



102d CONGRESS
1st Session
H. R. 1351

To authorize funds for construction of highways, for highway safety programs, for mass transportation programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 7, 1991

Mr. ROE (for himself, Mr. MINETA, Mr. HAMMERSCHMIDT, and Mr. SHUSTER) (by request) introduced the following bill; which was referred jointly to the Committees on Public Works and Transportation and Ways and Means

A BILL

To authorize funds for construction of highways, for highway safety programs, for mass transportation programs, and for other purposes.

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

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE- This Act may be cited as the 'Surface Transportation Assistance Act of 1991'.

(b) TABLE OF CONTENTS-

Sec. 1. Short title; table of contents.

Sec. 2. Secretary defined.

Sec. 3. Title 23 analysis, construction, effective date, and repeal.

Sec. 4. Buy America.

Sec. 5. Disadvantaged business enterprises.

TITLE I--FEDERAL-AID HIGHWAY ACT OF 1991

Sec. 101. Short title.

Sec. 102. Authorization of appropriations.

Sec. 103. Unobligated balances.

Sec. 104. Interstate construction.

Sec. 105. Interstate substitution.

Sec. 106. Chapters 1, 2 and 3 of title 23.

Sec. 107. Chapter 6 of title 23.

Sec. 108. Policy on park lands, wildlife and waterfowl refuges and historic sites.

- Sec. 109. Special provisions for outdoor advertising and junkyards.
- Sec. 110. Functional reclassification.
- Sec. 111. Bridge management system and level of service criteria.
- Sec. 112. Toll facility agreements.
- Sec. 113. Use of high occupancy vehicle lanes by motorcycles.
- Sec. 114. Demonstration project, railroad-highway crossings.
- Sec. 115. Effective date.
- Sec. 116. Innovative projects.
- Sec. 117. Transit projects.
- Sec. 118. Clean air provisions.
- Sec. 119. Temporary matching fund waiver.
- Sec. 120. Metric system signing.
- Sec. 121. Obligation ceiling.
- Sec. 122. Conforming amendment.

TITLE II--HIGHWAY SAFETY ACT OF 1991

- Sec. 201. Short title.
- Sec. 202. Authorization of appropriations.
- Sec. 203. Chapter 4 of title 23.
- Sec. 204. Vince and Larry characters.
- Sec. 205. Effective date and unobligated balances.
- Sec. 206. Repeal of annual report requirement.
- Sec. 207. Effect of repealed provisions.
- Sec. 208. Conforming amendments.

TITLE III--MOTOR CARRIER ACT OF 1991

- Sec. 301. Short title.
- Sec. 302. Authorization of appropriations.
- Sec. 303. Chapter 5 of title 23.
- Sec. 304. Repeal of sections and unobligated authorizations.
- Sec. 305. Registration by states.
- Sec. 306. Effective date.

TITLE IV--FEDERAL MASS TRANSPORTATION ACT OF 1991

- Sec. 401. Short title.
- Sec. 402. Agency name.
- Sec. 403. Discretionary capital grants--eligible projects.
- Sec. 404. Discretionary capital grants--innovative techniques and practices.
- Sec. 405. Discretionary capital grants--elderly and handicapped.
- Sec. 406. Discretionary capital grants--technical amendment to provide for full funding contracts.
- Sec. 407. Discretionary capital grants--criteria for new starts.

- Sec. 408. Discretionary capital grants--funding and allocation levels.
- Sec. 409. Discretionary capital grants--advance construction authority limitation.
- Sec. 410. Metropolitan and rural innovation bonus projects.
- Sec. 411. Discretionary capital grants--federal share.
- Sec. 412. Discretionary capital grants--deletion of extraneous material.
- Sec. 413. Section 8--Transportation planning in urbanized areas.
- Sec. 414. Section 9--Formula grant program--apportionments.
- Sec. 415. Section 9--Formula grant program--elimination of incentive tier.
- Sec. 416. Section 9--Formula grant program--applicability of safety provisions.
- Sec. 417. Section 9--Formula grant program--coordination of public transportation.
- Sec. 418. Section 9--Formula grant program--eligibility.
- Sec. 419. Section 9--Formula grant program--Federal share.
- Sec. 420. Section 9--Formula grant program--deletion of extraneous material.
- Sec. 421. Section 9--Formula grant program--discretionary transfer of apportionment.
- Sec. 422. Section 9--Formula grant program--delegation of environmental assessment responsibility.
- Sec. 423. Section 10--Grants for training purposes.
- Sec. 424. Section 11--University transportation centers.
- Sec. 425. Section 12--Transfer of facilities and equipment.
- Sec. 426. Section 12--Public highway projects.
- Sec. 427. Section 13--Labor standards--minimum contract amounts.
- Sec. 428. Section 16--Elderly persons and individuals with disabilities program.
- Sec. 429. Section 17--Governor's allocation.
- Sec. 430. Section 18--Nonurbanized area formula program--operating assistance limitation.
- Sec. 431. Section 18--Nonurbanized area formula program--Federal share.
- Sec. 432. Section 18--Nonurbanized area formula program--eligible items.
- Sec. 433. Section 18--Nonurbanized area formula program--transfer of capital asset, deletion of extraneous material.
- Sec. 434. Section 20--Human resources program support.
- Sec. 435. Authorizations.
- Sec. 436. Section 22--Safety and substance abuse.
- Sec. 437. Section 23--Project management oversight.
- Sec. 438. Section 26--Planning and research.
- Sec. 439. Technical accounting provision.

TITLE V--HIGHWAY REVENUE ACT OF 1991

- Sec. 501. Short title.
- Sec. 502. Amendment of 1986 code.

Sec. 503. 3-year extension of highway trust fund taxes and related exemptions.

Sec. 504. 3-year extension of highway trust fund.

Sec. 505. Reduction of fuel taxes.

Sec. 506. Effective date.

SEC. 2. SECRETARY DEFINED.

As used in this Act, the term `Secretary' means the Secretary of Transportation.

SEC. 3. TITLE 23 ANALYSIS, CONSTRUCTION, EFFECTIVE DATE AND REPEAL.

(a) ANALYSIS- The analysis of title 23, United States Code, is amended to read as follows:

`Title 23--United States Code Highways

`Chapter 1. Programs

--Sec. 101 et seq.

`Chapter 2. Administration of Funds

--Sec. 201 et seq.

`Chapter 3. Program Administration

--Sec. 301 et seq.

`Chapter 4. Safety:

`Subchapter A. Highway Safety

--Sec. 401 et seq.

`Subchapter B. Safety Construction

--Sec. 451 et seq.

`Chapter 5. Motor Carriers

--Sec. 501 et seq.

`Chapter 6. General Provisions

--Sec. 601 et seq.'.

(b) CONSTRUCTION- If any provision of title 23, United States Code, as enacted by this Act, or its application to any person or circumstances is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected.

(c) EFFECTIVE DATE- Title 23, United States Code, as enacted by this Act, shall be effective on October 1, 1991.

(d) REPEAL- Title 23, United States Code, as enacted and amended before October 1, 1991, is repealed effective October 1, 1991.

SEC. 4. BUY AMERICA.

Section 165 of the Surface Transportation Assistance Act of 1982 is amended by deleting from the beginning of section 165: 'Notwithstanding any other provision of law' and by adding at the end the following: 'The President may waive, in whole or in part, the provisions of this section pursuant to the authority provided in section 301 of the Trade Agreement Act of 1979 (19 U.S.C. 2511).'

SEC. 5. DISADVANTAGED BUSINESS ENTERPRISES.

(a) GENERAL RULE- Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated to under titles I, II (other than amounts authorized to be appropriated to carry out subchapter A of chapter 4, title 23, United States Code) and IV of this Act or obligated under titles I and III of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and titles I, II, and III (other than section 203) of the Surface Transportation Assistance Act of 1982 after the date of the enactment of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS- For purposes of this section--

(1) SMALL BUSINESS CONCERN- The term 'small business concern' has the meaning the term has under section 3 of the Small Business Act (15 U.S.C. 632); except that the term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding three fiscal years in excess of \$15,370,000, as adjusted by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS- The term 'socially and economically disadvantaged individuals' has the meaning that term has under section 8(d) of the Small Business Act (15 U.S.C 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES- Each State shall annually survey and compile a list of the small business concerns referred to in (a) and the location of these concerns in the State.

(d) UNIFORM CERTIFICATION- The Secretary has established minimum uniform criteria for State governments to use in certifying whether a concern qualifies as a disadvantaged business enterprise. Minimum uniform criteria include but are not limited to onsite visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(e) APPLICABILITY- Section 105(f) of the Surface Transportation Assistance Act of 1982 shall not apply to amounts authorized under that Act and obligated after April 2, 1987 and section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 shall not apply to amounts authorized under that Act and obligated after the date of enactment of this Act.

TITLE I--FEDERAL-AID HIGHWAY ACT OF 1991

SEC. 101. SHORT TITLE.

This title may be cited as the 'Federal-Aid Highway Act of 1991'.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Account of the Highway Trust Fund:

(a) NATIONAL HIGHWAY PROGRAM- For the National Highway Program \$7,672,000,000 for the fiscal year 1992, \$7,795,000,000 for the fiscal year 1993, \$8,056,000,000 for the fiscal year 1994, \$8,855,000,000 for the fiscal year 1995, and \$11,158,000,000 for the fiscal year 1996.

(b) URBAN AND RURAL PROGRAM- For the Urban and Rural Program \$3,900,000,000 for the fiscal year 1992, \$3,960,000,000 for the fiscal year 1993, \$4,135,000,000 for the fiscal year 1994, \$4,540,000,000 for the fiscal year 1995, and \$5,710,000,000 for the fiscal year 1996.

(c) BRIDGE PROGRAM- For the Bridge Program \$1,820,000,000 for the fiscal year 1992, \$1,895,000,000 for the fiscal year 1993, \$2,000,000,000 for the fiscal year 1994, \$2,220,000,000 for the fiscal year 1995, and \$2,750,000,000 for the fiscal year 1996.

(d) RIGHT-OF-WAY REVOLVING FUND- For the Right-of-Way Revolving Fund such sums as may be necessary for the fiscal years 1993, 1994, 1995 and 1996: *Provided*, That these sums shall be available for obligation as provided in appropriation Acts.

(e) EMERGENCY RELIEF- For Emergency Relief \$100,000,000 per fiscal year for each of the fiscal years, 1992, 1993, 1994, 1995, and 1996.

(f) Federal Lands Highways Program-

(1) FOREST HIGHWAYS- For Forest Highways \$100,000,000 for the fiscal year 1992, \$102,000,000 for the fiscal year 1993, \$105,000,000 for the fiscal year 1994, \$114,000,000 for the fiscal year 1995, and \$127,000,000 for the fiscal year 1996.

(2) PARK ROADS AND PARKWAYS- For Park Roads and Parkways \$95,000,000 for the fiscal year 1992, \$97,000,000 for the fiscal year 1993, \$100,000,000 for the fiscal year 1994, \$109,000,000 for the fiscal year 1995, and \$121,000,000 for the fiscal year 1996.

(3) INDIAN RESERVATION ROADS- For Indian Reservation Roads \$95,000,000 for the fiscal year 1992, \$97,000,000 for the fiscal year 1993, \$100,000,000 for the fiscal year 1994, \$109,000,000 for the fiscal year 1995 and \$121,000,000 for the fiscal year 1996.

(g) UNIVERSITY TRANSPORTATION CENTERS PROGRAM- For carrying out the University Transportation Centers Program under the Urban Mass Transportation Act of 1964, as amended, \$7,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, 1995, and 1996: *Provided*, That these sums shall be available as provided in appropriation Acts.

(h) HIGHWAY USE TAX EVASION PROJECTS- For highway use tax evasion projects \$13,000,000 per fiscal year for each of the fiscal years 1993, 1994, 1995, and 1996: *Provided*, That these sums shall be available until expended and may be allocated to the Internal Revenue Service or the States at the discretion of the Secretary: *And provided further*, That these funds shall be used to expand efforts to enhance motor fuel tax enforcement, fund additional Internal Revenue Service staff, supplement motor fuel tax examination and criminal investigation, develop automated data processing tools, evaluate and implement revised registration and reporting requirements, reimburse State expenses that supplement existing fuel tax compliance efforts and analyze and implement programs to reduce the tax evasion associated with other highway use taxes.

SEC. 103. UNOBLIGATED BALANCES.

Unobligated balances of funds apportioned or allocated to a State under title 23, United States Code, before October 1, 1991, shall be available for obligation in that State under the law, regulations, policies and procedures relating to the obligation and expenditure of those funds in effect on September 30, 1991: *Provided*, That (1) unobligated balances of primary and Interstate 4R funds may be transferred to the National Highway Program, (2) other unobligated balances may be transferred to the apportioned bridge program or to the Urban and Rural Program: *Provided further*, That unobligated balances which were earmarked for attributable urbanized areas must be spent in those urbanized areas, (3) transferred funds are subject to the law, regulations, policies and procedures relating to the category to which transferred, (4) transfers will be allowed on a one time per year basis, and (5) this section does not apply to unobligated balances of Interstate construction or Interstate substitution funds.

SEC. 104. INTERSTATE CONSTRUCTION.

- (a) Authorization of Appropriations-
- (1) REPEAL OF FISCAL YEAR 1993 AUTHORIZATION- Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by (A) inserting `and' after `1991', (B) striking the comma after `1992' and inserting in its place a period and (C) striking `and the additional sum of \$1,400,000,000 for the fiscal year ending September 30, 1993'.
 - (2) AUTHORIZATION- There is authorized to be appropriated for Interstate construction to complete the Interstate System out of the Highway Account of the Highway Trust Fund \$1,800,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, and 1995.
- (b) Massachusetts-
- (1) ALLOCATION- Massachusetts shall be allocated \$100,000,000 for the fiscal year 1992, \$800,000,000 for the fiscal year 1993, \$800,000,000 for the fiscal year 1994 and \$850,000,000 for the fiscal year 1995 from the sums authorized in (a)(2).
 - (2) AVAILABILITY- Unobligated balances of Interstate construction funds previously apportioned or allocated to Massachusetts and sums allocated to Massachusetts under (b)(1) shall remain available for obligation in that State until expended under laws, regulations, policies and procedures relating to the obligation and expenditure of Interstate construction funds in effect on September 30, 1991.
- (c) APPORTIONMENT- On October 1, of each of the fiscal years 1992, 1993, 1994, and 1995, or as soon thereafter as is practicable, after making the deductions authorized by sections 202 (a) and (b) of title 23, United States Code, and the allocation authorized by (b), the Secretary shall apportion the sums authorized in (a)(2) for that fiscal year among the States, except Massachusetts, as States is defined in section 101 of title 23, United States Code, in the ratio in which the Federal share of the estimated cost of completing the Interstate System in a State bears to the Federal share of the sum of the estimated cost of completing the Interstate System in all of the States, except Massachusetts, as shown by the Interstate Cost Estimate required to be sent to the Congress within 10 days subsequent to January 2, 1991 adjusted to reflect (1) all previous credits, apportionments of Interstate construction funds and lapses of previous apportionments of Interstate construction funds, (2) previous withdrawals of Interstate segments, (3) previous allocations of Interstate discretionary funds, and (4) transfers of Interstate construction funds.
- (d) Availability-
- (1) UNOBLIGATED BALANCES- Unobligated balances of Interstate construction funds previously apportioned or allocated to a State, except the sums apportioned or allocated to Massachusetts, shall remain available for obligation in that State until September 30, 1992, under the laws, regulations, policies and procedures relating to the obligation and expenditure of Interstate construction funds in effect on September 30, 1991.
 - (2) FISCAL YEAR 1992, 1993, AND 1994 FUNDS- Sums apportioned to a State under (c) for fiscal years 1992, 1993, and 1994 shall remain

available for obligation in that State until the close of the fiscal year in which they were apportioned, under the laws, regulations, policies and procedures relating to the obligation and expenditure of Interstate construction funds in effect on September 30, 1991.

(3) FISCAL YEAR 1995 FUNDS- Sums apportioned to a State under (c) for fiscal year 1995 shall remain available for obligation in that State until expended under laws, regulations, policies and procedures relating to the obligation and expenditure of Interstate construction funds in effect on September 30, 1991.

(4) LAPSED FUNDS- Sums which lapse in accordance with (d)(1) and (d)(2) shall be allocated to other States with remaining Interstate construction needs at the discretion of the Secretary: *Provided*, That lapsed funds shall not be allocated to Massachusetts: *Provided further*, That lapsed funds shall be allocated for ready to go projects: *And provided further*, That lapsed funds shall not be allocated to any State that transfers Interstate apportionments under (e) during that fiscal year.

(e) TRANSFER OF APPORTIONMENTS- A State may transfer Interstate construction apportionments to its National Highway Program apportionments in amounts equal to or less than the costs for additional work on sections of the Interstate System that have been built with Interstate construction funds and that are open to traffic as shown in the 1991 Interstate Cost Estimate.

SEC. 105. INTERSTATE SUBSTITUTION.

(a) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated out of the Highway Account of the Highway Trust Fund for highway projects for the Interstate Substitution Program \$240,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, and 1995.

(b) APPORTIONMENT- On October 1 of each fiscal year, or as soon thereafter as is practicable, after making the deduction authorized by section 202(a) of title 23, United States Code, the Secretary shall apportion the sums authorized in (a) among the States, as States is defined in section 101 of title 23, United States Code, in the ratio that the remaining withdrawal value for Interstate substitute highway projects in that State was to the nationwide remaining withdrawal value for highway projects on June 30 of the preceding fiscal year.

(c) AVAILABILITY- Sums apportioned to a State under (b) and unobligated balances of Interstate substitution funds available to a State on September 30, 1991, shall be available for obligation in that State until expended under the laws, regulations, policies and procedures relating to the obligation and expenditure of Interstate substitution funds in effect on September 30, 1991.

SEC. 106. CHAPTERS 1, 2, AND 3 OF TITLE 23.

Chapters 1, 2, and 3 of title 23, United States Code are amended to read as follows:

CHAPTER 1--PROGRAMS

- `Sec.
- `101. Definitions.
- `102. National Highway Program.
- `103. Interstate System.
- `104. Urban and Rural Program.
- `105. Toll roads, bridges, tunnels, and ferries.
- `106. Bridge Program.
- `107. Emergency relief.
- `108. Territorial Highway Program.
- `109. Federal Lands Highways Program.
- `110. Research and Technology Program.
- `111. National Highway Institute.
- `112. Education and Training Program.
- `113. International Highway Transportation Outreach Program.
- `114. Urbanized area planning.
- `115. Statewide Transportation Planning and Research Program.
- `116. Outdoor advertising.
- `117. Junkyards.
- `118. Scenic byways.
- `119. Congestion pricing.

SEC. 101 DEFINITIONS.

`As used in this title, unless the context requires otherwise:

`(a) CONSTRUCTION- The term `construction' means all activities typically preceding, reasonably necessary for, leading to and including, the actual construction, resurfacing, restoration, rehabilitation, or reconstruction of a highway or components of a highway which have served their useful service life, as determined by the Secretary.

`(b) COUNTY- The term `county' includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

`(c) FEDERAL LANDS HIGHWAYS- The term `Federal lands highways' means forest highways, park roads, parkways, and Indian reservation roads which are public roads.

`(d) FOREST DEVELOPMENT ROADS AND TRAILS- The term `forest development roads or trails' means forest roads or trails under the jurisdiction of the Forest Service.

`(e) FOREST HIGHWAY- The term `forest highway' means a forest road under the jurisdiction of and maintained by a public authority and open to public travel.

`(f) FOREST ROAD OR TRAIL- The term `forest road or trail' means a road or trail wholly or partially within, or adjacent to, and serving the National Forest

System and which is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

`(g) HIGHWAY- The term `highway' includes roads, streets, and parkways, and also includes scenic easements, rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a state highway department including such facilities as may be required by the United States Customs Service and the Immigration and Naturalization Service in connection with the operation of an international bridge or tunnel.

`(h) HIGHWAY SAFETY IMPROVEMENTS- The term `highway safety improvements' means highway improvements designed to eliminate or reduce existing and potential highway hazards or reduce crash severity.

`(i) INDIAN RESERVATION ROADS- The term `Indian reservation roads' means public roads, including roads on the National Highway System that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government or Indian and Alaska Native Villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

`(j) INTERSTATE SYSTEM- The term `Interstate System' means the National System of Interstate and Defense Highways described in section 103.

`(k) MAINTENANCE- The term `maintenance' means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and traffic-control devices necessary for its safe and efficient utilization.

`(l) NATIONAL HIGHWAY SYSTEM- The term `National Highway System' means the National Highway System described in section 102.

`(m) OPEN TO PUBLIC TRAVEL- The term `open to public travel' means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates.

`(n) OPERATIONAL IMPROVEMENT- The term `operational improvement' means a capital improvement other than a resurfacing, restoring or rehabilitating improvement; additional lanes except high occupancy vehicle lanes; interchanges; grade separations; or the construction of a new facility on a new location. The term includes the installation of traffic surveillance and control equipment; computerized signal systems; motorist information systems, integrated traffic control systems; incident management programs; demand management strategies; high occupancy vehicle preferential treatments including the construction of high occupancy vehicle lanes; and spot geometric and traffic control modifications to alleviate specific bottlenecks and hazards.

