (6)(B) of this subsection, the State shall refund to the Highway Trust Fund the

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costs of construction items, materials, and rights-of-way of the withdrawn route or portion thereof, except that if the State gives assurances satisfactory to the Secretary that such items, materials, and rights-of-way have been or will be applied to a transportation project permissible under this title within ten years from the date of withdrawal of approval, the amount of such repayment shall be the difference between the amount received for such items, materials, and rights-of-way and the amount which would be received in accordance with the current Federal share applicable to the transportation project to which such items, materials, and rights-of-way were or are to be applied; and".

SEC. 3. Section 109(l)(1)(A) of title 23, United States Code, is amended by striking out "any aspect of". 92 Stat. 2696.

SEC. 4. Clauses (1) and (2) of subsection (b) of section 115 of title 23, United States Code, are redesignated as (A) and (B), respectively, including any references thereto. Such subsection (b) is further amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following new paragraph:

"(2) For any project under construction on January 1, 1978, on the Interstate System and converted to a regularly funded project after January 1, 1978, for which the proceeds of bonds issued by the State, county, city, or other political subdivision of the State were used, any interest earned and payable on such bonds by the date of conversion is an eligible cost of construction, to the extent that the proceeds of such bonds have actually been expended in the construction of such projects.".

SEC. 5. (a) The fifth sentence of section 118(b) of title 23, United States Code, is amended to read as follows: "Any amount apportioned to the States for the Interstate System under subsection (b)(5)(B) of section 104 of this title shall continue to be available for expenditure in that State for a period of two 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.". 23 USC 104.

(b) The amendment made by subsection (a) of this section shall apply to all amounts apportioned under section 104(b)(5)(B) of title 23, United States Code, for the fiscal year 1978 and for subsequent fiscal years. 23 USC 118 note. 92 Stat. 2699.

SEC. 6. Section 131(c)(5) of title 23, United States Code, is amended by striking out "distribution of" and inserting in lieu thereof "distribution by". 92 Stat. 2700.

SEC. 7. (a) The first sentence of section 144(d) of title 23, United States Code, is amended by striking out "or rehabilitating such bridge with a comparable facility" and inserting in lieu thereof "such bridge with a comparable facility or in rehabilitating such bridge". 92 Stat. 2702.

(b) Section 144(m) of title 23, United States Code, is amended by striking out "major repairs" and inserting in lieu thereof "major work".

SEC. 8. (a) The third sentence of subsection (g) of section 144 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge.". 92 Stat. 2702.

(b) Notwithstanding any other provision of law discretionary bridge funds authorized under section 144(g) of title 23, United States Code, for fiscal year 1980 may be transferred to a State's apportionment under section 104(b)(6) of title 23, United States Code, to repay funds 23 USC 144 note.

obligated under section 104(b)(6) of title 23, United States Code, between June 1 and July 31, 1979, for bridge projects which are eligible for funding by virtue of the amendment in subsection (a) of this section.

SEC. 9. Section 215(f) of title 23, United States Code, is amended by striking out "chapters 1 and 5" and inserting in lieu thereof "chapter 1".

92 Stat. 2723.

SEC. 10. (a) The last sentence of section 219(c) of title 23, United States Code, is amended by striking out "construction" and inserting in lieu thereof "improvement".

92 Stat. 2722.

(b) Subsection (g) of section 152 of title 23, United States Code, is amended by striking out "September 30" and inserting in lieu thereof "December 30", and by striking out "January 1" and inserting in lieu thereof "April 1".

SEC. 11. Section 321(b) of title 23, United States Code, is amended by striking out "paragraphs (1), (2), (3)" and inserting in lieu thereof "paragraphs (1), (2)," and by striking out "70 per centum" and inserting in lieu thereof "75 per centum".

Repeal.
92 Stat. 2701.
23 USC 141 note.

SEC. 12. Subsection (e) of section 123 of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is hereby repealed.