- `(o) PARK ROAD- The term `park road' means a public road that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.
- `(p) PARKWAY- The term `parkway' means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.
- `(q) PROJECT AGREEMENT- The term `project agreement' means the formal instrument to be executed under section 203.
- `(r) PUBLIC AUTHORITY- The term `public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate or maintain toll or toll-free highway facilities.
- `(s) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS- The term `public lands development roads and trails' means those roads and trails under the jurisdiction of the Bureau of Land Management.
- `(t) PUBLIC ROAD- The term `public road' means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.
- `(u) RURAL AREAS- The term `rural areas' means all areas of a State not included in urban areas.
- `(v) SECRETARY- The term `Secretary' means Secretary of Transportation.
- `(w) STARTUP COSTS FOR TRAFFIC MANAGEMENT AND CONTROL- The term `startup costs for traffic management and control' means initial costs, including labor, administration, utilities and rent, for integrated traffic control systems, incident management programs and traffic control centers.
- `(x) STATE- The term `State' means any one of the fifty States, the District of Columbia, or Puerto Rico.
- `(y) STATE FUNDS- The term `State funds' includes funds raised under the authority of the State or any political or other subdivision thereof and made available for expenditure under the direct control of the State transportation or highway department.
- `(z) STRATEGIC HIGHWAY NETWORK- The term `Strategic Highway Network' means the network described in section 102.
- `(aa) URBAN AREA- The term `urban area' means an urbanized area or, in the case of an urbanized area encompassing more than one State that part of the urbanized area in each State, or urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.
- `(bb) URBANIZED AREA- The term `urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.

SEC. 102. NATIONAL HIGHWAY PROGRAM.

(a) THE NATIONAL HIGHWAY SYSTEM DEFINED- The National Highway System shall be established to provide an interconnected system of principal arterial routes which will serve major population centers, ports, airports and international border crossings; meet national defense requirements; and serve interstate and interregional travel. The National Highway System shall consist of (1) highways on the Interstate System described in section 103; (2) other urban and rural principal arterials, including toll facilities, designated under (e); (3) highways on the Strategic Highway Network designated under (b); and (4) major Strategic Highway Network Connectors designated under (c). The National Highway System mileage shall not exceed 150,000 thousand miles: *Provided*, That the Secretary may make necessary adjustments in the mileage of the designated system not to exceed 10 percent.

(b) THE STRATEGIC HIGHWAY NETWORK DEFINED- The Strategic Highway Network is a network of highways that constitutes an important factor in United States strategic defense policy. It provides defense access, continuity, and emergency capabilities for the movement of personnel, materiel and equipment in both peace time and war time. The network includes Interstate and non-interstate highways as designated jointly by the Secretary and the Secretary of Defense in consultation with the States.

(c) MAJOR STRATEGIC HIGHWAY NETWORK CONNECTORS DEFINED- Major Strategic Highway Network Connectors are highways, designated jointly by the Secretary and the Secretary of Defense in consultation with the States, to provide access from major military installations to the Strategic Highway Network.

(d) ACTIVITIES ELIGIBLE FOR FUNDING- Activities eligible for funding include (1) construction; (2) operational improvements; (3) highway safety improvements; (4) modifications to existing facilities necessary to accommodate other modes: *Provided*, That modifications may not adversely impact the highway use of the facility; (5) transportation planning; (6) highway research and development; (7) technology transfer activities; (8) control of junkyards; (9) control of outdoor advertising and, (10) projects that enhance rural and urban accessibility and mobility and, (11) startup costs for traffic management and control: *Provided further*, That (A) eligibility is limited to a time period not to exceed 2 years, necessary to achieve operable status, (B) National Highway Program funds shall not be used as a replacement for existing funds operating a facility, and (C) the State Transportation or Highway Department must agree to continue operating the improvement or be responsible for its operation at the end of the eligibility period. Operational improvements on a highway off the National Highway System, not functionally classified as local or as a rural minor collector, that is adjacent to a fully access controlled National Highway System facility, are eligible for funding if the operational improvements improve the level of service on the fully access controlled National Highway System facility, improve regional travel, and the improvement is more cost effective than an improvement on the facility.

`(e) DESIGNATION OF THE NATIONAL HIGHWAY SYSTEM- Designation of the National Highway System, other than the Interstate System, the Strategic Highway Network and Strategic Highway Network Connectors, shall be by the State in cooperation with local officials, with the approval of the Secretary. In urbanized areas local officials shall act through the designated metropolitan planning organization. The National Highway System shall be based on a functional reclassification of roads and streets in each State which should be designated by September 30, 1992, and shall be designated not later than September 30, 1993, in accordance with guidelines issued by the Secretary which provide for an equitable allocation of mileage among the States. The Secretary shall have the authority to approve in whole or in part the National Highway System. The Secretary may add segments to the National Highway System as may be necessary to meet National Highway Program objectives, subject to (a). For the fiscal year 1992 and, if necessary, fiscal year 1993, States may use National Highway Program funds on the preliminarily designated National Highway System. The preliminarily designated National Highway System shall consist of principal arterials designated by the State and approved by the Secretary as of September 30, 1991.

`(f) NATIONAL NETWORK FOR TRUCKS- All mileage of the National Highway System shall be available to commercial motor vehicles described in sections 503 and 504 except for mileage approved by the Secretary where all truck traffic is prohibited and except as is provided in sections 503(g) and 504(e).

`(g) SELECTION OF PROJECTS- The States shall (1) select projects in areas other than urbanized areas and shall (2) select projects in urbanized areas in cooperation with the Metropolitan Planning Organization within the framework of the cooperative planning process described in section 114 and from the transportation improvement program developed under section 114.

`(h) BELTWAYS AND BYPASSES- National Highway System beltways and bypasses, involving either new construction or major reconstruction serving urbanized areas of over 200,000 population, must be designed, and sufficient right-of-way acquired at the time of initial construction or major reconstruction, to provide for their ultimate development as multilane divided highways with separate roadways for through traffic. Access to the separate, through roadways is limited to interchanges with National Highway System routes or any other limited access facility. For the purposes of this subsection a `beltway' is a multilane access controlled principal arterial highway that provides a continuous loop around a major urbanized area or portion thereof and a `bypass' is a multilane, access controlled, arterial highway that permits traffic to avoid an urbanized area by providing a continuous alternative route connected at each end to a National Highway System route.

`SEC. 103. INTERSTATE SYSTEM.

`(a) DEFINED- The Interstate System is a system located (1) to connect by routes, as direct as practicable, principal metropolitan areas, cities, and industrial centers, (2) to serve the national defense, and (3) to the greatest extent possible, to

connect at suitable border points with routes of continental importance in Canada and Mexico. The Interstate System is that system designated under this title before the enactment of this section: *Provided*, That mileage designated in States that had no interstate mileage until after December 29, 1981, must be classified as principal arterial to be included.

^(b) ADDITIONS TO THE INTERSTATE SYSTEM- Upon application of a State and approval of the Secretary additions may be made to the Interstate System of, (1) existing or new toll or free mileage meeting interstate standards that is connected to the Interstate System and (2) mileage designated in States that had no interstate mileage until after December 29, 1981, meeting Interstate standards.

^SEC. 104. URBAN AND RURAL PROGRAM.

^(a) ESTABLISHMENT- The Secretary shall establish an Urban and Rural Program to provide a category of funds that minimizes Federal requirements, and to provide flexibility in the use of available funds for either highway or transit projects.

^(b) ELIGIBLE HIGHWAYS- Highway projects may be funded on public roads except roads on the National Highway System, roads functionally classified as local, or roads functionally classified as rural minor collector: *Provided*, That not to exceed 5 percent of a State's annual urban and rural program apportionment may be expended for highway safety improvements or eliminating rail-highway crossing hazards on public roads functionally classified as local or as rural minor collector: *And provided further*, That projects under (d) may be on the National Highway System.

^(c) ELIGIBLE PROJECTS- Eligible projects include construction; operational improvements; highway safety improvements; highway research and development; transportation planning; capital transit projects like the construction, reconstruction, and improvement of fixed rail facilities, including purchase of rolling stock for fixed rail; the purchase of buses and support facilities; capital projects to improve access and coordination between intercity and rural bus service; technology transfer projects; startup costs for traffic management and control projects; bicycle and pedestrian projects; projects to develop and improve scenic byways; projects to enhance rural and urban accessibility and mobility; the acquisition of outdoor advertising signs and the sites on which those signs are located; removal or screening of junkyards, and projects eligible under sections 313, 314, 315, and 317.

^(d) METROPOLITAN AND RURAL INNOVATIVE BONUS PROJECTS-

^(1) The Secretary may approve innovative highway-related and transit-related immediate action, noncapital intensive projects to help relieve congestion and transportation related air quality problems in urbanized areas of more than 200,000 population, or projects in rural areas that respond to rural transportation problems through innovative approaches and strategies.

^(2) Approval of projects shall be limited to those for which there is evidence that (A) the project can be implemented in a short time period;

(B) there is a private sector commitment to and support for the project; (C) there is State and local support for the project including a commitment to operate and maintain the project after completion; (D) the project is noncapital intensive and cost effective; (E) in the case of rural projects, the project will demonstrate innovation and prototypicality for resolving rural transportation problems; (F) in the case of metropolitan projects, the project incorporates demand management as well as supply improvement; and (G), in the case of metropolitan projects, the project will contribute to achieving National Ambient Air Quality standards and/or reduce congestion.

(3) Eligible activities for projects under this subsection will be those in (c) that comply with (2).

(e) REQUIREMENTS-

(1) COMPLIANCE WITH STATE REQUIREMENTS- Projects must be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards and construction standards.

(2) Compliance with federal requirements-

(A) IN GENERAL- Each State shall comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Uniform Relocation Act Amendments of 1987, the Single Audit Act of 1984, the Civil Rights Act of 1964, the Clean Air Act, the National Environmental Policy Act of 1969, the applicable requirements of title 23, United States Code, and other applicable Federal Laws, Regulations, and Executive orders.

(B) DELEGATIONS- The Secretary, in lieu of the Federal environmental review procedures otherwise applicable under the National Environmental Policy Act of 1969 (NEPA) may, under regulations, provide for the approval of projects by recipients of assistance under this section who may assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to that Act, and other provisions of law that would apply to the Secretary if the projects were undertaken as Federal projects. The Secretary shall issue regulations to carry out this paragraph only after consultation with the Council on Environmental Quality.

(C) CERTIFICATION- Each state or recipient assuming responsibilities for the Secretary shall submit an annual certification under the regulations authorized by (B). The certification shall--

(i) be in a form acceptable to the Secretary,

(ii) be executed by the chief executive officer or other officer of the recipient of assistance under this section qualified under the regulations authorized by (B),

`(iii) specify that the recipient of assistance under this section will fully carry out its responsibilities as described under the regulations authorized by (B),

`(iv) specify that the certifying officer (I) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (NEPA) and each provision of law specified in regulations issued by the Secretary insofar as the provisions of NEPA or other provisions of law apply under the regulations authorized by (A) or (B) and (II) is authorized and consents on behalf of the recipient of assistance under this section and the certifying officer to accept the jurisdiction of the Federal courts for the purpose of enforcement of the certifying officer's responsibilities, and

`(v) agree that the Secretary's approval of any certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the approval of projects by recipients under this section.

`(3) BRIDGE INSPECTION AND INVENTORY SYSTEM- The States must have an ongoing bridge inspection and inventory system.

`(4) CONSULTATION- Consultation with local officials and Indian tribal officials (where a tribe has jurisdiction or is affected by the project) on projects in rural and urban areas under 50,000 population is required.

`(5) COOPERATION IN URBANIZED AREAS- In urbanized areas, projects shall be selected by the State in cooperation with local officials from a transportation improvement program developed under section 114.

`(6) DISTRIBUTION OF FUNDS- The States shall develop a method to distribute apportionments within the State under this section fairly and equitably to rural areas, urban areas, and urbanized areas of over 200,000 population.

`(7) COMPLIANCE- If the Secretary determines that a State or local government has failed to comply substantially with any provision of this section, the Secretary shall notify the State that, if it fails to take corrective action within 60 days from the receipt of the notification, the Secretary will withhold future payments under this section until the Secretary is satisfied that appropriate corrective action has been taken.

`(f) Obligation of Funds and Method of Payment-

`(1) OBLIGATION OF FUNDS- The Governor of each State shall certify prior to the beginning of each fiscal year that the State will meet all the requirements of (e) and shall notify the Secretary of the amount of obligations expected to be incurred for Urban and Rural Program projects and for bridge program projects administered under Urban and Rural

program procedures during the fiscal year: *Provided*, That the State may request adjustment to the obligation amounts later in the fiscal year. Acceptance of the notification and certification shall be deemed a contractual obligation of the United States for the payment of the Urban and Rural funds or the bridge funds expected to be obligated by the State in that fiscal year.

`(2) METROPOLITAN AND RURAL INNOVATIVE BONUS PROJECTS- (A) The Secretary shall set aside from the obligation limitation established in section 121(a) of the Federal-Aid Highway Act of 1991 \$100,000,000 for fiscal year 1992 and sums that the Secretary deems appropriate for the fiscal years 1993, 1994, 1995, and 1996 for Metropolitan and Rural Innovative Bonus Projects. (B) When a state wants to implement a project under (d) and qualify for bonus obligation authority, it must submit a request for approval of the project along with plans, specifications, and estimates of the cost of the project. Approval of the request will constitute a contractual obligation of the United States for payment and will be accompanied by bonus obligation authority from the set aside of obligation authority provided in (A).

`(3) METHOD OF PAYMENT- The Secretary shall make payments to a State of costs incurred by it on the program. Payments shall not exceed the Federal share of costs incurred as of the date the State requests payment.

`SEC. 105. TOLL ROADS, BRIDGES, TUNNELS AND FERRIES.

`(a) Federal Funds-

`(1) FREEDOM FROM TOLLS- Except as otherwise provided in this title, Federal funds to carry out this title may not be obligated on toll facilities or to convert free facilities to toll facilities.

`(2) FEDERAL SHARE PAYABLE- Except as provided in (b) and (e) the Federal share payable for any project under this section shall not exceed (A) 35 percent of the cost of the project or (B) a Federal share payable of less than 35 percent if required by the Secretary.

`(b) BRIDGES, TUNNELS, AND APPROACHES- The Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this title, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this subsection. The bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether the bridge or tunnel is to be or has been constructed, or acquired by the State or other public authority. The State transportation or highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

`(1) all tolls received from the operation of the bridge or tunnels, less the actual cost of operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of

construction or acquisition of the bridge or tunnel, except that part which was contributed by the United States;

`(2) no tolls shall be charged for the use of the bridge or tunnel after the State or other public authority shall have been repaid; and

`(3) after the date of final repayment, the bridge or tunnel shall be maintained or operated as a free bridge or free tunnel; except in the case of a bridge which connects the United States with any foreign country:

Provided, That tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management: *And provided further*, That the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.

`(c) NATIONAL HIGHWAY PROGRAM AND BRIDGE PROGRAM FUNDS- National Highway Program and Bridge Program funds may be obligated (1) for the reconstruction, resurfacing, restoring, and rehabilitating of National Highway System toll highways, toll bridges and toll tunnels and their approaches; (2) for the initial construction of new National Highway System toll highways, toll bridges, and toll tunnels and their approaches as if they were free facilities; (3) to reconstruct a free National Highway System highway other than Interstate that does not have full access control to convert the facility to a toll facility, and to add lanes to the converted facility and to change the converted facility's character to full access control; and (4) to reconstruct or replace a free National Highway System bridge or tunnel and their approaches to convert the facility to a toll facility: *Provided*, That free National Highway System highways, bridges, and tunnels and their approaches, constructed with the aid of Federal funds may also be reconstructed or replaced and converted to toll facilities pursuant to (3) and (4) with or without the aid of Federal funds: *And provided further*, That National Highway System toll highways, toll bridges, toll tunnels and their approaches may be constructed parallel and adjacent to existing free federally funded non-Interstate highways, bridges or tunnels pursuant to (2) with or without the aid of Federal funds, and upon their construction tolls may be imposed on the combined facility if that combined facility has full access control, except that tolls may not be imposed on existing free Interstate highways.

`(d) URBAN AND RURAL PROGRAM AND TERRITORIAL HIGHWAY PROGRAM FUNDS- Urban and Rural Program and Territorial Highway Program funds may be obligated to construct new toll highways, bridges, and tunnels; improve existing toll highways, bridges and tunnels; improve and convert free bridges to toll facilities; and to improve and convert free non-Interstate highways, and tunnels to toll facilities to add lanes to the converted facility and to change the converted facility's character to full access control: *Provided*, That toll highways, toll bridges, toll tunnels and their approaches may be constructed parallel and adjacent to existing free federally funded non-Interstate highways, bridges or tunnels with or without the aid of Federal funds, and upon their construction tolls may be imposed on the combined facility if that combined

facility has full access control, except that tolls may not be imposed on existing free Interstate highways.

`(e) PRELIMINARY STUDIES- Preliminary studies by a State or public or private toll entity to determine the feasibility of a toll facility described in (b), (c), and (d) shall be eligible for Federal participation. Notwithstanding (a)(2) the Federal share payable under this subsection shall not exceed the amount authorized by section 204 for similar projects not operated as toll facilities.

`(f) OWNERSHIP- A facility constructed under (c) and (d), shall either be publicly owned and operated or privately owned if the State or its instrumentality contracts with a private firm to design, finance, construct, and operate that facility: *Provided*, That the State shall be responsible for all requirements under this title: *And provided further*, That there may be private participation in the State matching share for a project.

`(g) AGREEMENT WITH THE STATE- For facilities constructed or converted under (c) and (d) or for free facilities proposed to be tolled that have been constructed or improved with Federal funds the State transportation or highway department must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

 `(1) All tolls received from the operation of the highway, bridge or tunnel, less the actual cost of operation, maintenance and economical management, shall be applied to the repayment, including debt service and reasonable return on investment, to the party financing the facility of the costs of the highway, bridge or tunnel, except that part which was contributed by the United States.

 `(2) No tolls shall be charged for the use of the highway, bridge or tunnel after repayment; and (3) after the date of final repayment, the highway, bridge or tunnel shall be maintained or operated as a free highway, bridge or tunnel; except in the case of a bridge which connects the United States with any foreign country: *Provided*, That the tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management: *And provided further*, That the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.

`(h) OPTION OF CONTINUING TOLLS- Notwithstanding (g) tolls may be continued on facilities constructed or converted under (c) and (d) after the recovery of costs if tolls received from the facility less the actual cost of operation and maintenance are used for a purpose eligible under this title.

`(i) FERRY APPROACHES- The Secretary may permit Federal participation under this title in the construction of a project constituting an approach to a ferry, whether toll or free which is on a route not functionally classified as local or as rural minor collector and which has not been designated as a route on the Interstate System. The ferry may be either publicly or privately owned and operated, but the operating authority and the amount of fares charged for passage shall be under the control of a State agency or official, and all revenues derived

from publicly owned or operated ferries shall be applied to payment of the cost of construction or acquisition, including debt service and reasonable return on investment, and to actual and necessary costs of operation, maintenance, repair, and replacement.

`(j) CONSTRUCTION OF FERRYBOATS- The Secretary may permit Federal participation under this title in the construction of ferryboats, whether toll or free, subject to the following conditions:

`(1) It is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of the ferry.

`(2) The operation of the ferry shall be on a route which has been approved as a part of the National Highway System within the State and has not been designated as a route on the Interstate System.

`(3) The ferry shall be publicly owned and operated.

`(4) The operating authority and the amount of fares charged for passage on the ferry shall be under the control of the State, and all revenues shall be applied to actual and necessary costs of operation, maintenance, and repair, including replacement of ferryboats.

`(5) The ferry may be operated only within the State (including the islands which comprise the State of Hawaii and the islands which comprise the Commonwealth of Puerto Rico) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii, operations between the islands which comprise the Commonwealth of Puerto Rico, operations between the islands of Maine, and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of the ferry operations shall be in any foreign or international waters.

`(6) No ferry shall be sold, leased, or otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from a disposition shall be credited to the unprogrammed balance of National Highway System funds last apportioned to the State. Any amounts credited shall be in addition to other funds then apportioned to the State and shall be available for expenditure in accordance with the provisions of this title.

`(k) INITIAL CONSTRUCTION DEFINED- For purposes of this section, the term 'initial construction' shall mean the construction of a highway, bridge, or tunnel at any time before it is open to traffic and shall not include any improvement to a toll highway, bridge or tunnel after it is open to traffic.

`SEC. 106. BRIDGE PROGRAM.

`(a) PURPOSE- Congress finds and declares it to be in the vital interest of the Nation that a bridge replacement and rehabilitation program be established to enable the States and Federal Agencies to replace and rehabilitate highway bridges over waterways, other topographical barriers, other highways, or railroads when the States or Federal Agencies and the Secretary find (1) that a bridge is

important; (2) that it is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; (3) that it poses a safety hazard to highway users; (4) that its replacement or rehabilitation would minimize disruptions, delays, and costs to users; or (5) that its replacement or rehabilitation would provide more efficient routes for emergency services.

`(b) INVENTORY; ASSESSMENT; IMPROVEMENT CATEGORY; COST-

The Secretary, in consultation with the States: (1) shall inventory all those highway bridges on any public road which are bridges over waterways, other topographical barriers, other highways, and railroads; (2) shall assess each bridge from the standpoint of safety and adequacy to serve traffic based upon level-of-service criteria set by the Secretary; (3) shall, based on that assessment, assign each bridge not meeting level-of-service criteria to an improvement category: replacement or rehabilitation; and (4) shall determine the cost of improving each bridge based on its improvement category.

`(c) APPROVAL OF FEDERAL PARTICIPATION- Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a bridge which the criteria established under (b) show to be eligible, the Secretary may approve Federal participation in replacing the bridge with a facility designed to meet current standards or in rehabilitating the bridge. In approving projects under this section, the Secretary shall give consideration to those projects which will remove from service those bridges most in danger of failure. For bridges on the National Highway System, the Secretary may approve Federal participation where the determination as to need, type of improvement and timing have been established through a bridge management system approved by the Secretary. On other public roads the Secretary may approve Federal participation if a bridge is eligible under the criteria in (b) and the agency with jurisdiction over the bridge has a bridge inspection and inventory program that meets the requirements of the National Bridge Inspection Standards (NBIS).