92 Stat. 2712.

SEC. 13. (a) Subsection (a) of section 143 of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is amended (1) by striking out "section 129" and inserting in lieu thereof "sections 129 and 301", (2) by inserting "for I-88 traffic" immediately after "are free of tolls" each of the two places it appears, and (3) by inserting "and reconstruction" immediately after "construction".

(b) Subsection (b) of such section 143 is amended to read as follows:

"(b) The Secretary of Transportation is authorized to approve as a project on the Interstate System the construction of an additional lane in each direction on route I-90 between exits 24 and 25½ on condition that all lanes on I-90 between exits 24 and 26 are free of tolls for I-88 traffic.".

92 Stat. 2713.
23 USC 109 note.

SEC. 14. Section 144 of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is amended by adding at the end thereof the following new subsection:

"(d) This section shall not apply to the Commonwealth of Puerto Rico.".

92 Stat. 2714.
23 USC 144 note.

SEC. 15. Section 147 of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is amended by inserting immediately after the fourth sentence of such section the following new sentence: "Such additional funds as may be necessary to complete the projects shall be set aside for such purpose from the amount authorized for the fiscal year ending September 30, 1981, by section 202(6) of the Highway Safety Act of 1978, before any apportionment of such amount under section 144(e) of title 23, United States Code, and such funds shall be available for obligation in the same manner and to the same extent as funds set aside under authority of the preceding sentence.".

92 Stat. 2727.

92 Stat. 2721.
23 USC 129 note.

SEC. 16. (a) The first sentence of section 164 of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is amended by striking out "toll".

(b) The second sentence of such section 164 is amended by striking out "portions which remain free to public travel." and inserting in lieu thereof "those portions which have not been incorporated into the Interstate System; and also determine a method of allocating bonded indebtedness between those portions of the Interstate System on which tolls are collected and those portions which are toll free.".

(c) The third sentence of such section 164 is amended by striking out "recommended" and inserting in lieu thereof "recommend".

SEC. 17. (a) Section 5(a)(2)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "subparagraph (C)" and inserting in lieu thereof "subparagraph (B)". 92 Stat. 2739. 49 USC 1604.

(b) The last subparagraph of paragraph (2) of subsection (a) of section 5 of the Urban Mass Transportation Act of 1964 is amended by striking out "(C)" and inserting in lieu thereof "(B)".

(c) The last sentence of section 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "capital" and inserting in lieu thereof "construction".

(d) The third sentence of section 5(a)(4)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "in the construction of bus-related facilities", and inserting in lieu thereof "and the construction of bus-related facilities".

SEC. 18. Section 119(b) of title 23, United States Code, is amended by deleting the date "October 1st" in the second sentence and inserting in lieu thereof the date "January 1st", and by deleting "funds apportioned to such State for that fiscal year" in the third sentence and inserting in lieu thereof "next apportionment of funds to such State". 92 Stat. 2698.

SEC. 19. Section 125(b) of title 23, United States Code, is amended by inserting at the end of the first sentence the following new sentence: "Notwithstanding any provision of this chapter actual and necessary costs of maintenance and operation of ferryboats providing temporary substitute highway traffic service, less the amount of fares charged, may be expended from the emergency fund herein authorized on the Federal-aid highway systems, including the Interstate System.".

SEC. 20. (a) Section 170(b) of the Surface Transportation Act of 1978 is amended by striking "one year" and inserting in lieu thereof "eighteen months". 92 Stat. 2724. 42 USC 5904 note.

(b) Section 170(l) is amended to read as follows: Appropriation authorization.

"(l) There is hereby authorized to be appropriated, to remain available until expended, to the Commission not to exceed $3,000,000 to carry out the purposes of this section.".

SEC. 21. Section 161(f) of the Federal-Aid Highway Act of 1973, Public Law 93-87, is amended by inserting after "managed" the following: "and maintained". 87 Stat. 279.

SEC. 22. (a) Section 204(h) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding at the end thereof the following new paragraph: 92 Stat. 306. 42 USC 2021 note.