`(d) Eligible Activities-

`(1) BRIDGE MANAGEMENT SYSTEM- Apportioned bridge program funds may be used to develop a bridge management system.

`(2) HIGH PRIORITY DEFICIENCIES- Bridge Program funds may be used to correct normally ineligible safety related bridge deficiencies that have been identified as high priority by the Secretary. A State shall submit a strategy, work plan and timetable for approval by the Secretary before bridge funds can be used to correct deficiencies. Removal of deficiencies identified as high priority by the Secretary is mandatory for any bridge improved under the bridge replacement and rehabilitation program.

`(3) REPLACEMENT AND REHABILITATION- Bridge program funds may be used for replacement and rehabilitation.

`(e) Major Bridge Discretionary Program-

`(1) ALLOCATION--Amounts available for the Major Bridge Discretionary Program shall be allocated to States at the discretion of the Secretary:

`(A) For projects for bridges on the National Highway System with a replacement or rehabilitation cost of \$10,000,000 or more.

`(B) For projects for bridges on public roads, except those functionally classified as local or as rural minor collector and those on the National Highway System, with a replacement or rehabilitation cost of \$5,000,000 or more.

`(2) TOLL BRIDGE ASSESSMENT- Applications for funding under the Major Bridge Discretionary Program must include a comprehensive assessment of (A) the feasibility of constructing a toll bridge and (B) the option of using combinations of funds other than Bridge Program funds.

`(f) USE OF APPORTIONED BRIDGE FUNDS- Not less than 10 percent nor more than 25 percent of the amount apportioned to a State in a fiscal year under section 202(c)(3) shall be expended for projects to replace or rehabilitate bridges on public roads functionally classified as local or as rural minor collector. The Secretary may permit the expenditure of less than 10 percent upon application of the Governor of the State.

`(g) PLANNING- In urbanized areas all projects under this section shall be selected in accordance with the planning provisions of section 114.

`(h) SELECTION OF DISCRETIONARY PROJECTS- In selecting projects for the Major Bridge Discretionary Program the Secretary shall consider (1) the bridge rating factor which includes, but is not limited to, serviceability, safety, essentiality for public use, traffic volume, and cost; (2) whether the bridge is closed to traffic or has severe load limits; (3) the need for equitable nationwide distribution of funds; (4) the need to continue or complete projects already begun with discretionary funds; and (5) other factors that the Secretary deems appropriate.

`(i) OBLIGATION AND ADMINISTRATION OF BRIDGE PROJECTS- Bridge projects on the National Highway System shall be obligated and administered under National Highway Program procedures. Bridge projects on public roads not on the National Highway System shall be obligated and administered under Urban and Rural Program procedures.

`(j) THE GENERAL BRIDGE ACT OF 1946- Notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525-533) shall apply to bridges authorized to be replaced, in whole or in part, by this section, except that subsection (b) of section 502 of the Act of 1946 and section 9 of the Act of March 3, 1899 (30 Stat. 1151), shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title, if the bridge is over waters (1) which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce, and (2) which are (A) not tidal, or (B) if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet in length.

`(k) FAIR ALLOCATION- Sums apportioned to a State under this section shall be made available for obligation throughout the State on a fair and equitable basis.

`(l) Replacement of Destroyed Bridges and Ferryboat Service-

`(1) GENERAL RULE- Notwithstanding any other provision of this section or of any other provision of law, a State may utilize any of the funds provided under this section to construct any bridge which--

`(A) replaces any low water crossing (regardless of the length of the low water crossing),

`(B) replaces any bridge which was destroyed prior to 1965,

`(C) replaces any ferry which was in existence on January 1, 1984, or

`(D) replaces any road bridges rendered obsolete as a result of United States Corps of Engineers flood control or channelization projects and not rebuilt with funds from the United States Corps of Engineers.

`(2) FEDERAL SHARE- The Federal share payable on any bridge construction carried out under (1) shall not exceed 75 percent of the cost of construction.

`(m) Historic Bridge Program-

`(1) COORDINATION- The Secretary shall, in cooperation with the State, implement the programs described in this section in a manner that encourages the inventory, retention, rehabilitation, adaptive reuse, and future study of historic bridges.

`(2) STATE INVENTORY- The Secretary shall require each State to complete an inventory of all bridges on and off the Federal-aid system to determine their historic significance.

`(3) ELIGIBILITY- Reasonable costs associated with actions to preserve, or reduce the impact of a project under this title on, the historic integrity of historic bridges shall be eligible as reimbursable project costs under this title (including this section) if the load capacity and safety features of the bridge are adequate to serve the intended use for the life of the bridge; except that in the case of a bridge which is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this subsection shall not exceed the estimated cost of demolition of the bridge.

`(4) PRESERVATION- Any State which proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the bridge available for donation to a State, locality, or responsible private entity if the State, locality, or responsible entity enters into an agreement to--

`(A) maintain the bridge and the features that give it its historic significance; and

`(B) assume all future legal and financial responsibility for the bridge, which shall include an appropriate amount of liability insurance coverage and an agreement to hold the State transportation or highway department and the Federal Government harmless in any liability action.

Costs incurred by the State to preserve the historic bridge, including funds made available to the State, locality, or private entity to enable it to accept the bridge, shall be eligible as reimbursable project costs under this title up to an amount not to exceed the cost of demolition. Any bridge preserved

pursuant to this paragraph shall thereafter not be eligible for any other funds authorized pursuant to this title.

`(5) HISTORIC BRIDGE DEFINED- As used in this subsection `historic bridge' means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

`(n) REHABILITATE DEFINED- As used in this section the term `rehabilitate' in any of its forms means major work necessary to restore the structural integrity of a bridge as well as work necessary to correct a major safety defect.

`SEC. 107. EMERGENCY RELIEF.

`(a) AVAILABILITY OF FUNDS- Funds authorized for this section shall be available for obligation by the Secretary under the provisions of this title for the repair or reconstruction of highways which the Secretary shall find have suffered serious damage as the result of (1) a natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, or severe storms, or (2) a catastrophic failure from any external cause, in any part of the United States. In no event shall funds be used for the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to structural deficiencies or physical deterioration. These funds shall not duplicate assistance under another Federal program or compensation from physical damage insurance policies. The Secretary may expend from any funds appropriated for expenditure under this title, including existing Federal-aid appropriations, sums as may be necessary for the immediate execution of the work authorized, the appropriations to be reimbursed from appropriations for emergency relief when made.

`(b) AVAILABILITY ON HIGHWAYS OTHER THAN LOCAL AND RURAL MINOR COLLECTOR- The Secretary may expend funds authorized for this section for the repair or reconstruction of highways other than highways functionally classified as local or as a rural minor collector and for the actual and necessary costs of maintenance and operation of ferryboats providing temporary substitute highway traffic service, less the amount of fares charged, on those highways. Except as to highways mentioned in (c), no funds shall be expended until the Secretary has received an application from the State transportation or highway department and an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared the 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.

`(c) AVAILABILITY ON FEDERAL ROADS- The Secretary may make expenditures from the funds authorized for this section, either independently or in cooperation with any other branch of the Federal Government, a State agency, an organization, or a person, for the repair or reconstruction of forest highways, park roads and parkways, Indian reservation roads, forest development roads, and public lands development roads.

`(d) AVAILABILITY IN THE TERRITORIES- For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall

be considered to be States and part of the United States, and the chief executive officer of each territory shall be considered to be a Governor of a State. The Secretary may expend funds from the sums authorized for this section for the repair or reconstruction of highways other than highways functionally classified as local or rural minor collector in the four named territories.

SEC. 108. TERRITORIAL HIGHWAY PROGRAM.

(a) ESTABLISHMENT- Recognizing the mutual benefits that will accrue to the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and to the United States from the improvement of highways in territories of the United States, the Secretary is authorized to assist those territorial governments in a program for the construction and improvement of a system of arterial highways, and necessary interisland connectors designated by the Governor of each territory and approved by the Secretary.

(b) TECHNICAL ASSISTANCE- In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance for the establishment of an appropriate agency to administer on a continuing basis highway planning, design, construction and maintenance operations, the development of a system of arterial and connector highways, including necessary inter-island connectors, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

(c) AGREEMENT WITH THE SECRETARY- No part of the funds provided for this section shall be available for obligation with respect to a territory until the Governor enters into an agreement with the Secretary providing that the government of the territory (1) will design and construct a system of arterial and collector highways, including necessary inter-island connectors, built in accordance with standards approved by the Secretary; (2) will provide for the maintenance of facilities in a condition to adequately serve the needs of present and future traffic; and (3) will implement standards for highway safety, traffic operations and uniform traffic control devices which are approved by the Secretary.

(d) Surveys and Investigations; Planning; Studies; Research and Development-

(1) Three percent of the sums provided for each fiscal year for carrying out this section shall be available for expenditure only for engineering and economic surveys and investigations, for the planning of future highway programs and their financing, for studies of the economy, safety, and convenience and the desirable regulation and equitable taxation of highway usage, and for research and development, necessary in connection with the planning design, and maintenance of the highway system, and the regulation and taxation of its use.

(2) In addition to the percentage provided in (1) sums provided for each fiscal year for carrying out this section may be expended upon request of the Governor and with the approval of the Secretary for the purposes enumerated in (1).

`(e) MAINTENANCE- None of the funds provided for carrying out this section shall be obligated or expended for maintenance of the highway system.

`(f) ALLOCATION- Sums provided for carrying out this section shall be allocated among the territories at the discretion of the Secretary.

`SEC. 109. FEDERAL LANDS HIGHWAYS PROGRAM.

`(a) HIGHWAYS, ROADS AND WAYS INCLUDED- Recognizing the need for all Federal roads which are public roads to be treated under the same uniform policies as roads which are on the National Highway System there is established a coordinated Federal lands highways program which shall consist of forest highways, park roads and parkways, and Indian reservation roads.

(b) PLANNING, RESEARCH, ENGINEERING, AND CONSTRUCTION- Funds available for forest highways shall be used by the Secretary to pay for the cost of planning, research, engineering and construction. Funds available for park roads and parkways, and Indian reservation roads shall be used by the Secretary or the Secretary of the Interior to pay for the cost of planning, research, engineering and construction. The Secretary and the Secretary of the Interior, as appropriate, may enter into construction contracts and other contracts with a State or civil subdivision or Indian tribe. In the case of Indian reservation roads, Indian labor may be employed under rules and regulations prescribed by the Secretary of the Interior. No ceiling on Federal employment shall be applicable to construction or improvement of Indian reservation roads.

`(c) INDIAN RESERVATION ROADS ON THE NATIONAL HIGHWAY SYSTEM- Before approving a project as an Indian reservation road project on the National Highway System, the Secretary must determine that the obligation of funds for that project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads, of a fair and equitable share of funds apportioned to the State for the National Highway System.

`(d) CONTRIBUTION OF STATE AND LOCAL FUNDS- Contributions of States, Indian tribes, counties, or other local subdivisions may be accepted for construction and improvement. Any funds received from a State, Indian tribe, county, or local subdivision shall be made available for use on the Federal lands highways to which the funds were contributed.

`(e) COMPETITIVE BIDDING- Construction of each project shall be performed by contract awarded by competitive bidding, unless the Secretary or the Secretary of the Interior shall affirmatively find that, under the circumstances relating to a project, some other method is in the public interest. Notwithstanding the foregoing, the provisions of section 23 of the 'Buy Indian' Act of June 25, 1910 (36 Stat. 861), and the provisions of section 7(b) of the Indian Self Determination and Education Assistance Act (88 Stat. 2205) shall apply to all funds administered by the Secretary of the Interior which are authorized for Indian reservation roads.

`(f) REGULATIONS AND AGREEMENTS- All authorizations for the construction and improvement of each class of Federal lands highways shall be administered in conformity with regulations and agreements approved by the Secretary and the Secretary of the appropriate Federal land managing agency.

`(g) FOREST SERVICE ADMINISTRATIVE EXPENSE- The Secretary shall transfer to the Secretary of Agriculture from authorizations for forest highways amounts as may be needed to cover administrative expenses of the Forest Service for forest highways.

`(h) PARKING AREAS AND SCENIC EASEMENTS- Funds available for each class of Federal Lands Highways shall be available for vehicular parking areas, scenic outlooks and scenic easements.

`SEC. 110. RESEARCH AND TECHNOLOGY PROGRAM.

`(a) AUTHORITY OF THE SECRETARY- The Secretary may engage in research, development, and technology transfer activities on motor carrier transportation and all phases of highway planning and development including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may carry out the authority granted by this section, either independently, or in cooperation with any other branch of the Government or by making grants to, and entering into contracts and cooperative agreements with the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, corporation (profit or nonprofit), organization or person. The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is authorized by this section.

`(b) INTELLIGENT VEHICLE HIGHWAY SYSTEM- The Secretary may engage in research, development, technology transfer and other activities related to Intelligent Vehicle Highway Systems. The Secretary may utilize an advisory committee to advise the Department on matters relating to Intelligent Vehicle Highway Systems. Obligations for the committee shall be exempt from any limitation on advisory committees.

`(c) COLLABORATIVE RESEARCH AND DEVELOPMENT- For purposes of encouraging innovative solutions to highway problems, and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments; foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any of the States of the United States. In carrying out this section, the Secretary may enter into a cooperative research and development agreement, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3710a). The average Federal share in these agreements shall not exceed 50 percent except, where there is substantial public interest or benefit, the Secretary may approve a higher Federal level of participation. Cooperative research and development agreements shall

recognize all directly related costs to the non-Federal partners including personnel, travel, hardware development, etc. The research, development, or utilization, of any technology pursuant to an agreement under the above provisions, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to provisions of the Stevenson-Wydler Technology Innovation Act of 1980, as amended.

`(d) FUNDS- The funds required to carry out the provisions of this section shall be taken out of the administrative funds authorized by section 202(a) and funds as may be deposited in a special account with the Secretary of the Treasury for those purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts or agreements made under the authority of this section.

`SEC. 111. NATIONAL HIGHWAY INSTITUTE.

`(a) ESTABLISHMENT AND AUTHORITY TO CONDUCT TRAINING- The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute hereinafter referred to as the 'Institute'. The Institute shall develop and administer, in cooperation with the State transportation or highway departments, and any national or international entity, training programs of instruction for Federal Highway Administration, State and local transportation and highway department employees, State and local police, public safety and motor vehicle employees, United States citizens and foreign nationals engaged or to be engaged in highway work of interest to the United States. Programs may include, but are not limited to courses in modern developments, techniques, management, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance, contract administration, motor carrier activities and inspection. The Secretary shall administer the authority vested in the Secretary by this title or by any other provision of law for the development and conduct of education and training programs relating to highways through the Institute.

`(b) SET ASIDE- Not to exceed one-fourth of 1 percent of all National Highway Program funds apportioned to a State under this title shall be available for expenditure by the State highway department for payment of not to exceed 75 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

`(c) FEDERAL RESPONSIBILITY- Education and training of Federal, State and local highway employees authorized by this section shall be provided (1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or (2) in any case where education and training are to be paid for under (b) by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, individuals, and the Institute: *Provided*, That private agencies and individuals shall pay the full cost of any education and training received by them.

`(d) TRAINING FELLOWSHIPS; COOPERATION; COLLECTION OF FEES- The Institute is authorized, subject to approval of the Secretary, to engage in all phases of contract authority for training purposes authorized by this section including but not limited to the granting of training fellowships. The Institute is also authorized to carry out its authority independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other national or international entity, or person. The Institute is authorized to establish and collect fees from any entity and place them in a special account for the purpose of this section.

`(e) FUNDS- The funds required to carry out this section may be from the sums deducted for administration purposes under 202(a). The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts or agreements made under the authority of this section. The sums provided pursuant to this subsection may be combined or held separate from the fees or memberships collected and be administered by the Secretary as a fund which shall be available until expended.

`(f) DEFINITION- The term `national and international entity' as used in this section is defined to mean any government or nongovernment, public or private, profit or nonprofit body, institution, corporation, agency, association, authority, State, country, Province, city, county, local jurisdiction, or individual.

`SEC. 112. EDUCATION AND TRAINING PROGRAM.

`(a) AUTHORITY- The Secretary is authorized to carry out a transportation assistance program that will provide highway and transportation agencies, in (1) urbanized areas of 50,000 to 1,000,000 population and (2) rural areas, access to modern highway technology.

`(b) GRANTS AND CONTRACTS- The Secretary may make grants and enter into direct contracts for education and training, technical assistance and related support services that will: (1) assist rural local transportation agencies to develop and expand their expertise in road and transportation areas; improve roads and bridges; enhance programs for the movement of passengers and freight; and deal effectively with specific road related problems by preparing and providing training packages, manuals, guidelines and technical resource materials; (2) identify, package and deliver usable highway technology to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with road related problems; and (3) establish, in cooperation with State transportation or highway departments and universities (A) urban technical assistance program centers in States with two or more urbanized areas of 50,000 to 1,000,000 population and (B) rural technical assistance program centers. The Secretary shall provide technical and financial support for the centers.

`SEC. 113. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

`(a) ACTIVITIES- The Secretary is authorized to engage in activities to inform the domestic highway community of technological innovations abroad that could significantly improve highway transportation in the United States, to promote United States highway transportation expertise internationally, and to increase transfers of United States highway transportation technology to foreign countries. Such activities may include--

`(1) develop, monitor, assess, and domestically disseminate information about foreign highway transportation innovations that could significantly improve highway transportation in the United States;

`(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

`(3) inform other countries about the technical quality of American highway transportation goods and services through participation in trade shows, seminars, expositions and other such activities;

`(4) offer those Federal Highway Administration technical services which cannot be readily obtained from the United States private sector to be incorporated into the proposals of United States firms undertaking foreign highway transportation projects. The costs for assistance shall be recovered under the terms of each project; and

`(5) conduct studies to assess the need for or feasibility of highway transportation improvements in countries that are not members of the Organization for Economic Cooperation and Development as of the date of enactment, and in Greece and Turkey.

`(b) COOPERATION- The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the United States Government, State or local agency, authority, association, institution, corporation (profit or nonprofit), foreign government, multinational institution, or any other organization or person.

`(c) FUNDS- The funds available to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The funds shall be available for promotional materials, travel, reception and representation expenses necessary to carry out the activities authorized by this section. Reimbursements for services provided under this section shall be credited to the appropriation concerned.

`SEC. 114. URBANIZED AREA PLANNING

`(a) PLANNING; URBANIZED AREAS- It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with State and local officials in urbanized areas in the development of transportation plans and programs which are formulated with due consideration to comprehensive long-range land use plans, development objectives, innovative financing mechanisms including value capture, overall

social, economic, environmental, system performance, and energy conservation goals and objectives; and with due consideration to their probable effect on the future development of the area. The process for developing plans and programs shall be coordinated with the process for development of the transportation measures of the State Implementation Plan required by the Clean Air Act, as amended. The transportation planning process as a minimum shall cover the existing urbanized area and the area expected to become urbanized within the forecast period, and may encompass the entire Metropolitan Statistical Area/Consolidated Metropolitan Statistical Area (MSA/CMSA) at the discretion of the Governor and the affected units of local government.

(b) PLANNING; URBANIZED AREAS OF MORE THAN 200,000 POPULATION- In urbanized areas of more than 200,000 population transportation plans and programs shall be based on a continuing transportation planning process carried out by a metropolitan planning organization in cooperation with the State and transit operators and shall be comprehensive to the degree appropriate based on the complexity of transportation problems in the area, including transportation-related air quality problems. The process shall consider all modes of transportation, including intermodal connectivity, and the balance between future development and transportation needs including opportunities for corridor preservation and shall include the development of a transportation improvement program. The process shall also consider the impacts of land use decisions on transportation needs including opportunities for corridor preservation. In addition, the planning process shall include an areawide multimodal congestion management system appropriate for the size of the area and the complexity of transportation problems in the area, including transportation-related air quality problems, that provides for effective management of new and existing transportation facilities through the use of travel demand reduction and operational management strategies. In nonattainment areas for transportation-related pollutants the multimodal congestion management system shall address air quality considerations and shall be coordinated with the process for development of the transportation element of the State Implementation Plan required by the Clean Air Act. The costs and impacts of proposed action on both mobility and air quality shall be evaluated. No highway project in urbanized areas of more than 200,000 population that by reconstruction or new construction significantly increases the vehicle carrying capacity of a transportation corridor shall be approved by the Secretary unless the project is consistent with the congestion management system. The metropolitan planning organization shall cooperate with the State in the development and implementation of a congestion management system, a bridge management system, a pavement management system, a safety management system, and a traffic monitoring system as required under section 301.

(c) METROPOLITAN PLANNING ORGANIZATION- A metropolitan planning organization shall be designated in each urbanized area by agreement among the units of general purpose local government and the Governor to carry out the transportation planning process required by this section.

`(d) TRANSPORTATION IMPROVEMENT PROGRAM- The metropolitan planning organization in cooperation with the State and transit operators shall develop a transportation improvement program that includes all projects proposed for funding within the study area under the National Highway Program, the Urban and Rural Program, and the Bridge Program. In urbanized areas of more than 200,000 population development of the transportation improvement program shall be based on a process consistent with (b).

`(e) PLANNING; URBANIZED AREAS OF 200,000 POPULATION OR LESS- In urbanized areas of 200,000 population or less, the metropolitan planning organization, the State and transit operators shall, as a minimum, meet the requirements of this section by the development of a transportation improvement program that includes projects to be funded under the National Highway Program, the Urban and Rural Program, and the Bridge Program. The transportation improvement program shall fully consider transportation-related air quality problems.

`SEC. 115. STATEWIDE TRANSPORTATION PLANNING AND RESEARCH PROGRAM.

`(a) PLANNING- It is in the national interest to encourage and promote the development of transportation systems in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with the States in carrying out statewide transportation planning to support transportation programs and projects funded under this title. Statewide transportation planning shall be carried out in coordination with transportation planning activities of local jurisdictions, including the development of the transportation portion of the State Implementation Plan required by the Clean Air Act, and shall be accomplished in concert with the requirements of section 114. The transportation planning process as a minimum shall cover the existing urbanized area and the area expected to become urbanized within the forecast period. Statewide transportation planning shall promote the coordination of various transportation modes with due consideration of national goals like system preservation, highway safety, and preservation of the environment. Statewide transportation planning shall support the development and implementation of the systems required under section 301.

`(b) RESEARCH- It is in the national interest to encourage and promote highway research by the States to develop transportation systems that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with the States in carrying out State highway research. Funds available to carry out this section shall be obligated for engineering and economic surveys and investigations; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation of highway usage; for technology transfer activities; for studies of the effects of highway usage on the environment and the effectiveness of environmental mitigation measures; for research and development, necessary in connection with the planning, design, construction, operations, safety,

rehabilitation and maintenance of highways and highway systems; and for study, research and training on engineering standards and construction materials, including evaluation and accreditation of inspection and testing, and the regulation and taxation of their use.

`(c) STATE SUPPLIED DATA- The States in cooperation with metropolitan planning organizations and local units of government shall provide data as specified by the Secretary to support national studies, highway performance monitoring, and other activities established by this title.

`(d) EARMARKED FUNDS- One and one-half percent of the sums apportioned to each State for each fiscal year under sections 202(c)(1), 202(c)(2) and 202(c)(3) shall be available only to carry out the requirements of (a), (b) and (c).

`(e) STATE MATCHING SHARE WAIVER- Sums made available under (d) shall be matched by the State in accordance with section 204 unless the Secretary determines that the interest of the Federal highway program would be best served without matching.

`SEC. 116. OUTDOOR ADVERTISING.

`(a) CONTROLLED AREAS- The States and Federal agencies shall exercise effective control of the erection and maintenance of outdoor advertising signs, displays, or devices in areas adjacent to the National Highway System and rural arterials located outside of urbanized areas. The Secretary shall promulgate regulations to carry out this section.

`(b) EFFECTIVE CONTROL- The term 'effective control' means that the States shall limit signs, displays, or devices outside of urbanized areas that are visible from the main traveled way and erected with the purpose of their message being read from the main traveled way to the following and means that in urban areas having populations of less than 50,000, the State shall limit signs, displays, or devices within six hundred and sixty feet of the right-of-way, to the following:

`(1) DIRECTIONAL AND OFFICIAL SIGNS- Directional and official signs, displays, or devices as permitted by regulations issued by the Secretary.

`(2) ON PREMISE SALE OR LEASE SIGNS- Signs, displays, or devices advertising the sale or lease of property upon which they are located.

`(3) ON PREMISE ADVERTISING SIGNS- On premise signs, displays or devices, including those which may be changed at reasonable intervals by electronic process, advertising activities conducted on the property on which they are located. These signs, displays or devices shall be limited to the proximate area of the activity advertised regardless of any larger ownership in the property on which the activity is located.

`(4) LANDMARK SIGNS- Signs lawfully in existence on October 22, 1965, and determined by a State or Federal agency, subject to the approval of the Secretary, to be landmark signs. These signs may include signs of historic or artistic significance on farm structures or natural surfaces, the preservation of which would be consistent with the purposes of this section.

`(5) SIGNS IN COMMERCIAL AND INDUSTRIAL AREAS-

Conforming signs, displays, or devices lawfully in existence in commercial and industrial areas on October 1, 1991. Such signs may continue to be treated as conforming.

`(c) ADDITIONAL ASPECTS OF EFFECTIVE CONTROL- In addition, and, as part of effective control:

`(1) INVENTORY- Each State shall maintain a current inventory of all outdoor advertising signs, displays, and devices required to be controlled pursuant to this section. This inventory shall identify all those signs, displays or devices as either unlawful, nonconforming, or conforming under State law.

`(2) MODIFICATION OF SIGNS- No State may permit any person to modify any outdoor advertising sign, display, or device which is nonconforming or does not otherwise conform to the requirements of this section, to improve its visibility or to prolong its useful life. States may permit modification of conforming signs in accordance with criteria developed consistent with national standards promulgated by the Secretary.

`(3) REMOVAL OF SIGNS- Each State shall assure that signs, displays, and devices to be removed shall be removed within 90 days of the date upon which they become unlawful, or if not unlawful, the date upon which they were acquired pursuant to State or local law.

`(4) NEW SIGNS- Except as provided in this section, a State may not permit the erection of any new signs, displays, or devices in areas required to be effectively controlled under this section.

`(d) SIGNS WITHIN THE RIGHT-OF-WAY- The Secretary shall, in consultation with the States or Federal agencies, provide within the rights-of-way of the National Highway System for areas in which signs, displays, or devices giving specific information in the interest of the traveling public may be erected and maintained. Signs, displays, or devices shall conform to national standards promulgated by the Secretary.

`(e) INFORMATION CENTERS- In order to provide information in the specific interest of the traveling public, the State transportation or highway departments or Federal agencies are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas of the National Highway System. Subject to the approval of the Secretary, a State or Federal agency may also establish information centers at safety rest areas and other travel information systems within the right-of-way of the National Highway System for the purpose of informing the public of places of interest and providing other information which the State may consider desirable. The Federal share of the cost of establishing an information center or travel information system shall be that which is provided in section 204(a).

`(f) STRICTER CONTROLS- Nothing in this section shall prohibit a State or Federal agency from imposing stricter controls than those set forth in this section.

`(g) SIGNS ON PUBLIC LANDS AND RESERVATIONS- Outdoor advertising signs, displays, or devices on all public lands or military reservations of the

United States, exclusive of Indian lands and Indian reservations, in controlled areas adjacent to the National Highway System and rural arterials shall be controlled in accordance with the provisions of this section by the Federal agency with jurisdiction over, or responsibility for, that land or reservation pursuant to procedures developed by the agency. Procedures required by this subsection shall be in effect within one year after the date of enactment of this subsection.

`(h) PROJECT APPROVALS- The Secretary may withhold project approvals under this title and take other action as necessary to obtain compliance with this section.

`(i) Payment Out of National Highway Program Funds-

`(1) FEDERAL PARTICIPATION IN COSTS INCURRED- The following costs incurred by a State for activities in areas adjacent to the National Highway System shall be eligible for Federal participation out of apportioned National Highway Program funds:

`(A) PHYSICALLY REMOVING SIGNS- Costs to physically remove signs, displays, or devices that are located in areas required to be effectively controlled and are unlawful under State law or which do not conform to the requirements of this section; or

`(B) ACQUIRING SIGNS- Costs to acquire signs, displays, or devices that were lawfully erected and have been lawfully maintained under State law; or

`(C) ACQUIRING SITES- Costs to acquire from the owner of the real property on which the sign, display, or device is located, the right to erect and maintain signs, displays, or devices.

`(2) DISPOSAL- A sign, display, or device acquired with funds made available pursuant to this section may be disposed of by sale or other means to a private party only if the State receives satisfactory assurances that the material will not be used to construct or reconstruct an outdoor advertising sign, display, or device.

`(3) FEDERAL SHARE PAYABLE- The Federal share payable of removal and acquisition costs of signs, displays or devices and the acquisition costs of real property on which signs, displays, or devices are located paid with National Highway Program funds shall be as provided in section 204(a).

`(4) LIMITATION- The amount paid out to a State under this section in any fiscal year shall not exceed 3 percent of the amount of the State's apportionment for the National Highway Program for that year.

`(j) STATE OPTION- Nothing in this section shall require a State to remove any lawfully erected sign, display, or device which does not conform to this section and is lawfully in existence on October 1, 1991. Nothing in this section shall prevent a State from removing any sign, display, or device.

`SEC. 117. JUNKYARDS.

`(a) CONTROLLED AREAS- The States and Federal agencies shall effectively control the establishment and maintenance of junkyards outside of urbanized areas adjacent to the National Highway System.

`(b) DEFINITIONS- For the purpose of this section, the following definitions apply:

`(1) EFFECTIVE CONTROL- The term `effective control' means that the establishment or expansion of junkyards outside of urbanized areas adjacent to the National Highway System which are within 1,000 feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, shall be prohibited after October 1, 1991 unless they are screened by natural objects, plantings, fences, or other appropriate means. A State or Federal agency need not screen or remove junkyards in industrial areas actually used primarily for industrial activities. Within 1 year after the date of enactment of this subsection, each State shall promulgate statewide criteria that define `screened' and `industrial areas' for the purpose of this section.

`(2) JUNKYARD- The term `junkyard' means an establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling junk. The term shall include garbage dumps and sanitary fills.

`(3) JUNK- The term `junk' means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked automobiles, or parts of wrecked automobiles, iron, steel, and other old or scrap ferrous or nonferrous material.

`(c) JUNKYARD REMOVAL- Any lawfully established and maintained junkyard subject to effective control which does not conform to the requirements of this section shall be removed no later than the end of the fifth calendar year after the date of enactment of this section. Any junkyard which becomes nonconforming after the date of enactment of this subsection shall be removed no later than the end of the fifth calendar year after it becomes nonconforming.

`(d) STRICTER CONTROLS- Nothing in this section shall prohibit a State or Federal agency from imposing stricter controls than those set forth in this section.

`(e) JUNKYARDS ON PUBLIC LANDS AND RESERVATIONS- Junkyards on all public lands or reservations of the United States, subject to effective control under this section, exclusive of Indian lands and Indian reservations, shall be controlled in accordance with the provisions of this section by the Federal agency having jurisdiction over or responsibility for the land or reservation pursuant to procedures developed by the agency. Procedures required by this subsection shall be in effect within 1 year after the date of enactment of this subsection.

`(f) PROJECT APPROVALS- The Secretary may withhold project approvals under this title and take other actions as are necessary to obtain compliance with this section.

`(g) PAYMENT OUT OF NATIONAL HIGHWAY PROGRAM FUNDS- The Secretary may pay, out of apportioned National Highway Program funds, costs incurred by the States for screening or removing junkyards that were lawfully

established and have been lawfully maintained and are required by this section to be screened or removed.

`(h) FEDERAL SHARE- The Federal share of costs for screening and removing junkyards paid with National Highway Program funds shall be as provided in section 204(a). The amount paid to a State under this section in any fiscal year shall not exceed 3 percent of the amount of its apportionments for the National Highway Program for that year.

`SEC. 118. SCENIC BYWAYS.

`(a) PURPOSE- To encourage States to initiate or expand efforts for planning and program development for scenic byways.

`(b) DISTRIBUTION OF FUNDS- In fiscal years 1992, 1993, and 1994, the Secretary may allocate up to \$5,000,000 in each fiscal year from the set asides provided in section 202(c)(2)(C) to States requesting funds to carry out the purpose of this section. The Secretary shall establish criteria to be used in allocating the funds to States.

`SEC. 119. CONGESTION PRICING.

`(a) GUIDELINES- After opportunity for public comment, the Secretary shall issue guidelines for evaluation of congestion pricing measures proposed in response to air quality problems for operational tests in designated urbanized areas under (b). Guidelines should set forth factors that a proposal should address, including but not limited to--

- `(1) the types of highway facilities or routes covered by the proposal;
- `(2) how the proposal will address congestion problems in the designated urban area and the consequences of the proposal including spillover traffic effects on surrounding highway routes, the effect on urban goods movement and on transit systems, and the impact on interregional movements and interstate commerce;
- `(3) the pricing system to be used, the fee collection technology to be employed and the potential for evasion or abuse;
- `(4) eligible uses of revenue obtained; and
- `(5) consistency with State and local law and with requirements of Clean Air Act, as amended.

`(b) OPERATIONAL TESTS- Under guidelines established under (a), the Secretary may approve, as operational tests, the use of congestion pricing measures on specific highway facilities or routes, constructed or improved with Federal funds under this title, proposed by a State for a standard metropolitan statistical area of 1,000,000 population or more that is experiencing significant air quality nonattainment problems under the Clean Air Act, as amended. The Secretary shall evaluate the congestion pricing measures approved under this section and report findings and recommendations for future use of the measures.

`CHAPTER 2--ADMINISTRATION OF FUNDS

- `Sec.
- `201. Availability of funds.
- `202. Apportionment.
- `203. Project agreements and obligation of funds.
- `204. Federal share payable.
- `205. Allocation of Federal Lands Highways Funds.
- `206. Administration of Federal Lands Highways Funds.
- `207. Advance construction.
- `208. Acquisition of rights-of-way.
- `209. High Cost Projects Fund.
- `210. Payments to States.
- `211. Payments on projects undertaken by a Federal Agency.
- `212. Private, State, and local donations.

`SEC. 201. AVAILABILITY OF FUNDS.

`(a) DATE AVAILABLE FOR OBLIGATION- Except as otherwise specifically provided, authorizations to carry out chapters 1, 2, 3, and 6 of this title and the Federal-aid Highway Act of 1991 from the Highway Account of the Highway Trust Fund shall be available for obligation on October 1 of the fiscal year for which they are authorized. The Secretary shall apportion, allocate, set aside or obligate those authorizations.

`(b) PERIODS OF AVAILABILITY OF FUNDS-

`(1) NATIONAL HIGHWAY PROGRAM, URBANIZED AREA PLANNING, APPORTIONED BRIDGE AND STATEWIDE TRANSPORTATION PLANNING AND RESEARCH PROGRAM FUNDS-

`(A) PERIOD OF AVAILABILITY- Funds apportioned for the National Highway Program, the Bridge Program and the Urbanized Area Planning Program and funds earmarked for the Statewide Transportation Planning and Research Program in a State shall remain available for obligation in that State for a period of 1 year after the close of the fiscal year for which the funds are authorized: *Provided*, That funds apportioned for the National Highway Program for the fiscal years 1992, 1993, and 1994 shall remain available for obligation in that State for a period of 3 years after the close of the fiscal year for which the funds are authorized.

`(B) REAPPOINTMENT- Funds, other than Statewide Transportation Planning and Research Program funds, not obligated within the period of availability of (A) shall be reapportioned among those States which have obligated their funds on the basis of the original apportionment.

`(2) BRIDGE DISCRETIONARY AND HIGH COST PROJECTS FUNDS-

`(A) PERIOD OF AVAILABILITY- Funds allocated to a State from the Major Bridge Discretionary Program and from the High

Cost Projects Fund shall be available in that State until the close of the fiscal year in which they are allocated.

`(B) REALLOCATION- Funds not obligated within the period of availability of (A) shall be returned to the Secretary and shall be available for reallocation.

`(3) EMERGENCY RELIEF AND URBAN AND RURAL PROGRAM FUNDS- Emergency Relief and Urban and Rural Program funds shall remain available for obligation until expended.

`(4) TERRITORIAL HIGHWAY PROGRAM FUNDS-

`(A) PERIOD OF AVAILABILITY- Funds allocated to a territory for the Territorial Highway Program shall remain available for obligation in that territory for a period of 1 year after the close of the fiscal year in which they were allocated.

`(B) REALLOCATION- Funds not obligated within the period of availability of (A) shall be returned to the Secretary for reallocation.

`(c) FUNDS DEEMED OBLIGATED; EFFECT OF RELEASE OF FUNDS- Sums apportioned or allocated for a particular purpose for any fiscal year shall be deemed to be obligated if a sum equal to the total of the sums apportioned or allocated to the State for that purpose for that fiscal year and previous fiscal years is obligated. Any funds released by the payment of the final voucher or by the modification of the formal project agreement shall be (1) credited to the same class of funds previously apportioned or allocated to the State and be immediately available for obligation, or (2) if the program for which the funds were apportioned or allocated has been repealed and is inactive, credited to the State's National Highway Program apportioned funds and be immediately available for obligation.

`(d) ALASKA; PUERTO RICO- Funds made available to the State of Alaska and the Commonwealth of Puerto Rico under this title may be expended for construction of access and development roads that will serve resource development, recreational, residential, commercial, industrial, or other like purposes.

`SEC. 202. APPORTIONMENT.

(a) ADMINISTRATIVE DEDUCTION- On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary shall deduct not to exceed 3 3/4 percent of the sums authorized to be appropriated for expenditure for the National Highway Program, the Interstate Construction Program, the Urban and Rural Program, the Interstate Substitution Program and the Bridge Program for payment of the administrative expenses of the Federal Highway Administration: *Provided*, That funds shall be available from the administrative deduction for Operation Lifesaver, a national public information program to educate the public of the inherent hazards at railway-highway crossings. In making a determination, the Secretary shall take into account the unexpended balance of any sums deducted in prior years. The sum deducted shall be available for expenditure until expended.

`(b) Urbanized Area Planning-

`(1) DEDUCTION- On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary, after making the deduction authorized by (a) shall deduct one-half of 1 percent of the remaining funds authorized to be appropriated for the National Highway Program, the Interstate Construction Program, the Urban and Rural Program and the Bridge Program for that fiscal year for the purpose of carrying out the objective of section 114.

`(2) APPORTIONMENT FORMULA- Funds deducted under (1) shall be apportioned to the States in the ratio which the population in urbanized areas, in each State bears to the total population in urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half of 1 percent of the amount apportioned.

`(3) AVAILABILITY WITHIN A STATE- The funds apportioned to any State under (2) shall be made available by the State to metropolitan planning organizations designated as being responsible together with the State for carrying out the objective of section 114.

`(4) USE OF FUNDS OUTSIDE OF URBANIZED AREAS- Upon an agreement of a State and a metropolitan planning organization that funds available to the metropolitan planning organization are in excess of its needs, the excess amount may be used to do transportation planning outside of urbanized areas. A State receiving the minimum apportionment under (2) may, subject to the approval of the Secretary, use the funds apportioned to finance transportation planning outside the urbanized areas.

`(5) FEDERAL SHARE PAYABLE- The Federal share payable for the Urbanized Area Planning Funds provided by this subsection shall be as is provided in section 204(e) except where the Secretary determines that the Federal interest will be best served without a State match.

`(6) APPORTIONMENT WITHIN A STATE- The distribution within any State of the planning funds made available under (3) shall be by a formula developed by each State and approved by the Secretary, which considers population in and provides an appropriate distribution for all urbanized areas to carry out the processes described in section 114.

`(c) APPORTIONMENT- On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary after making the deductions authorized by (a) and (b) shall apportion sums authorized to be appropriated for that fiscal year for the National Highway Program, the Urban and Rural Program, and the Bridge Program among the several States in the following manner:

`(1) National highway program-

`(A) HIGH COST PROJECTS FUND SET ASIDE- From authorizations for the National Highway Program the Secretary shall set aside \$250,000,000 for each of the fiscal years 1992, 1993, 1994 and 1995 for the High Cost Projects Fund described in section 209.

`(B) HIGHWAY USE OF MOTOR FUEL- The remaining sums authorized to be appropriated for the National Highway Program

shall be apportioned subject to (E), 70 percent in the ratio which highway use of motor fuel in a State bears to highway use of motor fuel in all of the States, and

`(C) SHARE OF PUBLIC ROAD MILEAGE- Fifteen percent in the ratio which public road mileage in a State bears to public road mileage in all of the States, and

`(D) LAND AREA- Fifteen percent in the ratio in which the land area in a State bears to the land area in all of the States.

`(E) LOW DENSITY FACTOR- Based on information from the latest available decennial Federal census, low density State apportionments shall be adjusted as follows:

`(i) States with a population density of under 5 persons per square mile shall receive a 50 percent upward adjustment,

`(ii) States with a population density of under 10 and more than 5 persons per square mile shall receive a 45 percent upward adjustment,

`(iii) States with a population density of under 15 and more than 10 persons per square mile shall receive a 40 percent upward adjustment,

`(iv) States with a population density of under 20 and more than 15 persons per square mile shall receive a 35 percent upward adjustment, and

`(v) States with a population density of under 25 and more than 20 persons per square mile shall receive a 30 percent upward adjustment: *Provided*, That no State under (i), (ii), (iii), (iv), or (v) shall receive a low density adjustment greater than \$35,000,000 in a fiscal year.

`(F) MINIMUM APPORTIONMENT- No State shall receive less than one-half of 1 percent of each year's apportionment.

`(G) TRANSFER TO URBAN AND RURAL PROGRAM- A State may transfer up to 15 percent of its annual National Highway Program apportionment to its Urban and Rural Program if the State and the Secretary agree that adequate Interstate System conditions exist and if the State meets criteria established by the Secretary.

`(2) URBAN AND RURAL PROGRAM-

`(A) SAFETY BONUS SET ASIDE- The Secretary shall set aside \$5,000,000 in fiscal year 1992, \$55,000,000 in fiscal year 1993, \$80,000,000 in fiscal year 1994, \$105,000,000 in fiscal year 1995, and \$130,000,000 in fiscal year 1996 from the Urban and Rural authorizations for those fiscal years for the Safety Bonus Program described in section 402(h).

`(B) TERRITORIES SET ASIDE- The Secretary shall set aside one-half of 1 percent of the Urban and Rural Program authorization each fiscal year for the Territorial Highway Program described in section 108.

`(C) SCENIC BYWAYS PROGRAM SET ASIDE- From authorizations for the Urban and Rural Program for the fiscal years 1992, 1993, and 1994 the Secretary shall set aside \$5,000,000 each year for scenic byways described in section 118. Funds set aside that are not obligated for scenic byways by the end of the fiscal year of authorization shall be added to the next fiscal year's authorization and apportioned to the States under (D).