"(3) Notwithstanding any other provision of this title, where a State assumes or has assumed, pursuant to an agreement entered into under section 274 b. of the Atomic Energy Act of 1954, authority over any activity which results in the production of byproduct material, as defined in section 11 e. (2) of such Act, the Commission shall not, until the end of the three-year period beginning on the date of the enactment of this Act, have licensing authority over such byproduct material produced in any activity covered by such agreement, unless the agreement is terminated, suspended, or amended to provide for such Federal licensing. If, at the end of such three-year period, a State has not entered into such an agreement with respect to byproduct material, as defined in section 11 e. (2) of the Atomic Energy Act of 1954, the Commission shall have authority over such byproduct material.". 42 USC 2021. 92 Stat. 3033. 42 USC 2014.

(b) Section 204(h)(1) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended to read as follows:

"(h)(1) During the three-year period beginning on the date of the enactment of this Act, notwithstanding any other provision of this title, any State may exercise any authority under State law (includ-

42 USC 2021.

92 Stat. 3033.
42 USC 2014.

92 Stat. 3036.
42 USC 2021.

92 Stat. 3039.
42 USC 2022.
42 USC 7911.
92 Stat. 3033.
42 USC 2113.

92 Stat. 3037.
42 USC 2021 note.

92 Stat. 3033.
42 USC 2113.

42 USC 2111.

ing authority exercised pursuant to an agreement entered into pursuant to section 274 of the Atomic Energy Act of 1954) respecting (A) byproduct material, as defined in section 11 e. (2) of the Atomic Energy Act of 1954, or (B) any activity which results in the production of byproduct material as so defined, in the same manner and to the same extent as permitted before the date of the enactment of this Act, except that such State authority shall be exercised in a manner which, to the extent practicable, is consistent with the requirements of section 274 o. of the Atomic Energy Act of 1954 (as added by section 204(e) of this Act). The Commission shall have the authority to ensure that such section 274 o. is implemented by any such State to the extent practicable during the three-year period beginning on the date of the enactment of this Act. Nothing in this section shall be construed to preclude the Commission or the Administrator of the Environmental Protection Agency from taking such action under section 275 of the Atomic Energy Act of 1954 as may be necessary to implement title I of this Act.".

(c) The last sentence of section 83 a. of the Atomic Energy Act of 1954 is amended to read as follows: "Any license which is in effect on the effective date of this section and which is subsequently terminated without renewal shall comply with paragraphs (1) and (2) upon termination.".

(d) Section 204(e) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding after paragraph (1) the following new paragraph:

"(2) The provisions of the amendment made by paragraph (1) of this subsection (which adds a new subsection o. to section 274 of the Atomic Energy Act of 1954) shall apply only to the maximum extent practicable during the three-year period beginning on the date of the enactment of this Act."

(e) Section 83(b)(1)(A) of the Atomic Energy Act of 1954 is amended—

(1) by striking all that follows "transferred to—" down through "Unless" and inserting in lieu thereof the following:

"(i) the United States, or

"(ii) the State in which such land is located, at the option of such State,

unless"; and

(2) by striking "section 84 b." and inserting in lieu thereof "section 81 of this Act".

TITLE II—AUTHORIZATION OF REPAYMENT

23 USC 101 *et seq.*

SEC. 201. (a) That the State of Indiana (hereinafter referred to as the "State"), acting by and through the Indiana State Highway Commission, and the Indiana Toll Road Commission (hereinafter referred to as the "commission") shall be free of all restrictions with respect to the issuance of bonds or other obligations constituting a lien against the East-West Toll Road in northern Indiana (Interstate Route 80/90) (hereinafter referred to as the "toll road") or payable out of revenues derived from the toll road and with respect to the imposition, collection, and use of tolls and other charges on the toll road contained in title 23, United States Code, or in any regulation or agreement under such title upon—

(1) repayment to the Treasurer of the United States of the sum of $1,936,894, which is the amount of Federal-aid highway funds received for the construction of the interchanges connecting the toll road with—

(A) Interstate Route 69 in Steuben County, Indiana;

(B) Interstate Route 80 in Lake County, Indiana; and

(C) Interstate Route 65 in Lake County, Indiana; and

(2) issuance of new bonds by the commission at such time and in such principal amount as will provide bond proceeds available for payment of costs of construction and acquisition of right of way not less than the amount required to undertake and complete the required construction and the required acquisition of right of way, as defined in the subparagraphs (D) and (E) of this paragraph, such issuance to be made subject to a trust indenture which will be binding on the commission and will provide—

Issuance of new bonds.