`(D) APPORTIONMENT FORMULA- The remaining funds authorized to be appropriated for the Urban and Rural Program shall be apportioned in the ratio in which a State contribution to the Highway Account of the Highway Trust Fund bears to the total contributions of all the States to the Highway Account of the Highway Trust Fund as determined by the Secretary: *Provided*, That no State shall receive less than one-half of 1 percent of each years apportionment.

`(3) BRIDGE PROGRAM-

`(A) MAJOR BRIDGE DISCRETIONARY PROGRAM SET ASIDE- From authorizations for the Bridge Program the Secretary shall set aside \$230,000,000 for the fiscal year 1992, \$280,000,000 for the fiscal year 1993, \$330,000,000 for the fiscal year 1994, \$380,000,000 for the fiscal year 1995, and \$440,000,000 for the fiscal year 1996 for the Major Bridge Discretionary Program described in section 106.

`(B) APPORTIONMENT FORMULA- The remaining funds authorized to be appropriated for the Bridge Program shall be apportioned placing each bridge not meeting established level of service criteria into one of the following categories:

`(i) National Highway System bridges categorized for replacement,

`(ii) National Highway System bridges categorized for rehabilitation,

`(iii) bridges off the National Highway System categorized for replacement, and

`(iv) bridges off the National Highway System categorized for rehabilitation. The square footage of bridges in each category shall be multiplied by the respective unit price on a State-by-State basis, as determined by the Secretary; and the total cost in each State divided by the total cost of the categorized bridges in all States shall determine the apportionment factors. No State shall receive more than 10 percent or less than 0.25 percent of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated biennially.

`(d) NOTIFICATION TO THE STATES- On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary shall certify to each of the States

the sums apportioned and deducted in that fiscal year under this section. The Secretary shall, if possible, advise each State of the amount that will be apportioned each year under this section not later than 90 days before the beginning of the fiscal year of apportionment.

^(e) HEAVY VEHICLE USE TAX- The Secretary shall reduce the State's apportionment of National Highway Program funds under (c)(1) in an amount up to 10 percent of the amount to be apportioned in any fiscal year during which heavy vehicles, subject to the use tax imposed by section 4481 of the Internal Revenue Code of 1986, may be lawfully registered in the State without having presented proof of payment, in the form prescribed by the Secretary of the Treasury, of the use tax imposed by section 4481 of that Code. Amounts withheld from apportionment to a State under this subsection shall be apportioned immediately to the other States pursuant to (c)(1) and shall be available in the same manner and to the same extent as other National Highway Program funds apportioned at the same time.

^(f) PROJECTS THAT HAVE SAFETY BENEFITS- Not less than 10 percent of the total apportionments made under this section shall be obligated for projects that have specific and significant safety benefits.

^SEC. 203. PROJECT AGREEMENTS AND OBLIGATION OF FUNDS.

^(a) SUBMISSION- The State highway department shall submit to the Secretary a formal project agreement for each proposed project under this title other than an Urban and Rural Program project, a project administered under Urban and Rural Program procedures or a project administered under section 305.

^(b) OBLIGATION OF FUNDS- The Secretary shall act upon the proposed formal project agreement as soon as is practicable. The action of the Secretary in entering into a project agreement creates a contractual obligation of the United States to pay its proportional contribution for that project.

^(c) STATE HIGHWAY OR TRANSPORTATION DEPARTMENT REPRESENTATIONS- The Secretary may rely upon representations made by the State highway or transportation department with respect to the arrangements or agreements made by the State highway or transportation department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

^(d) RIGHTS-OF-WAY PROJECT AGREEMENTS- The agreement between the Secretary and the State highway or transportation department for the reimbursement of the cost of rights-of-way shall provide for the actual construction of a road on the rights-of-way within a period not exceeding 20 years following the fiscal year in which funds are made available unless a longer period is determined to be reasonable by the Secretary. If construction has not started or the period has not been extended, the Federal pro rata share of funds expended shall be repaid and credited to the State's unobligated balance of Federal highway funds as determined to be appropriate at the time of repayment.

^(e) PRELIMINARY ENGINEERING AGREEMENTS- The State may enter into an annual agreement with the Secretary to perform preliminary engineering on a

systemwide basis, in accordance with rules established by the Secretary. Preliminary engineering agreements may include project development for toll or other nontraditional public-private design, build, operate projects, in accordance with rules established by the Secretary. The Federal share for the preliminary engineering costs shall not exceed amounts authorized in section 204.

SEC. 204. FEDERAL SHARE PAYABLE.

(a) NATIONAL HIGHWAY PROGRAM PROJECTS- Except as provided in section 105(a)(2) the Federal share payable on account of National Highway Program projects financed with National Highway Program funds (other than certain resurfacing, restoring and rehabilitating projects and certain operational improvement projects) shall either (1) not exceed 75 percent of the cost, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved), exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands in the State, the Federal share may be increased by a percentage of the remaining costs equal to the percentage that the area of all those lands in the State, is of its total area, or (2) not to exceed 75 percent of the cost, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share may be increased by a percentage of the remaining cost equal to the percentage that the area of all those lands in the State is of its total area, except that the Federal share payable on any project in a State under (1) or (2) shall not exceed 90 percent of the cost of the project. In any case where a State elects to have the Federal share provided in (2), the State must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring the State to use solely for highway construction purposes (other than paying its share of projects approved under this title) during the period covered by the agreement the difference between the State's share as provided in (2) and what its share would be if it elected to pay the share provided in (1) for all projects subject to the agreement.

(b) INTERSTATE SYSTEM RESURFACING, RESTORING AND REHABILITATING AND OPERATIONAL IMPROVEMENT PROJECTS- Except as provided in section 105(a)(2) the Federal share payable on account of any resurfacing, restoring and rehabilitating or operational improvements project on the Interstate System financed with National Highway Program funds shall not exceed 90 percent of the cost, plus a percentage of the remaining 10 percent of the cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 percent of the area of all lands therein, equal to the percentage that the area of the lands in the State is of its area, except that the Federal share payable on any project in any State shall not exceed 95 percent of the cost of the project.

(c) OFF-SYSTEM OPERATIONAL IMPROVEMENTS PROJECTS- Except as provided in section 105(a)(2) the Federal share payable on account of any operational improvements project on a highway not classified as local or as rural

minor collector financed with National highway Program funds shall not exceed the share provided in (a).

`(d) SECRETARY OF THE INTERIOR STATEMENT- The Secretary may rely on an annual statement to be provided by the Secretary of the Interior on the area of the lands referred to in (a) and (b).

`(e) BRIDGE PROGRAM, URBANIZED AREA PLANNING PROGRAM AND STATEWIDE TRANSPORTATION PLANNING AND RESEARCH PROGRAM- Except as provided in section 105(a)(2) the Federal share payable on account of projects financed with bridge, Urbanized Area Planning, and Statewide Transportation Planning and Research funds shall not exceed 75 percent: *Provided*, That Federal Lands Highway Program funds may be used for the State and local match on Bridge Program projects eligible under the Bridge and the Federal Lands Highway programs.

`(f) FEDERAL LANDS HIGHWAY PROGRAM AND PROJECTS IN THE TERRITORIES- Except as provided in section 105(a)(2) the Federal share payable on account of any project financed with Federal Lands Highway Program funds and on account of any project in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands shall not exceed 100 percent of the cost.

`(g) UNIVERSITY TRANSPORTATION CENTER PROGRAM PROJECTS- The Federal share payable on account of a project financed with University Transportation Centers program funds shall not exceed 50 percent of the costs.

`(h) EDUCATION AND TRAINING PROGRAM FUNDS- The Federal share payable on account of training financed with Education and Training Program funds shall not exceed a percentage of the cost determined by the Secretary.

`(i) URBAN AND RURAL PROGRAM PROJECTS- Except as provided in section 105(a)(2) the Federal share payable on account of a project financed with Urban and Rural Program funds shall either (1) not exceed 60 percent of the cost, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved), exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands in the State, the Federal share may be increased by a percentage of the remaining costs equal to the percentage that the area of all those lands in the State, is of its total area, or (2) not to exceed 60 percent of the cost, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share may be increased by a percentage of the remaining cost equal to the percentage that the area of all those lands in the State is of its total area, except that the Federal share payable on any project in a State under (1) or (2) shall not exceed 75 percent of the cost of the project. In any case where a State elects to have the Federal share provided in (2), the State must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring the State to use solely for highway construction purposes (other than paying its share of projects approved under this title) during the period covered by the agreement the difference between the State's share as

provided in (2) and what its share would be if it elected to pay the share provided in (1) for all projects subject to the agreement.

`(j) HIGHWAYS WITHIN DEPARTMENT OF THE INTERIOR LANDS- The Secretary is authorized to cooperate with the State transportation or highway departments and with the Department of the Interior in the construction of highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed from the funds apportioned under section 202 to the State where the reservations and national parks and monuments are located.

`(k) INCREASED NON-FEDERAL SHARE- A State may contribute an amount in excess of the share provided in this title for any title 23 project so as to decrease the Federal share payable on the project: *Provided*, That the use of this provision shall be subject to criteria established by the Secretary.

`(l) EMERGENCY RELIEF PROJECTS- The Federal share payable on account of emergency relief projects on the National Highway System shall not exceed the share provided in (a); the Federal share payable on account of emergency relief projects on forest highways, park roads, parkways, Indian reservation roads, forest development roads and public lands development roads shall not exceed the share provided in (f); and the Federal share payable on account of emergency relief projects on other highways shall not exceed the share provided in (i): *Provided*, That the Federal share payable for eligible temporary and permanent work accomplished with emergency relief funds within 90 days after the actual occurrence of the national disaster or catastrophic failure may amount to 100 percent of the cost: *And provided further*, That the cost of an emergency relief project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges, a comparable facility means a facility which meets the current geometric and construction standards required for the types and volume of traffic which the facility will carry over its design life.

`SEC. 205. ALLOCATION OF FEDERAL LANDS HIGHWAYS FUNDS.

`(a) ADMINISTRATIVE DEDUCTION- On October 1 of each fiscal year before allocating any sums under this section the Secretary shall deduct not to exceed 3 3/4 percent of the sums authorized to be appropriated for forest highways, park roads and parkways, and Indian reservation roads for the purpose of administering the provisions of law to be financed from the authorizations. The sums deducted shall be available for obligation until expended.

`(b) FOREST HIGHWAYS- On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for that fiscal year for forest highways according to the relative needs of the various elements of the National Forest System as determined by the Secretary, taking into consideration the need for access as identified by the Secretary of Agriculture through renewable resource and land use planning, and the impact of that planning on existing transportation facilities.

`(c) **PARK ROADS AND PARKWAYS**- On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for that fiscal year for park roads and parkways each according to the relative needs of the various elements of the National Park System, taking into consideration the need for access as identified through land use planning and the impact of that planning on existing transportation facilities.

`(d) **INDIAN RESERVATION ROADS**- On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for that fiscal year for Indian reservation roads according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.

`SEC. 206. ADMINISTRATION OF FEDERAL LANDS HIGHWAYS FUNDS.

`(a) **AVAILABILITY**- Funds authorized for forest highways, park roads and parkways, and Indian reservation roads shall be available for contract upon allocation, or on October 1, of the fiscal year for which authorized if no allocation is required.

`(b) **LAPSE**- Any amount remaining unobligated for a period of 3 years after the close of the fiscal year for which authorized shall lapse.

`(c) **OBLIGATION**- The Secretary of the Department charged with the administration of Federal Lands Highway funds is granted authority to enter into project agreements with other Federal, State or local agencies, approve projects, enter into contracts and incur obligations. Notwithstanding any other provision of law, entering into a project agreement with Federal, State or local agencies or entering into a contract shall create a contractual obligation of the United States for payment of the project costs.

`(d) **FUNDS DEEMED TO BE OBLIGATED**- Any funds authorized for any fiscal year for forest highways, park roads and parkways, and Indian roads shall be deemed to have been obligated if a sum equal to the total of the sums authorized for that fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated.

`(e) **RELEASE FUNDS**- Any funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for obligation.

`SEC. 207. ADVANCE CONSTRUCTION.

`(a) **IN GENERAL**- When a State proceeds to construct a bridge project or a National Highway Program project on the National Highway System without the aid of Federal funds, or undertakes a project under sections 114 or 115 without full Federal funding, under procedures and requirements applicable to the project, except as the procedures and requirements limit the State to the construction of a project with the aid of previously apportioned Federal funds, the Secretary is authorized to pay to the State the Federal share of the cost of the project when

sufficient funds are apportioned to the State under section 202(c)(1) and 202(c)(3), if--

`(1) prior to construction or undertaking of the project the Secretary enters into a project agreement in the same manner as other projects, and

`(2) the project conforms to applicable standards under this title.

`(b) BOND INTEREST FOR PROJECTS UNDER CONSTRUCTION ON JANUARY 1, 1983- For any project under construction on January 1, 1983, on the Interest System and converted to a regularly funded project after January 1, 1983, 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 the bonds by the date of conversion is an eligible cost, to the extent that the proceeds of the bonds have been expended in the construction of the project.

`(c) BOND INTEREST- Projects approved under this section may include the amount of any interest earned and payable on bonds issued by the States to the extent that the proceeds of the bonds have actually been expended in the construction of the project. In no event shall the amount of interest considered as a cost of a project be greater than the excess of (1) the amount which would be the estimated cost of the project if the project were to be constructed at the time the project is converted to a regularly funded project, over (2) the actual cost of the project (not including the interest). The Secretary shall consider change in construction cost indices in determining the amount under (1).

`(d) LIMITATION ON ADVANCED FUNDING- The Secretary may not approve an application of a State under this section for a project with funds apportioned, under section 202(b), 202(c)(1) or 202(c)(3), or earmarked under section 115 if the amount of approved applications with respect to advance construction projects in that State in the particular category exceeds the total of unobligated funds apportioned to the State or earmarked by the State under that category, plus the State's expected apportionment or earmarking under that category from existing authorizations, plus an amount equal to the State's expected apportionment or earmarking under that category for 1 additional fiscal year.

`SEC. 208. ACQUISITION OF RIGHTS-OF-WAY.

`(a) Advance Acquisition of Rights-of-Way-

`(1) RIGHT-OF-WAY REVOLVING FUND- There is hereby established in the Treasury of the United States a revolving fund to be known as the right-of-way revolving fund which shall be administered by the Secretary. Sums authorized to be appropriated to the right-of-way revolving fund shall be available for obligation without regard to the fiscal year for which the sums are authorized.

`(2) ADVANCES- For the purpose of acquiring rights-of-way for future construction on the National Highway System and for making payments for the moving or relocation of persons, businesses, farms and other existing uses of real property caused by the acquisition of rights-of-way, the Secretary, upon request of a State highway department, is authorized

to advance funds to the State, at an interest rate equal to 2 percentage points less than the Current Value of Funds Rate as published by the United States Treasury, from amounts available in the rights-of-way revolving funds. Funds advanced may be used to pay the entire costs of projects for the acquisition of rights-of-way, including the net cost to the State or property management, if any, and related moving and relocation payments. Interest paid by the State shall be credited to the Highway Account of the Highway Trust Fund.

`(3) CREDITS TO THE RIGHT-OF-WAY REVOLVING FUND- Actual construction on rights-of-way shall be commenced within a period of not less than 2 years nor more than 20 years following the end of the fiscal year in which the Secretary approves the advance of funds, unless the Secretary shall provide for an earlier or later termination date. The State may retain the funds advanced until approval by the Secretary of the project agreement for the actual construction on rights-of-way with respect to advanced funds, or the end of the tenth fiscal year following the end of the fiscal year in which the Secretary approves the advance of funds, whichever shall occur first. The right-of-way revolving fund shall then be credited with an amount equal to the funds advanced as provided in section 204 of this title.

`(b) EARLY ACQUISITION OF RIGHTS-OF-WAY- In addition to the authority provided in section 207(a), Federal funds may participate in the costs incurred by a State for the acquisition of rights-of-way, acquired in advance of any Federal approval or authorization, which are subsequently incorporated into a project on the National Highway System and the costs incurred by a State for the acquisition of land necessary to preserve environmental and scenic values, acquired in advance of any Federal approval or authorization. The Federal share payable of the costs shall be eligible for reimbursement out of funds apportioned to the State for the National Highway Program when the rights-of-way acquired are incorporated into a project eligible for National Highway Program funds:

Provided, That the State demonstrates to the Secretary that--

`(1)(A) any land acquired and relocation assistance provided complied with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;

`(B) title VI of the Civil Rights Act of 1964 has been complied with;

`(C) the alternative for which the right of way was acquired was selected by the State pursuant to a State process which, under regulations to be issued by the Secretary, provides for the consideration of the environmental impacts of various alternatives, and the property acquired under this section did not influence the environmental assessment of the project, including the decision relative to the need to construct the project or the selection of the specific location; and

`(2) at the time that the cost incurred by a State is approved for Federal participation environmental compliance pursuant to National Environmental Policy Act has been completed for the alternative for which the right of way was acquired by the State and the acquisitions have

been approved by the Secretary under section 316 (49 U.S.C. 303), section 7 of the Endangered Species Act, and other environmental laws as identified by the Secretary in regulations.

SEC. 209. HIGH COST PROJECTS FUND.

(a) ESTABLISHMENT- The Secretary shall establish a High Cost Projects Fund initially funded from set asides provided in section 202(c)(1)(A).

(b) ADVANCES TO STATES- The Secretary may make advances to States from the High Cost Projects Fund to fund large scale projects that

(1) increase capacity on the Interstate System;

(2) increase capacity on routes that directly connect to the Interstate System; or

(3) construct new access-controlled, multilane routes that will directly connect to the Interstate System.

(c) PRIORITIES FOR ADVANCES- The Secretary in making an advance shall give priority to--

(1) high cost projects in relation to a State's apportionment of National Highway Program funds,

(2) projects that are ready to obligate,

(3) construction projects,

(4) projects that will be completed expeditiously

(5) projects where transportation and other public benefits compare favorably with their costs, and

(6) projects for multistate project integration.

(d) AMOUNT AND REPAYMENT OF ADVANCES- The amount of an advance may not exceed the amount of National Highway Program apportionments the State is estimated to receive in the following two fiscal years. Advances shall be repaid by reducing the State's National Highway Program apportionment in each of the following three fiscal years by one-third of the amount of the advance or by direct repayments. Repayments shall be credited to the High Cost Projects Fund.

(e) CONVERSION OF ADVANCE CONSTRUCTION PROJECTS-

Discretionary allocations shall not be used to convert advance construction projects.

(f) OBLIGATION OF FUNDS- The action of the Secretary in entering into a project agreement for a project under this section creates a contractual obligation of the United States to pay its proportional contribution for that project.

SEC. 210. PAYMENTS TO STATES.

(a) PROGRESS PAYMENTS- Except for projects administered under the Urban and Rural Program the Secretary may, as work progresses, make payments to a State for costs incurred on a project. These payments shall at no time exceed the Federal share of the costs incurred, including credits for donated land allowed under section 212, to the date of the voucher covering the payment plus the

Federal share of the value of the materials which have been stockpiled in the vicinity of construction in conformity to plans and specifications for the project. Payments may also be made in the case of materials not in the vicinity of construction if the Secretary determines that because of required fabrication at an offsite location the materials cannot be stockpiled in the vicinity. In no case shall total payments exceed total costs incurred by the State for the project.

`(b) FINAL PAYMENT- Except for projects administered under the Urban and Rural Program after completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment of the unpaid balance of the project's Federal share payable. No payment shall be made under this section except for a project covered by a project agreement where agreement is required by section 203(a). No final payment shall be made to a State for its costs of construction of a project until completion of construction has been approved by the Secretary.

`(c) CONSTRUCTION ENGINEERING- Payments for construction engineering on any project financed with National Highway Program or Bridge Program funds other than bridge projects administered under the Urban and Rural Program shall not exceed 15 percent of the Federal share of the cost of the project after excluding from the cost the costs of rights-of-way, preliminary engineering, and construction engineering.

`(d) PAYMENT RECIPIENT- Payments shall be made to an official or officials or depository as designated by the State transportation or highway department and as authorized under the laws of the State to receive public funds of the State.

`SEC. 211. PAYMENTS ON PROJECTS UNDERTAKEN BY A FEDERAL AGENCY.

`Where a proposed project is to be undertaken by a Federal agency pursuant to an agreement between a State and the Federal agency, and the State makes a deposit with or payment to the Federal agency in fulfillment of the State's agreement, the Secretary, upon execution of a project agreement with the State, may reimburse the State for the estimated Federal share of the deposit or payment. Upon completion of the Project and its acceptance by the Secretary, an adjustment shall be made in the Federal share based on the final cost. Any sums reimbursed to the State under this section which may be in excess of the Federal share shall be recovered and credited to the same class of funds from which the Federal payment was made.

`SEC. 212. PRIVATE, STATE AND LOCAL DONATIONS.

`(a) DONATION OF PROPERTY BEING ACQUIRED- Property being acquired for a project under this title may be donated to a Federal agency, a State agency or a political subdivision of a State after the owner or owners have been informed of the right to receive just compensation for the acquisition of the property.

`(b) DONATION OF PRIVATE FUNDS- Interested persons may donate private funds for use on a project under this title. Private donated funds may be applied to the State matching share for the project.

`(c) CREDIT FOR DONATIONS-

`(1) GENERAL RULE- The State matching share for a project with respect to which Federal assistance is provided out of the Highway Account of the Highway Trust Fund may be credited with (A) the fair market value of land incorporated into the project and lawfully donated to the State after April 2, 1987, and (B) the fair market value of land owned by the State or a local government and incorporated into the project.

`(2) ESTABLISHMENT OF FAIR MARKET VALUE- The fair market value of land incorporated into the project shall be established as determined by the Secretary. Fair market value shall not include increases and decreases in value caused by the project. For purposes of this subsection, the fair market value of donated land shall be established as of the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier, and the fair market value of State or local land incorporated into the project shall be established as of the date of entering into an agreement establishing that the land is needed for the project.

`(3) LIMITATION ON AMOUNT OF CREDIT- The credit received by a State pursuant to this subsection may not exceed the State's matching share for the project.

`(d) PROCEDURES- A donation in accordance with (a) or (b) may be made at any time during the development of a project. Any document executed as part of a donation prior to the approval of an environmental document prepared pursuant to the National Environmental Policy Act of 1969 shall clearly indicate that--

`(1) all alternatives to a proposed alignment will be studied and considered pursuant to that Act; and

`(2) acquisition of property or acceptance of private funds under this section shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location.

`CHAPTER 3--PROGRAM ADMINISTRATION

`Sec.

`301. Management Systems; Traffic Monitoring System.

`302. Public hearings.

`303. Standards.

`304. Plans, specifications and estimates.

`305. Alternate project procedures.

`306. Rights-of-way agreements.

`307. Construction.

`308. Letting of contracts.

`309. Prevailing rate of wage.

- `310. Equal opportunity.
- `311. Utility facilities.
- `312. Maintenance.
- `313. Parking; special vehicle routes; buses; transit, rail; high speed ground transportation, and magnetic levitation facilities; and carpools.
- `314. Bicycle transportation and pedestrian walkways.
- `315. Landscaping, scenic enhancement, rest areas, wildflowers.
- `316. Policy on park lands, wildlife, and waterfowl refuges and historic sites.
- `317. Wetlands.
- `318. Project litigation expenses.

`SEC. 301. MANAGEMENT SYSTEMS; TRAFFIC MONITORING SYSTEM.

`(a) MANAGEMENT SYSTEMS- Each State shall have a Bridge Management System, a Pavement Management System, a Safety Management System, and a Congestion Management System developed in accordance with regulations prescribed by the Secretary. Systems shall include inventories and use current condition data to identify needs. The Secretary may withhold project approvals on National Highway Program projects for failure to have approved systems. The regulations shall provide for periodic Federal review of the Management Systems.

`(b) TRAFFIC MONITORING SYSTEM- Each State shall have a Traffic Monitoring System to provide statistically based traffic data necessary for pavement management, bridge evaluation, safety management, congestion management, national studies, and other activities under this title. The Secretary shall establish guidelines and requirements for the Traffic Monitoring System.

`SEC. 302. PUBLIC HEARINGS.

`(a) NATIONAL HIGHWAY PROGRAM PROJECTS- Any State transportation or highway department which submits plans for a National Highway Program project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for hearings, and has considered the economic and social effects of the location, its impact on the environment, and its consistency with the goals and objectives of urban planning promulgated by the community.

`(b) INTERSTATE SYSTEM PROJECTS- Any State transportation or highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for hearings, for the purpose of enabling persons in rural areas who have property contiguous to the highway or property through which the highway will pass to express any objections they may have to the proposed locations of the highway.

`(c) REPORTS- When a hearing has been held under (a) or (b), the State transportation or highway department shall prepare a record of the hearing. The State transportation or highway department shall submit to the Secretary the certification under (a) and (b) accompanied by a report which indicates the consideration given to the economic, social, environmental, and other effects of the plan, highway location or design and various alternatives which were raised during the hearing or which were otherwise considered.

`SEC. 303. STANDARDS.

`(a) APPROVAL OF P.S. AND E- The Secretary shall not approve plans and specifications for proposed National Highway Program projects that are subject to approval if they fail to provide for a facility that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance and that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

`(b) NATIONAL HIGHWAY SYSTEM STANDARDS- The geometric and construction standards to be adopted for the National Highway System shall be those approved by the Secretary in cooperation with the State highway departments and the American Association of State Highway and Transportation Officials, and in consultation with the Secretary of Defense for facilities on the Strategic Highway Network and on major Strategic Highway Network connectors. Standards, as applied to each actual construction project, shall be adequate, at a minimum, to enable the project to accommodate the types and volumes of traffic anticipated for the project for the 20-year period commencing on the date of approval by the Secretary of the project agreement: *Provided*, That the Secretary may except appropriate projects from the minimum period. Interstate System standards shall in all cases provide for at least four lanes of traffic. The Secretary shall apply standards uniformly throughout all the States.

`(c) SIGN, CURB AND PAVEMENT MARKING AND TRAFFIC SIGNAL STANDARDS- On any highway project in which Federal funds participate, the location, form and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in installations that promote the safe and efficient utilization of the highways.

`(d) HIGHWAY AND RAILROAD GRADE CROSSINGS SAFETY STANDARDS- No funds shall be approved for expenditure on any National Highway System or Federal Lands Program highway under this title, unless proper traffic control devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which expenditures are to be made.

`(e) SOIL EROSION GUIDELINES- The Secretary shall issue guidelines for minimizing possible soil erosion from highway construction. The guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of the guidelines.

`(f) CONSIDERATION OF ECONOMIC, SOCIAL AND ENVIRONMENTAL EFFECTS- The Secretary, after consultation with appropriate Federal and State officials, shall promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project under this title have been fully considered in developing the project, and that the final decision on the project is made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing the adverse effects of the following--

- `(1) air, noise, and water pollution;
- `(2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;
- `(3) adverse employment effects, and tax and property value losses;
- `(4) injurious displacement of people, businesses and farms; and
- `(5) disruption of desirable community and regional growth. Guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of the guidelines.

`(g) HIGHWAY NOISE LEVEL STANDARDS- The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate standards for highway noise levels compatible with different land uses and shall not approve plans and specifications for any proposed project on the National Highway System for which location approval has not been secured unless the Secretary determines that the plans and specifications include adequate measures to implement the appropriate noise level standards. The Secretary may approve any project on the National Highway System for the purpose of carrying out noise level standards. A project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the National Highway Program shall be available to finance the Federal share of the project. The project shall be deemed a highway project for all purposes of this title.

`(h) AMBIENT AIR QUALITY- The Secretary shall cooperate with the Administrator of the Environmental Protection Agency in developing and promulgating guidelines to assure that highways constructed pursuant to this title are in conformity with any approved plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.

`(i) CONTINGUOUS STATES- The Secretary shall not approve any project involving approaches to a bridge under this title, if the project and bridge will significantly affect the traffic volume and the highway system of a contiguous State without first taking into full consideration the views of that State.

“(j) NONMOTORIZED TRANSPORTATION TRAFFIC AND LIGHT MOTORCYCLES- The Secretary shall not approve any project under this title that will result in the severance or destruction of an existing major route for nonmotorized transportation traffic and light motorcycles, unless the project provides a reasonable alternative route or an alternative route exists.

“(k) 3-R PROJECTS- A project for resurfacing, restoring, or rehabilitating any highway, other than a fully access-controlled highway, in which Federal funds participate shall be constructed in accordance with standards to preserve and extend the service life of highways and enhance highway safety. Resurfacing, restoring or rehabilitating projects on fully access-controlled highways shall be constructed in accordance with new construction and major reconstruction standards.

“SEC. 304. PLANS, SPECIFICATIONS AND ESTIMATES.

“(a) APPROVAL OF P,S AND E- The State transportation or highway department shall submit to the Secretary for approval plans, specifications and estimates for proposed projects as the Secretary may require.

“(b) CONSTRUCTION ENGINEERING COSTS- Items included in any estimate for construction engineering shall not exceed 15 percent of the total estimated cost of a project financed with National Highway Program or Bridge Program funds other than bridge projects administered under the Urban and Rural Program, after excluding from the total estimated cost, the estimated costs of rights-of-way, preliminary engineering, and construction engineering.

“(c) COST REDUCTION ANALYSIS- Plans, specifications and estimates for proposed projects shall be accompanied by a value engineering or other cost reduction analysis if the Secretary determines that it is necessary.

“SEC. 305. ALTERNATE PROJECT PROCEDURES.

“(a) DISCHARGE OF RESPONSIBILITIES- The Secretary may discharge responsibilities under this title relative to any National Highway Program project,

“(1) meeting the categorical exclusion criteria, as defined in title 23, Code of Federal Regulations, section 771, and having an estimated cost of construction of less than \$1,000,000 upon the request of any State, by accepting a certification by the State transportation or highway department that these projects will be developed, let to contract and constructed in the same manner as other National Highway Program projects, or

“(2) meeting the categorical exclusion criteria, as defined in title 23, Code of Federal Regulations, section 771, costing over \$1,000,000, selected in accordance with criteria established by the Secretary, by accepting a certification by the State transportation or highway department that these projects will be developed, let to contract and constructed in the same manner as other National Highway Program projects.

“(b) PROCEDURES AFTER FISCAL YEAR 1995- After the fiscal year 1995, the Secretary shall discharge responsibilities for the National Highway Program

projects described in (a)(1) by the certification process. The Secretary will, after fiscal year 1995, rescind project approval if a satisfactory certification is not presented by the State.

`(c) PROJECT ACCEPTANCE AND REPORTS- The Secretary shall accept projects based on inspections of a type and frequency deemed appropriate and shall require reports as may be necessary.

`(d) GUIDELINES AND REGULATIONS- The procedures authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate guidelines and regulations necessary to carry out this section.

`(e) RESCISSION OF ACCEPTANCE- Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time.

`(f) FEDERAL LAW OTHER THAN TITLE 23- Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 303 of title 49, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et seq.), title VIII of the Act of April 11, 1968 (Public Law 90-284, 42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.) other than this title.

`SEC. 306. RIGHTS-OF-WAY AGREEMENTS.

`(a) IN GENERAL- All agreements between the Secretary and the State transportation or highway department for the construction of fully access controlled highways on the National Highway System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for the project, without the prior approval of the Secretary, or as provided for in this section. Agreements may authorize a State or political subdivision, subject to the provisions of (d), to use or permit the use of the right-of-way airspace of the highway for purposes that will not impair the full use and safety of the highway, that will not require or permit vehicular access to the space directly from the established gradeline of the highway, or otherwise interfere in any way with the free flow of traffic. Nothing in this section, or in any agreement entered into under this section, shall require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway or route on the National Highway System (1) if the establishment (A) was in existence before January 1, 1960, (B) is owned by a State, and (C) is operated through concessionaires or otherwise, and (2) if all access to, and exits from, the establishment conform to the standards established under this title.

`(b) Commercial Use of Rest Areas-

`(1) LEASE AGREEMENTS- Any State may enter into lease agreements with providers of food and fuel services to motor vehicle users, but not including major repair services, lodging, or other motorist oriented activities, for the provision of services at existing or proposed rest areas on

fully access controlled highways on the National Highway System. The State shall charge, as a minimum, for any lease, fair market value for the use of the rest area and shall use a percentage of the net income from the revenues obtained from leases and lease renewals, equal to the percentage of Federal funds used to acquire the rest area, for National Highway Program projects eligible under this title.

`(2) REST AREA MANAGEMENT- There shall be no access to, nor exit from, any rest area on a fully access controlled highway on the National Highway System other than from ramps connecting with the through lanes of the highway. Any rest area selected for commercial use shall be designed, configured, or altered, and shall be operated in a manner to retain its primary function as a rest area; with all of the facilities typically found in a rest area available to the motoring public independent of the commercial use facilities. The commercial use facilities must be constructed, operated, and maintained in accordance with all applicable State and local law in a manner that will not interfere with the functioning of the rest area. Commercial use facilities must comply with the Uniform Federal Accessibility Standards. The rest area shall be maintained by the State or by written agreement with the commercial user or other party. Motor vehicle services shall be provided on a 24-hour basis, daily; holidays included. By agreement, the State may require similar provision of food service.

`(3) ELIGIBLE FEDERAL COSTS- The costs of altering, modifying, or otherwise changing, including expanding, an existing or proposed rest area to accommodate commercial use shall not be eligible for Federal assistance under this title. Federal assistance under this title shall be limited to those right-of-way and physical construction costs of a new rest area that represent a typical noncommercial rest area.

`(c) VENDING MACHINES- Any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of a fully access controlled highway of the National Highway System in the State. Vending machines may only dispense food, drink, and other articles as the State transportation or highway department determines are appropriate and desirable. Vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.

`(d) INCOME FROM RIGHT-OF-WAY AIRSPACE- States shall charge, as a minimum, fair market value for the sale, use, lease, or lease renewals of right-of-way airspace acquired as a result of a project funded in whole or in part with Federal assistance made available from the Highway Account of the Highway Trust Fund: *Provided*, That the States may permit a governmental use, use by public or private entities for high speed rail (including magnetic levitation

systems) and other transit or utility use and occupancy, or for transportation projects eligible for assistance under this title without charge. Exceptions to the fair market value requirement may be granted by the Secretary for social, environmental, and economic mitigation purposes. This subsection applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State after April 2, 1987. A percentage of net income from the revenues obtained by the State for a sale, use, or lease (including a lease renewal) under this section, equal to the percentage of Federal funds used for the project, shall be used by the State for projects eligible under this title.

SEC. 307. CONSTRUCTION.

(a) CONSTRUCTION WORK IN GENERAL- The construction of any highways on the National Highway System shall be undertaken by the respective State transportation or highway departments or under their direct supervision, subject to the inspection and approval of the Secretary and in accordance with State and Federal law. The State transportation or highway department may erect funding and informational signs on the site of construction projects that conform with standards developed by the Secretary.

(b) CONVICT LABOR- Convict labor shall not be used in construction of highways on the National Highway System unless it is labor performed by convicts who are on parole, supervised release, or probation.

(c) WARRANTIES/GUARANTEES- The State transportation or highway department may include warranty/guarantee provisions in construction contracts in accordance with standards developed by the Secretary. Warrantee/Guarantee provisions, if used, shall be for a specific construction product or feature and may not include routine maintenance.

SEC. 308. LETTING OF CONTRACTS.

(a) COMPETITIVE BIDDING- In all cases where construction is to be performed by the State transportation or highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require plans and specifications and methods of bidding as shall be effective in securing competition: *Provided*, That Indian contractors certified by State transportation or highway departments shall receive preference in the award of contracts on Indian reservations to the maximum extent practicable.

(b) BIDDING REQUIREMENTS-

(1) IN GENERAL- Subject to (a) and (b)(2), construction of each project shall be performed by contract awarded by competitive bidding, unless the State transportation or highway department demonstrates, to the satisfaction of the Secretary, that some other method is more cost effective or that an emergency exists. Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive/responsible bid submitted by a bidder meeting established criteria of responsibility. No

requirement or obligation shall be imposed as a condition precedent to the award of a contract to a bidder for a project, or to the Secretary's concurrence in the award of a contract to a bidder, unless the requirement or obligation is otherwise lawful and is set forth in the advertised specifications.

^(2) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES-

^(A) GENERAL RULE- Each contract for programs management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services with respect to a project subject to the provisions of (a) shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirements.

^(B) APPLICABILITY-

^(i) IN A COMPLYING STATE- If, on April 2, 1987, the services described in (A) may be awarded in a State in the manner described in (A), (A) shall apply in the State beginning April 2, 1987, except to the extent that the State adopts by statute a formal procedure for the procurement of services.

^(ii) IN A NONCOMPLYING STATE- In the case of any other State, (A) shall apply in the State beginning on the earlier of (I) August 1, 1989, or (II) the 10th day following the close of the 1st regular session of the legislature of a State which begins after April 2, 1987, except to the extent that the State adopts or has adopted by statute a formal procedure for the procurement of the services described in (A).

^(c) SWORN STATEMENT- The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to (b), and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom the contract is to be awarded, certifying that the person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the contract.

^(d) CONTRACT AWARD CONCURRENCE- No contract awarded by competitive bidding pursuant to (b), and subject to the provisions of this section, shall be entered into by any State transportation or highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award: *Provided*, That contracts for Urban and Rural Program projects may be entered into without the prior concurrence of the Secretary in the award.

^SEC. 309. PREVAILING RATE OF WAGE.

“(a) HIGHWAY PROJECT WAGES- The Secretary shall take action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the construction work performed on a highway project financed in whole or in part with Federal funds under this title with a project cost of \$250,000 or more, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, known as the Davis-Bacon Act (40 U.S.C. 276a):

“(1) Any person entering into a contract under which wages are to be determined in accordance with this section shall not divide any project into contracts of \$250,000 or less if the project would not have been so divided but for the purpose of avoiding application of this section.

“(2) Whenever the Secretary of Labor determines that a division for such purposes as described in (1) has occurred, the Secretary may (A) require that the contracts, grants, or other instruments providing Federal financing or assistance be amended so as to incorporate retroactively all the provisions which would have been required under this Act or other applicable prevailing wage statute, and (B) require the contracting or assisting agency, the recipients of Federal financing or assistance, or any other entity which awarded the contract or instrument providing Federal financing or assistance in violation of this section, to compensate the contractor, the grantee, or other recipient of Federal assistance, as appropriate, for payment to each affected laborer and mechanic, of an amount equal to the difference between the rate received and the applicable prevailing wage rate, with interest on wages due at the rate specified in section 6621(a)(2) of title 26, United States Code, from the date the work was performed by such laborers and mechanics. The Secretary shall make such a determination only if the Secretary has notified the agency or entity in question no later than 180 days after completion of construction on the project that an investigation will be conducted concerning an alleged violation of this paragraph.

“(b) PREDETERMINATION OF MINIMUM WAGE- In carrying out the duties of (a), the Secretary of Labor shall consult with the transportation or highway department of the State in which a project is to be performed. After giving due regard to the information thus obtained the Secretary of Labor shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of (a) which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

“(c) APPLICABILITY TO APPRENTICESHIP AND SKILL TRAINING PROGRAMS- The provisions of this section shall not be applicable to employment pursuant to apprenticeship and skill training programs which have been certified by the Secretary as promoting equal employment opportunity in connection with highway construction programs under this title.

“SEC. 310. EQUAL OPPORTUNITY.

`(a) EQUAL EMPLOYMENT OPPORTUNITY- The Secretary shall require assurance from any State desiring to avail itself of the benefits of this title, that employment in connection with proposed projects will be provided without discrimination based on race, color, religion, national origin, age, disability, or sex. The Secretary shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. For the National Highway Program, the Secretary shall, where necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this title that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, religion, national origin, age, disability, or sex. The Secretary shall periodically obtain from the Secretary of Labor and the respective State transportation or highway departments information to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary assistance and information as necessary to carry out the equal employment opportunity program.

`(b) HIGHWAY CONSTRUCTION TRAINING- The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or other organization or person, is authorized to develop, conduct, and administer highway construction training, including skill improvement programs. Not to exceed one-fourth of 1 percent of the funds apportioned to a State under section 202 shall be available to carry out this section upon a request by the State transportation or highway department. Whenever apportionments are made under section 202, the Secretary shall deduct necessary sums, not to exceed \$10,000,000 per fiscal year for the administration of this subsection. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts, grants and agreements made under the authority granted in this subsection to the Secretary.

`(c) DISADVANTAGED BUSINESS PROFICIENCY- The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that disadvantaged businesses may achieve proficiency to compete, on an equitable basis, for contracts and subcontracts. Whenever apportionments are made under section 202, the Secretary shall deduct necessary sums, not to exceed \$10,000,000 per fiscal year, for the administration of this subsection. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts, grants and agreements made under the authority granted in this subsection to the Secretary notwithstanding the provisions of section 302(e) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(e)).

`(d) INDIAN EMPLOYMENT- Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(i)), nothing in this section shall preclude the

preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. The Secretary shall cooperate with Indian tribal governments and the States to implement this subsection.

`(e) PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX- No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. This remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

`SEC. 311. UTILITY FACILITIES.

`(a) PAYMENTS FOR THE COST OF RELOCATION- When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project under this title, Federal funds may be used to reimburse the State for the cost in the same proportion as Federal funds are expended on the project.

`(b) UTILITY DEFINED- The term `utility', for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

`(c) COST OF RELOCATION DEFINED- The term `cost of relocation', for the purposes of this section, shall include the entire amount paid by the utility properly attributable to relocation after deducting any increase in the value of the new facility and any salvage value derived from the old facility.

`SEC. 312. MAINTENANCE.

`(a) DUTY TO MAINTAIN- It shall be the duty of the State transportation or highway department to maintain, or cause to be maintained, any project on the National Highway System constructed with the aid of Federal funds under this title or under the provisions of prior Acts. Each State shall use sums needed from its National Highway Program apportionment to ensure adequate maintenance of the Interstate System. If the Secretary finds that a State is not adequately maintaining the Interstate System, the Secretary will require the State to program amounts from its National Highway Program apportionments to bring the Interstate System up to adequate condition and keep it in that condition. The State's obligation to the United States to maintain a project shall cease when it no longer constitutes a part of the National Highway System.

`(b) STATE AGREEMENTS WITH LOCAL OFFICIALS- In any State where the State transportation or highway department is without legal authority to maintain a project within a municipality or within an Indian reservation, the transportation or highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the municipality or Indian tribe.

`(c) WITHHOLDING PROJECT APPROVAL- If at any time the Secretary shall find that any project on the National Highway System constructed under this title, or constructed under the provisions of prior highway Acts, is not being properly

maintained, the Secretary shall call that fact to the attention of the State transportation or highway department. If, within 90 days after receipt of the notice, the project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State in which the project is located, whichever the Secretary deems most appropriate, until the project shall have been put in proper condition of maintenance.

SEC. 313. PARKING; SPECIAL VEHICLE ROUTES; BUSES; TRANSIT RAIL, HIGH SPEED GROUND TRANSPORTATION, AND MAGNETIC LEVITATION FACILITIES; AND CARPOOLS.