(A) that the required construction and required acquisition of right of way will be performed and that the funds from the bond proceeds will be allocated sufficient to perform the required construction and the required acquisition of right of way before any other commitment of the bond proceeds (other than the refunding of outstanding bonds and payment of costs of issuance) is made;

(B) that any revenues from the toll road, and any proceeds of the bonds issued in connection with the toll road shall, after payment of the costs of issuance, be used only (i) for payment of the costs, direct and indirect, of the required construction and the required acquisition of right of way; (ii) for the payment of the costs, direct and indirect, of the operation, maintenance, repair, and improvement of the toll road, including the construction of lane additions and the construction or modification of, and acquisition of right of way for interchanges; (iii) for the debt service, payment, and refunding of outstanding bonds, the proceeds of which were used for the construction of the toll road or any improvement thereto or for the refunding of such bonds; and (iv) for the payment to be made under paragraph (1) of this section and for the repayment to the State out of the proceeds of the sale of such new bonds of amounts required to be paid by the commission to the State under the provisions of title 8, article 15, chapter 2, section 20 of the Indiana Code of 1971, as amended to the date of enactment of this Act;

(C) that the commission will promptly commence acquisition of rights of way and preparation of final plans and specifications for the required construction and that it will commence the required construction on or before December 31, 1981, and that the commission will promptly begin acquiring all the required acquisition of right of way and will commence acquiring such rights of way on or before December 31, 1981;

(D) that the term "required construction" shall mean and include the following, all given equal priority:

"Required construction."

(i) construction of a new interchange at Indiana State Highway 912 South (Cline Avenue) in Lake County, Indiana, and

(ii) construction of a new interchange at Mishawaka in St. Joseph County, Indiana, between mileposts 080 and 085 of the toll road after consultation with the executive authority of the County of St. Joseph and the executive authority of the city of Mishawaka, Indiana, and

(iii) construction of a new interchange in Elkhart County, Indiana, located between mileposts 095 and 102 of the toll road after consultation with the executive authority of the county of Elkhart, and

(iv) construction of a new interchange at Willowcreek Road in Porter County, Indiana, and

(v) construction of a new interchange at Indiana State Highway 912 North (Cline Avenue) in Lake County, Indiana, and

(vi) construction of a new interchange at Indiana Highway 53 (Broadway) in Lake County, Indiana, and

(vii) completion of construction of a new interchange at United States Highway 31 bypass in St. Joseph County, Indiana, located at milepost 072 of the toll road;

"Required acquisition of right of way."

(E) that the term "required acquisition of right of way" shall mean and include the following:

(i) acquisition of right of way at State Road 149 in Porter County, Indiana, sufficient for placement of a future interchange as construction funds (other than proceeds of the bonds issued in connection with the trust indenture provided herein) become available and after consultation with the executive authority of the county of Porter, and

(ii) acquisition of right of way at United States Highway 20 in LaPorte County, Indiana, sufficient for placement of a future interchange as construction funds (other than proceeds of the bonds issued in connection with the trust indenture provided for herein) become available and after consultation with the executive authority of the county of LaPorte.

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

23 USC 101.

Approved November 9, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-288 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-333 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 9, considered and passed House.
Oct. 24, considered and passed Senate, amended.
Oct. 26, House concurred in certain Senate amendments, and in Senate amendment No. 7 with an amendment.
Oct. 29, Senate agreed to House amendment.