(a) CARPOOL AND OTHER PUBLICLY OWNED PARKING FACILITIES- The Secretary may approve as a project on the National Highway System the acquisition of land adjacent to the right-of-way and the construction of carpool and other publicly owned parking facilities thereon or within the right-of-way, including the use of the air space above and below the established grade line of the highway pavement. The parking facility shall be located and designed with due consideration to existing or planned public transportation facilities. Carpool parking facilities shall have as their primary purpose the reduction of vehicular traffic on the National Highway System. Publicly owned parking facilities, other than carpool parking facilities, must serve an urbanized area. In the event fees are charged for the use of any facility, the revenue in excess of that required for maintenance and operation including compensation to any person for operating the facility shall be used for title 23 related programs.

(b) CARPOOLS- In order to conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary may approve for Federal financial assistance from National Highway Program funds 'projects' designed to encourage the use of carpools. As used in this subsection, the term 'carpool' includes a van pool. A project may include, but is not limited to, measures providing carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of convenient carpool opportunities, acquiring vehicles appropriate for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use as preferential parking for carpools.

(c) APPROVAL OF PARKING FACILITY PROJECTS- The Secretary shall not approve any project under (a), other than a carpool parking facility project, until--

(1) the Secretary has determined that the State, or the political subdivision, where the project is to be located, or any agency, or instrumentality of the State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

(2) the Secretary has entered into an agreement governing the financing, maintenance, and operation of the parking facility with the State, political subdivision, agency or instrumentality, including necessary requirements

to ensure that adequate public transportation services will be available to persons using the facility; and

`(3) the Secretary has approved design standards for constructing the facility developed in cooperation with the State transportation or highway department.

`(d) PARKING FACILITIES DEFINED- The term `parking facilities' for purposes of (a) shall include access roads, buildings, structures, equipment, improvements, and interests in lands.

`(e) CONTRACTING TO OPERATE PARKING FACILITIES- Nothing in this section, or in any rule or regulation issued under this section, or in any agreement required by this section, shall prohibit (1) any State, political subdivision, or agency or instrumentality, from contracting with any person to operate any parking facility constructed under this section, or (2) any person from operating the facility.

`(f) PLANNING FOR URBANIZED AREA PARKING FACILITIES- The Secretary shall not approve any project under (a) in an urbanized area unless the Secretary determines that it is based on a transportation planning process carried on in accordance with section 114.

`(g) BUSES- The Secretary may approve as a project on the National Highway System, the construction of exclusive or preferential high occupancy vehicle lanes, highway traffic control devices, intercity and urban bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve high occupancy vehicles, intercity bus and public mass transportation passengers. If fees are charged for the use of any parking facility constructed under this section, the revenue in excess of that required for maintenance and operation of the facility and the cost of providing shuttle service to and from the facility including compensation to any person for operating the facility and for providing shuttle service shall be used for title 23 purposes.

`(h) HOV, EMERGENCY VEHICLE, ROUTES OR LANES- National Highway System funds shall be available to finance the Federal share of projects for exclusive or preferential high occupancy vehicle, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection on the Interstate System can have less than four lanes of traffic.

`(i) PROJECT UTILIZATION- No HOV project authorized by this section shall be approved unless the Secretary has received assurances from the owner or operator of the facility that high occupancy vehicles will fully utilize the proposed project and that essential operations and enforcement support of the facility will be provided.

`(j) RAIL, HIGH SPEED GROUND TRANSPORTATION, MAGNETIC LEVITATION, AND TRANSIT FACILITIES- In any case where sufficient land exists within the publicly acquired rights-of-way of the National Highway System to accommodate needed rail, including high speed ground transportation and magnetic levitation systems, or nonhighway public mass transit facilities and where the accommodation can be accomplished without impairing automotive safety or future highway improvements, the Secretary may authorize a State to make those lands and rights-of-way available without charge to a publicly or

privately owned mass transit authority or company for those purposes wherever the public interest will be served.

SEC. 314. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) PEDESTRIAN WALKWAY PROJECTS- To encourage energy conservation and the multiple use of highway rights-of-way, including the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, as title 23 projects, construct pedestrian walkways within those corridors. Funds from title 23 programs shall be available for pedestrian walkways authorized under this section. Projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

(b) BICYCLE AND PEDESTRIAN PROJECTS-

(1) ELIGIBLE PROJECTS- The States may construct as title 23 projects new or improved lanes, paths, or shoulders; traffic control devices, shelters for and parking facilities for bicycles and pedestrians within corridors, and carry out nonconstruction projects related to safe bicycle and pedestrian use. Funds from title 23 programs shall be available for bicycle and pedestrian projects. National Highway Program and Urban and Rural Program funds may be used for this purpose at a 100 percent Federal share. Projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes. All bicycle and pedestrian projects authorized by this section shall be principally for transportation, rather than recreation purposes.

(2) BRIDGE FUNDS- In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway, other than a fully access controlled highway, on which bicycle or pedestrians are permitted to operate at each end of the bridge, and the Secretary determines that the safe accommodation of bicycle or pedestrians can be provided at reasonable cost as part of replacement or rehabilitation, then the bridge shall be replaced or rehabilitated to provide safe accommodations.

(c) FEDERAL LANDS HIGHWAYS FUNDS- Funds authorized for forest highways, park roads and parkways and Indian reservation roads shall be available, at the discretion of the department charged with the administration of the funds, for the construction of pedestrian walkways and bicycle routes in conjunction with the roads, highways, and parkways.

(d) MOTORIZED VEHICLES- No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes and, when snow conditions and State or local regulations permit, snowmobiles.

(e) URBAN AND RURAL PROGRAM FUNDS- A State may expend Urban and Rural program funds for the construction of pedestrian walkways and bicycle

routes other than for walkways and routes on National Highway System facilities or on roads functionally classified as local or rural minor collector.

SEC. 315. LANDSCAPING, SCENIC ENHANCEMENT; REST AREAS; WILDFLOWERS.

(a) LANDSCAPING AND ROADSIDE DEVELOPMENT- The Secretary may approve as a part of the construction of 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 significant environmental features and scenic beauty adjacent to highways. Improvements shall not include vegetation that will affect safe highway operations by becoming a roadside obstacle.

(b) PLANTING OF WILDFLOWERS-

(1) GENERAL RULE- The Secretary shall require the planting of native wildflower seeds or seedlings, or both, as part of any landscaping project under this section. At least one-fourth of 1 percent of the funds expended for a landscaping project shall be used for plantings.

(2) WAIVER- The requirements of this subsection may be waived by the Secretary if a State certifies that native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited or otherwise used for agricultural purposes.

(3) GIFTS- Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects.

SEC. 316. POLICY ON PARK LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.

(a) POLICY- It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

(b) COOPERATION AND CONSULTATION- The Secretary shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities facilities.

(c) USE OF PROTECTED RESOURCES- The Secretary may approve a transportation program or project (other than a project for a park road or parkway under section 109) requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as

determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if--

- `(1) there is no prudent and feasible alternative to using that land; and
- `(2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

`SEC. 317. WETLANDS.

`National Highway Program and Urban and Rural Program funds may be used either as part of a highway construction project or as a separate project to participate in wetland mitigation banks or to contribute to statewide programs which comply with the requirements of the Secretary of the Army and the Administrator of the Environmental Protection Agency that create, conserve, or enhance wetland habitat. The programs may include the development of Statewide wetland mitigation plans, State or regional wetland conservation and enhancement banks, and other projects. Contributions toward these efforts may occur in advance of specific project activity to build up credit for future projects that may impact wetlands.

`SEC. 318. PROJECT LITIGATION EXPENSES.

`The cost of a project under this title shall include the cost of attorney fees and other litigation expenses that are authorized by the Equal Access to Justice Act (28 U.S.C. 2412(d)) and imposed as a liability upon the Secretary in connection with the development of the project. The Federal share payable shall be 100 percent of cost.'`

SEC. 107. CHAPTER 6 OF TITLE 23.

Chapter 6 of title 23, United States Code is added as follows:

`CHAPTER 6--GENERAL PROVISIONS

- `Sec.
- `601. Rules, regulations, and recommendations.
- `602. State transportation or highway department.
- `603. Relief of employees in hazardous work.
- `604. Federal-State relationship.
- `605. Acquisition of rights-of-way--national highway system.
- `606. Appropriation for highway purposes of lands or interests in lands owned by the United States.
- `607. Consent by United States to conveyance of property.
- `608. Participation by small business enterprises.
- `609. Archeological and paleontological recovery.

- `610. Defense access roads.
- `611. Highway improvements strategically important to the national defense.
- `612. Civil defense.
- `613. Cooperation with Federal and State agencies and foreign countries.
- `614. Detail of army, navy, and air force officers.
- `615. Alaska-Canada international highway.
- `616. Forest development roads and trails.
- `617. Public lands development roads and trails.
- `618. Condition, performance, needs report.

`SEC. 601. RULES, REGULATIONS, AND RECOMMENDATIONS.

`Except as otherwise expressly provided in this title, the Secretary is authorized to prescribe and promulgate all rules and regulations for carrying out this title. The Secretary may make recommendations to the Congress and State transportation or highway departments as necessary for preserving and protecting the highways and insuring safety to traffic.

`SEC. 602. STATE TRANSPORTATION OR HIGHWAY DEPARTMENT.

`Any State desiring to avail itself of the provisions of this title shall have a State transportation or highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. In meeting the provisions of this section, a State may engage the services of private engineering firms.

`SEC. 603. RELIEF OF EMPLOYEES IN HAZARDOUS WORK.

`The Secretary is authorized in an emergency to use appropriations to the Department of Transportation for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Federal Highway Administration engaged in hazardous work.

`SEC. 604. FEDERAL-STATE RELATIONSHIP.

`The authorization of the appropriation of Federal funds or their availability for expenditure under this title shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed.

`SEC. 605. ACQUISITION OF RIGHTS-OF-WAY--NATIONAL HIGHWAY SYSTEM.

`(a) **AUTHORITY TO ACQUIRE LANDS, IN GENERAL-** In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term `interests in lands', the control of access from adjoining lands) required by that State for right-of-way or other purposes for a project for the construction, reconstruction, or improvement of the National Highway System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of those lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if--

`(1) the Secretary determines either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire those lands or interests in lands with sufficient promptness; and

`(2) the State has agreed with the Secretary to pay, at a time as may be specified by the Secretary an amount equal to that percent of the costs incurred by the Secretary, in acquiring the lands or interests in lands which represents the State's pro rata share of project costs as determined in accordance with section 204.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

`(b) **COSTS INCURRED BY THE SECRETARY-** The costs incurred by the Secretary in acquiring any lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, any fees incidental to acquisition, and any costs, fees or expenses incurred by the United States in acquiring lands through condemnation or otherwise. All costs incurred by the Secretary in connection with the acquisition of any lands or interests in lands shall be paid from the National Highway Program funds apportioned to the State upon the request of which lands or interests in lands are acquired, and any sums paid to the Secretary by the State as its share of the costs of acquisition of lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation of Federal-aid highways and shall be credited to the amount apportioned to the State as its apportionment of National Highway Program funds, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated for the National Highway Program.

`(c) **CONVEYANCE OF LANDS BY THE SECRETARY-** The Secretary is authorized and directed by proper deed, executed in the name of the United States, to convey any lands or interests in lands acquired in any State under the provisions of this section to the State transportation or highway department of the State or its political subdivision as its laws may provide, upon terms and conditions as may be agreed upon by the Secretary and the State transportation or highway department or political subdivision to which the conveyance is to be made.

`(d) **LANDS OWNED BY THE UNITED STATES-** Whenever rights-of-way, including control of access, on the National Highway System are required over lands or interests in lands owned by the United States, the Secretary may make

arrangements with the agency having jurisdiction over the lands to give the State or other person constructing the projects on those lands adequate rights-of-way and control of access from adjoining lands, and any agency is directed to cooperate with the Secretary.

`SEC. 606. APPROPRIATION FOR HIGHWAY PURPOSES OF LANDS OR INTERESTS IN LANDS OWNED BY THE UNITED STATES.

`(a) DETERMINATION OF NECESSITY; MAP FILING- If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any highway adjacent to those lands or interest in lands, the Secretary shall file with the Secretary of the Department supervising the administration of those lands or interests in lands a map showing the portion of those lands or interests in lands which it is desired to appropriate.

`(b) ACTION OF LAND MANAGEMENT AGENCY- If within a period of 4 months after filing, the Secretary of that Department shall not have certified to the Secretary that the proposed appropriation of that land or material is contrary to the public interest or inconsistent with the purposes for which that land or material has been reserved, or shall have agreed to the appropriation and transfer under conditions which are necessary for the adequate protection and utilization of the reserve, then the land and material may be appropriated and transferred to the State transportation or highway department, or its nominee, for those purposes and subject to the conditions specified.

`(c) REVERSION TO LAND MANAGEMENT AGENCY- If at any time the need for lands or materials for those purposes no longer exist, notice of the fact shall be given by the State transportation or highway department to the Secretary and the lands or materials shall immediately revert to the control of the Secretary of the Department from which they were appropriated.

`SEC. 607. CONSENT BY UNITED STATES TO CONVEYANCE OF PROPERTY.

`For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State transportation or highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

`SEC. 608. PARTICIPATION BY SMALL BUSINESS ENTERPRISES.

`It is in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of highways. In order to carry out that intent and encourage full and free competition, the Secretary shall assist, insofar

as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the Highway Program.

SEC. 609. ARCHEOLOGICAL AND PALEONTOLOGICAL RECOVERY.

A State may use funds authorized to be appropriated to carry out this title for archeological and paleontological data recovery in compliance with the Act entitled 'An Act for the preservation of American antiquities,' approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

SEC. 610. DEFENSE ACCESS ROADS.

(a) CONSTRUCTION AND MAINTENANCE OF DEFENSE ACCESS ROADS- The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels) to military reservations, to defense industries and defense industry sites, and to the sources of raw material when the roads are certified to the Secretary as important to the national defense by the Secretary of Defense or other official as the President may designate, and for replacing existing highways and highway connections that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) AVAILABILITY OF APPROPRIATED FUNDS- Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) FUNDS APPROPRIATED FOR DEFENSE MANEUVERS AND EXERCISES- Funds appropriated for defense maneuvers and exercises, may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for construction, maintenance, and repair work as may be necessary to keep the highways in those areas, which have been or may be used for training of the Armed Forces, in suitable condition for training purposes and for repairing the damage caused to highways by the operations of personnel and equipment in training.

(d) ACQUISITION AND CONVEYANCE OF LAND- If the Secretary shall determine that the State transportation or highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession, and expend funds, prior to approval of title by the Attorney General, in the name of the United States, of rights-of-way, lands or interest in lands as may be required in the State for projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any rights-of-way, lands, or

interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to acquisition; and shall be payable out of funds available for paying the cost or the Federal share of the cost of the project for which rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of this section to the State transportation or highway department of the State or to a political subdivision thereof as its laws may provide, upon terms and conditions as may be agreed upon by the Secretary and the State transportation or highway department, or political subdivisions to which the conveyance is to be made.

`(e) LETTING OF CONTRACTS- The provisions of section 308 are applicable to defense access roads.

`(f) ADVANCED FUNDS- The Secretary, after determining that it is necessary for the expeditious completion of any defense access road project, may advance to any State out of funds appropriated for defense access roads transferred and available to the Secretary, the Federal share of the cost of construction to enable the State transportation or highway department to make prompt payments for acquisition of rights-of-way, and for construction as it progresses. Sums advanced shall be deposited in a special fund by the State official authorized by State law to receive funds, to be disbursed solely upon vouchers approved by the State transportation or highway department for rights-of-way which have been or are being acquired and for construction which has been actually performed under this section. Upon determination by the Secretary that funds advanced to any State are no longer required, the amount of the advance which is determined to be in excess of requirements for the project shall be repaid, and repayments shall be returned to the credit of the appropriation from which the funds were advanced.

`(g) REPAIR OF DAMAGE- Funds appropriated for the purposes of this section shall be available to pay the cost of repairing damage caused to highways by the operation of vehicles and equipment in the construction of classified military installations and facilities for ballistic missiles if the Secretary shall determine that the State transportation or highway department of any State is, or has been, unable to prevent damage by restrictions upon the use of highways without interference with or delay in, the completion of a contract for the construction of military reservations or installations. This subsection shall apply notwithstanding any provision of contract holding a party thereto responsible for damage, if the Secretary of Defense or his designee shall determine, in fact, that construction estimates and the bid of party did not include allowance for repairing damage.

`SEC. 611. HIGHWAY IMPROVEMENTS STRATEGICALLY IMPORTANT TO THE NATIONAL DEFENSE.

`(a) ADMINISTRATIVE FUNDS- Administrative funds made available under section 202(a) may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for the urgent improvements of highways strategically important from the standpoint of

the national defense undertaken on the order of the Secretary upon the request of the Secretary of Defense or other official that the President may designate.

`(b) APPORTIONED FUNDS- With the consent of a State, funds apportioned under section 202 may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

`(c) APPROVAL OF PROJECTS- In approving projects under this title the Secretary may give priority of approval to, and expedite the construction of projects that are recommended as important to the national defense by the Secretary of Defense or other official authorized by the President to make that recommendation.

`SEC. 612. CIVIL DEFENSE.

`In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed with the aid of Federal funds, the Secretary is authorized and directed to consult, from time to time, with the Federal Emergency Management Agency relative to the civil defense aspects of highways.

`SEC. 613. COOPERATION WITH FEDERAL AND STATE AGENCIES AND FOREIGN COUNTRIES.

`(a) SERVICES, AUTHORITY AND REIMBURSEMENT- The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for services, which may include depreciation on engineering and road building equipment used, shall be credited to the appropriation concerned.

`(b) MATERIALS, AUTHORITY AND REIMBURSEMENT- Appropriations for the work of the Federal Highway Administration shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution of projects under the supervision of the Federal Highway Administration, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of supplies and materials or the value of equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

`SEC. 614. DETAIL OF ARMY, NAVY, AND AIR FORCE OFFICERS.

`The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Federal Highway Administration of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers detailed shall be paid from

appropriations available to the Department of Transportation on the same basis as authorized by law and by regulations of the Department of Defense for those officers.

SEC. 615. ALASKA-CANADA INTERNATIONAL HIGHWAY.

(a) RECONSTRUCTION, IN GENERAL- Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska-Canada International Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of that highway. Authorizations shall remain available until expended. Expenditures shall be made for the construction of highways pursuant to the agreement reached between the Government of Canada and the Government of the United States that provides, in part, that the Canadian Government--

(1) will provide, without participation of funds authorized under this title, all necessary right-of-way for the reconstruction of the highways;

(2) will not impose any highway toll, or permit any toll to be charged for the use of the highways by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of the highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

(5) will maintain the highways after their completion in proper condition adequately to serve the needs of present and future traffic.

(b) SUPERVISION BY THE SECRETARY- The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

SEC. 616. FOREST DEVELOPMENT ROADS AND TRAILS.

(a) COSTS OF CONSTRUCTION AND MAINTENANCE- Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the costs of construction and maintenance including costs on roads and trails on experimental and other areas under Forest Service administration. The Secretary of Agriculture may enter into contracts with a State or civil subdivision and issue necessary regulations.

(b) COOPERATION OF STATE AND LOCAL GOVERNMENTS-

Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) COMPETITIVE BIDDING- Construction estimated to cost \$50,000 or more per mile or \$50,000 or more per project for projects with a length of less than one

mile, exclusive of bridges and engineering, shall be advertised and let to contract. If the estimated cost is less than \$50,000 per mile or \$50,000 per project for projects with a length of less than one mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account.

`(d) PARKING AREAS AND SANITARY, WATER, AND FIRE CONTROL FACILITIES- Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

`SEC. 617. PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.

`Funds available for public lands development roads and trails shall be used to pay the cost of construction and improvement of these roads and trails and shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

`SEC. 618. CONDITION, PERFORMANCE, NEEDS REPORT.

`The Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives in January 1993, and in January of every second year thereafter, the condition and performance of the existing system and estimates of the future highway and bridge needs of the Nation. Beginning with the report due in January 1995, the report shall include the results of studies of the air quality impacts of transportation programs including the air quality benefits realized from transportation control measure required under the Clean Air Act, as amended.'

SEC. 108. POLICY ON PARK LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.

Section 303(c) of title 49, United States Code, is amended by striking `204' and inserting `110'.

SEC. 109. SPECIAL PROVISIONS FOR OUTDOOR ADVERTISING AND JUNKYARDS.

(a) UNEXPENDED FUNDS- Any unexpended funds that have been authorized and appropriated prior to October 1, 1991, to carry out section 131 or 136 of title 23, United States Code, are withdrawn from expenditure, except to the extent that a State has obligated the funds and acted in detrimental reliance upon the obligation.

(b) EFFECTIVE CONTROL- Any State that is not in compliance with sections 116 and 117 of title 23, United States Code, by the end of the first regular legislative session in the State which is convened after October 1, 1991, is not exercising effective control. Prior to October 1, 1993, the National Highway

System shall mean the preliminarily designated National Highway System created pursuant to section 102(d) of title 23. Until complying State legislation becomes effective in each State, the more stringent of the controls required by this Act and the requirements for effective controls as they existed prior to the effective date of this Act shall apply.

(c) BONUS CLAIMS- Bonus payment claims made by States in accordance with agreements in effect June 30, 1965, and filed prior to March 1, 1992, shall remain eligible for reimbursement out of any funds appropriated for that purpose.

SEC. 110. FUNCTIONAL RECLASSIFICATION.

A functional reclassification, which shall be updated periodically, should be completed by each `State', as that term is defined in section 401 of title 23, United States Code, by September 30, 1992, and shall be completed by September 30, 1993 in accordance with guidelines that will be issued by the Secretary. The functional reclassification shall classify all `public roads' as that term is defined in section 101 of title 23, United States Code.

SEC. 111. BRIDGE MANAGEMENT SYSTEM AND LEVEL OF SERVICE CRITERIA.

The Secretary shall, by January 1, 1992, in consultation with the States, establish level of service criteria for the Bridge Program and minimum requirements for a Bridge Management System.

SEC. 112. TOLL FACILITY AGREEMENTS.

Toll facility agreements reached before October 1, 1991 under section 105 of the Federal-Aid Highway Act of 1978 or section 129 of title 23, United States Code, restricting the imposition of tolls on facilities constructed with Federal funds may be amended to continue tolls pursuant to section 105(f) of title 23, United States Code.

SEC. 113. USE OF HIGH OCCUPANCY LANES BY MOTORCYCLES.

Section 163 of the Surface Transportation Assistance Act of 1982 is repealed.

SEC. 114. DEMONSTRATION PROJECT, RAILROAD-HIGHWAY CROSSINGS.

Section 163 of the Federal-Aid Highway Act of 1973 is repealed.

SEC. 115. EFFECTIVE DATE.

The Federal-Aid Highway Act of 1991 shall be effective on October 1, 1991.

SEC. 116. INNOVATIVE PROJECTS.

(a) **EXPERIMENTAL PROGRAMS-** The Secretary of Transportation shall carry out experimental programs which allow the Federal Highway Administration and the States to demonstrate innovative and/or nontraditional design, construction and management practices for highway projects while utilizing a competitive process for selection of contractors.

(b) **REPORT-** The Secretary shall evaluate and report on the results of the innovative experimental programs conducted under (a).

SEC. 117. TRANSIT PROJECTS.

Funds made available for a transit project under this Act or under title 23, United States Code, shall be transferred to and administered by the Mass Transportation Administration.

SEC. 118. CLEAN AIR PROVISIONS.

Provisions in title 23, United States Code, as amended by the Federal-Aid Highway Act of 1991, that will promote clean air include:

(a) **OPERATIONAL IMPROVEMENTS-** Operational Improvements in section 101(g) of title 23, United States Code, are capital improvements that will promote clean air. Operational improvements are eligible for Federal funds under the National Highway Program (23 U.S.C. 102), and the Urban and Rural Program (23 U.S.C. 104).

(b) **STARTUP COSTS FOR TRAFFIC MANAGEMENT AND CONTROL-** Startup Costs for Traffic Management and Control (23 U.S.C. 101(w)), are costs for integrated traffic control systems, incident management programs and traffic control centers. These costs are eligible for Federal funds under the National Highway Program (23 U.S.C. 102), and the Urban and Rural Program (23 U.S.C. 104).

(c) **NATIONAL HIGHWAY PROGRAM-** Activities eligible for Federal funds under the National Highway Program (23 U.S.C. 102), include operational improvements, modifications to existing facilities necessary to accommodate other modes, startup costs for traffic management and control, and activities eligible under sections 313 and 314 of title 23, United States Code.

(d) **URBAN AND RURAL PROGRAM-** Projects eligible for Federal funds under the Urban and Rural Program (23 U.S.C. 104), include operational improvements, capital transit projects, startup costs for traffic management and control projects and projects eligible under sections 313 and 314 of title 23, United States Code.

(e) **RESEARCH AND TECHNOLOGY PROGRAM-** The Research and Technology Program (23 U.S.C. 110), will enable States to more effectively access environmental impacts and the effectiveness of mitigation strategies. For example, through the development of advanced techniques, control strategies and designs for traffic management and control systems.

(f) **URBANIZED AREA PLANNING-** The Urbanized Area Planning Program (23 U.S.C. 114), requires consideration of long-range land use plans, development objectives, and overall social, economic and environmental impacts; requires consideration of all modes of transportation, including intermodal connectivity; and requires the development of a multimodal congestion management system that provides for effective management of new and existing transportation facilities through the use of travel demand reduction and operational management strategies. Urbanized Area Planning must be coordinated with the development of the transportation portion of the State air quality Implementation Plan and projects in urbanized areas of more than 200,000 that significantly increase the vehicle carrying capacity of a transportation corridor cannot be approved unless they are consistent with the congestion management system.

(g) **CONGESTION PRICING-** This section (section 119 of title 23, United States Code allows States to test congestion pricing measures on certain Federal-aid highways in urbanized areas with a population of one million or more that are experiencing significant air quality problems.

(h) **FEDERAL SHARE PAYABLE FOR OPERATIONAL IMPROVEMENTS-** The Federal share payable for Operational Improvements on the Interstate System (23 U.S.C. 204(b)), is set at 90 percent subject to sliding scale provisions to provide an incentive for this type of project.

(i) **INCOME FROM RIGHT-OF-WAY AIRSPACE-** The income from right-of-way airspace provision, section 306(d) of title 23, United States Code, permits the use of right-of-way without charge for high speed rail, magnetic levitation systems and other transit use. This subsection also allows exceptions to its fair market value requirements for social, environmental and economic mitigation purposes.

(j) **PARKING; SPECIAL VEHICLE ROUTES; BUSES; TRANSIT, RAIL, HIGH SPEED GROUND TRANSPORTATION AND MAGNETIC LEVITATION FACILITIES AND CARPOOLS-** This section, section 313 of title 23, United States Code, provides for the acquisition of land and the construction of carpool and other publicly owned parking facilities; encourages the use of public mass transit and carpools; makes HOV lanes eligible for Federal-aid; and allows the Secretary to authorize a State to make rights-of-way available without charge to a publicly or privately owned mass transit authority for transit, rail, high speed ground transportation and magnetic levitation facilities.

(k) **BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS-** This section, section 314 of title 23, United States Code, allows for bicycle and pedestrian projects with National Highway Program, Urban and Rural Program and Federal Lands Highways Program Funds.

SEC. 119. TEMPORARY MATCHING FUND WAIVER.

(a) **WAIVER OF MATCHING SHARE-** Notwithstanding any other provision of law, the Federal share of any qualifying project approved by the Secretary under title 23, United States Code, and of any qualifying project for which the United States becomes obligated to pay under title 23, United States Code, during the

period beginning on October 1, 1991 and ending September 30, 1993, shall be the percentage of the construction cost as the State transportation or highway department requests, up to and including 100 percent. The total amount of increased Federal share per fiscal year which may be obligated for qualifying projects in any State under (a) shall not be greater than 25 percent of the total amounts apportioned for the National Highway, Urban and Rural, and Bridge Programs in fiscal year 1992.

(b) **QUALIFYING PROJECT-** For purposes of this section, the term 'qualifying project' means a project approved by the Secretary after the enactment of the Federal-Aid Highway Act of 1991, or a project for which the United States becomes obligated to pay after that enactment, and for which the Governor of the State submitting the project has certified, in accordance with regulations established by the Secretary, that sufficient funds are not available to pay the cost of the non-Federal share of the project.

(c) **REPAYMENT-** The total amount of increases in the Federal share made pursuant to (a) for any State shall be repaid to the United States by the State on or before March 30, 1994. Payments shall be deposited in the Highway Trust Fund and repaid amounts shall be credited to the appropriate apportionment accounts of the State.

(d) **DEDUCTION FROM APPORTIONMENTS-** If a State has not made the repayment as required by (c), the Secretary shall deduct from funds apportioned to the State under title 23, United States Code, in each of the fiscal years ending September 30, 1995 and September 30, 1996, a pro rata share of each category of apportioned funds, the total amount of which shall be equal to 50 percent of the amount needed for repayment. Any amount deducted under this subsection shall be reapportioned for the fiscal years 1995 and 1996 in accordance with title 23, United States Code, to those States which have not received a higher Federal share under this section and to those States which have made the repayment required by subsection (c). Obligations and deobligations recorded against funds made available under the provisions of this section shall be recorded and reported as net obligations.

SEC. 120. METRIC SYSTEM SIGNING

Section 144 of the Federal-aid Highway Act of 1978 is repealed.

SEC. 121. OBLIGATION CEILING.

(a) **GENERAL LIMITATION-** Notwithstanding any other provision of law the total of all obligations for Federal-aid highway programs shall not exceed--

- (1) \$15,722,000,000 for fiscal year 1992;
- (2) \$15,999,000,000 for fiscal year 1993;
- (3) \$16,549,000,000 for fiscal year 1994;
- (4) \$18,000,000,000 for fiscal year 1995; and
- (5) \$20,000,000,000 for fiscal year 1996.

(b) **EXCEPTIONS-** The limitations under (a) shall not apply to obligations--

(1) For unobligated balances of minimum allocation funds,

(2) For emergency relief, or

(3) For unobligated balances of earthquake disaster assistance.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY- For each of fiscal years 1992, 1993, 1994, 1995, and 1996 the Secretary shall distribute the limitation imposed by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for each fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for each fiscal year: *Provided*, That the Secretary shall not distribute amounts authorized for administrative expenses and the Federal lands highways programs, not distribute amounts necessary to carry out projects under the Safety Bonus Program and not distribute amounts necessary to carry out Metropolitan and Rural Innovative Bonus Projects.

(d) LIMITATION ON OBLIGATION AUTHORITY- (1) During the period October 1 through December 31 of each of fiscal years 1992, 1993, and 1994 no State shall obligate more than 35 percent of the amount distributed to that State under (c) for that fiscal year, and the total of all State obligations during the period shall not exceed 25 percent of the total amount distributed to all States under (c) for that fiscal year.

(2) During the period October 1 through December 31 of each of fiscal years 1995 and 1996, no State shall obligate more than 30 percent of the amount distributed to that State under (c) for that fiscal year, and the total of all State obligations during the period shall not exceed 20 percent of the total amount distributed to all States under (c), for that fiscal year.

(e) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY- Notwithstanding (c) and (d) the Secretary shall--

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, and may

(2) After August 1 of each of the fiscal years 1992, 1993, 1994, 1995, and 1996, revise a distribution of the funds made available under (c) for that fiscal year if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under title 23, United States Code.

SEC. 122. CONFORMING AMENDMENT.

Section 5122(8)(B) of title 42, United States Code, is amended by striking 'any non-Federal-aid street, road, or highway' and inserting instead 'Any street, road, or highway not eligible for emergency relief under title 23, United States Code'.

TITLE II--HIGHWAY SAFETY ACT OF 1991

SEC. 201. SHORT TITLE.

This title may be cited as the 'Highway Safety Act of 1991'.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Account of the Highway Trust Fund:

(a) FHWA HIGHWAY SAFETY PROGRAMS- For carrying out section 402 of title 23, United States Code by the Federal Highway Administration \$35,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, 1995, and 1996:

Provided, That out of these funds \$25,000,000 shall be set aside for the safety bonus program described in section 402(h) of title 23, United States Code.

(b) NHTSA HIGHWAY SAFETY PROGRAMS- For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, \$140,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, 1995, and 1996: *Provided*, That, out of these funds, not less than \$25,000,000 per fiscal year shall be set aside for the safety bonus program described in section 402(h) of title 23, United States Code.

(c) NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT- For carrying out section 403 of title 23, United States Code, by the National Highway Traffic Safety Administration, \$45,869,000 for fiscal year 1992, and sums as may be necessary for each of fiscal years 1993, 1994, 1995, and 1996.

(d) NATIONAL DRIVER REGISTER- For carrying out section 407 of title 23, United States Code, by the National Highway Traffic Safety Administration, \$6,131,000 for fiscal year 1992, and sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996.

SEC. 203. CHAPTER 4 OF TITLE 23.

Chapter 4 of title 23, United States Code, is amended to read as follows:

`CHAPTER 4--SAFETY

`Subchapter A--Highway Safety

`Sec.

- `401.* Authority of secretary.
- `402.* Highway safety programs.
- `403.* Highway safety development, research and demonstrations.
- `404.* National maximum speed limit.
- `405.* National minimum drinking age.
- `406.* Reports of highway traffic crashes.
- `407.* National driver register.

`408. Alcohol safety.

`Subchapter B--Safety Construction

`451. National bridge inspection program.

`452. Reports and surveys as evidence.

`Subchapter A--Highway Safety

`SEC. 401. AUTHORITY OF SECRETARY.

`The Secretary is authorized and directed to assist and cooperate with other Federal departments and agencies, State and local governments, private industry, and other interested parties, to increase highway safety and thereby improve public health. For the purposes of this chapter, the term `State' means any one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marina Islands.

`SEC. 402. HIGHWAY SAFETY PROGRAMS.

`(a)(1) UNIFORM GUIDELINES- Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic crashes, deaths, injuries, and property damage. The Secretary shall issue uniform guidelines, in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and other public and private organizations as the Secretary deems appropriate, to assist the States in the improvement of driver performance (including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations and driver licensing), pedestrian performance, and bicycle safety. In addition, uniform guidelines shall include, but not be limited to, provisions for an effective record system of highway crashes (including injuries and deaths resulting from crashes), crash investigations to determine the probable causes of crashes, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, signing, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high crash locations, and emergency services. Guidelines for State highway safety programs shall, to the extent determined appropriate by the Secretary, serve as aids to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

`(2) MOST EFFECTIVE PROGRAMS- The Secretary may from time to time conduct a rulemaking to detesmine those programs most effective in reducing highway crashes, injuries, and deaths. Any rule issued under this subsection shall be developed in cooperation with the States. When a rule issued in accordance with this subsection takes effect, only the programs established by the rule as most effective in reducing highway crashes, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.

`(b)(1) REQUIREMENTS- The Secretary shall not approve any State highway safety program under this section that does not--

`(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out the program, to the satisfaction of the Secretary.

`(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdiction as a part of the State highway safety program if the local highway safety programs are approved by the Governor and are in accordance with the uniform guidelines of the Secretary issued under this section.

`(C) provide that at least 40 percent of all Federal funds apportioned under this section to a State for any fiscal year will be expended by the political subdivisions of the State in accordance with (B).

`(D) provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

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

`(2) WAIVER OF PERCENTAGE REQUIREMENT- The Secretary is authorized to waive the requirements of (1)(C), in whole or in part, for a fiscal year for any State whenever there is an insufficient number of local highway safety programs to justify the expenditure in the State of that percentage of Federal funds during the fiscal year.

`(3) COORDINATION WITH MOTOR CARRIER SAFETY- The State highway safety agency shall coordinate the highway safety plan developed under this section with the motor carrier safety plan developed under section 507(c) of this title.

`(4) SPEED DATA- To support highway safety activities under this section, each State shall submit to the Secretary such speed-related data as the Secretary determines by rule is necessary for each 12-month period ending on September 30. The data shall be collected in accordance with criteria to be established by the Secretary and shall include data on citations and travel speeds on public highways with speed limits posted at or above 55 miles per hour.

`(c) FUNDS-

`(1) USE OF FUNDS- Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of crashes, deaths and injuries.

`(2) ADMINISTRATIVE DEDUCTION- Authorized funds shall be subject to a deduction not to exceed 5 percent for the necessary costs to

administering the provisions of this section, and the remainder shall be apportioned among the several States.

`(3) APPORTIONMENT- The funds shall be apportioned 75 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a `public road' means any road or street under the jurisdiction of and maintained by a public authority and open to public travel. Public 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 subject to approval of the Secretary. The annual apportionment to each State shall not be less than one-half of 1 percent of the total apportionment, except that the apportionment to the Secretary of the Interior (for the Indians in identified areas) shall not be less than three-quarters of 1 percent of the total apportionment, and except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 percent of the total apportionment. For the purposes of this section, the population of Indians consists of the Indians in identified areas, including reservations, tribal trust lands (off reservations), the historic areas of Oklahoma (excluding urbanized areas), and Alaska Native Villages; `State' and `Governor of a State' includes the Secretary of the Interior; and `political subdivision of a State' includes an Indian tribe.

`(4) WITHHOLDING AND REDUCING APPORTIONMENTS- The Secretary shall not apportion any funds under this section to a State that is not implementing a highway safety program approved by the Secretary in accordance with this section. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State. 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 percent of the amounts that would otherwise be apportioned to the State under this section, until the time the Secretary approves the 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.

`(5) APPORTIONMENT OF WITHHELD FUNDS- The Secretary shall promptly apportion to the State the funds withheld from its apportionment if the Secretary 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 that 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 that determination.

`(d)(1) FEDERAL SHARE PAYABLE- Subject to the provisions of this subsection, the Federal share payable on account of any program financed with funds granted to a State under this section shall not exceed 60 percent of the total program costs. The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting the State during that fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether the expenditures were actually made in connection with the program, except that, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of a local highway safety program, the Secretary may increase the Federal share of the cost payable under this section to the extent necessary.

`(2) EXCEPTION FOR NONTAXABLE LANDS- If the percentage of a State's total area occupied by nontaxable Indian lands (individual or tribal), and public domain lands (reserved or unreserved), exclusive of national forests, and national park sand monuments exceeds 5 percent, the Secretary shall increase the Federal share of the cost payable under this subsection by a percentage equal to the percentage of the State's total area occupied by such lands, but may not increase the Federal share of the cost payable under this subsection to more than 95 percent.

`(3) EXCEPTION FOR TERRITORIES- Notwithstanding any other provision of this subsection, the Federal share payable on account of any highway safety program under this section in the Virgin Islands, Guam, American Samoa, of the Commonwealth of the Northern Mariana Islands shall be 100 percent of the total cost of the program.

`(e) LIMITATION ON THE USE OF FUNDS- Nothing in this section authorizes the appropriation or expenditure of funds for (1) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines), or (2) any purpose for which funds are authorized by section 403 of this chapter.

`(f) INDIAN TRIBES- Notwithstanding the provisions of (b)(1)(C), 90 percent of the funds apportioned to the Secretary of the Interior after the date of enactment, shall be expended by Indian tribes to carry out highway safety programs, within their jurisdictions: *Provided*, That the provisions of (b)(1)(D) shall be applicable except in those tribal jurisdictions in which the Secretary determines that the programs would not be practicable.

`(g)(1) AVAILABILITY OF FUNDS APPORTIONED- On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (c)(2) of this section, shall apportion the remainder of the funds authorized to the States to conduct the highway safety programs for that fiscal year. Funds apportioned to a State to carry out this section shall remain available for

obligation in that State for a period of 3 years after the close of the fiscal year for which the funds are authorized. Funds not obligated at the end of this period shall lapse.

`(2) OBLIGATION OF FUNDS- The action of the Secretary in approving, in whole or in part, a State's highway safety program under this section creates a contractual obligation of the United States to pay its proportional contribution for that program, effective upon the apportionment of funds under this subsection.

`(3) PAYMENTS TO STATES- The Secretary shall make payments to a State for costs it incurs under this section. Payments shall not exceed the Federal share of costs incurred as of the date of the voucher.

`(h)(1) SAFETY BONUS: GENERAL AUTHORITY- Subject to the provisions of this subsection, the Secretary shall award safety bonus funds to States that take specific actions to advance highway safety. Recipient agencies designated by the Governor of each qualifying State may use the funds for any purpose authorized by this title: *Provided*, That not less than \$75 million of the funds in each of fiscal years 1992-1996 shall be administered in accordance with section 402(b)(1) and shall be expended for highway safety purposes authorized under section 402(a), of which at least \$25 million in each fiscal year shall be expended to implement alcohol safety programs.

`(2) FEDERAL SHARE- The Federal share a State receives under this subsection in any fiscal year shall not exceed 60 percent of the cost of implementing any purpose authorized by this title.

`(3) ELIGIBILITY FOR ALCOHOL, SAFETY BELT USE AND FATALITY RATE BONUSES: FISCAL YEARS 1992-1996- On October 1 of fiscal years 1992-1996, a State shall be eligible for a safety bonus for meeting the following criteria--

`(A) the criteria for basic or supplemental grants under sections 408 and 410 of title 23, United States Code, in effect on September 30, 1991, as implemented in regulations in effect on September 30, 1991;

`(B) in fiscal year 1992, having a State law requiring safety belt use by the occupants of front outboard seating positions in passenger cars and light trucks, and in fiscal years 1993-1996, having a State law or meeting criteria established by the Secretary for having at least 70 percent of the occupants of front outboard seating positions in passenger cars and light trucks wearing safety belts; and

`(C) having a highway fatality rate that is at least 10 percent below the national fatality rate for the most recent 2 years for which data are available, or that has declined so that the State's average rate for the most recent 2 years is at least 10 percent below its average rate for the previous 3 years.

`(4) ELIGIBILITY FOR SAFETY BONUSES: FISCAL YEARS 1993-1996- On October 1 of fiscal years 1993-1996, a State shall be eligible for a safety bonus for meeting the criteria of (h)(3) and for meeting other criteria established by the Secretary to advance highway safety. The Secretary shall establish the criteria, by rule, in cooperation with the States, political subdivisions, appropriate Federal departments and agencies, and other appropriate public and nonprofit

organizations, and may issue, amend, and revoke rules as may be necessary to carry out the provisions of this section. The criteria shall consist of--

- `(A) programs that emphasize pedestrian and bicycle safety, including identification of problem locations and target populations, and development of comprehensive implementation plans, including engineering, enforcement and education countermeasures;
 - `(B) heavy truck safety regulations that are consistent with interstate trucking regulations;
 - `(C) a motorcycle safety program designed to reduce deaths and injuries from motorcycle crashes;
 - `(D) provision for a lead agency at the State level for emergency medical services that has adequate powers and is suitably equipped to identify, categorize and coordinate the resources needed to operate and implement an effective system;
 - `(E) programs for public information and education on significant highway safety problems, such as speeding and other high-risk behavior, including materials addressing high-risk road users, operations and situations; and
 - `(F) programs that include the collection and analysis of uniform crash data elements identified by the Secretary covering essential road use, vehicle and highway environment crash characteristics.
- `(5) SAFETY BONUS CREDITS- Each criterion described in (h)(3) and (h)(4) shall be assigned a credit value, as follows--
- `(A) for the criteria under (h)(3)(A), not to exceed 4 credits: 1 1/2 credits for meeting the criteria for a basic grant under section 408; 1 credit for meeting at least 12 of the criteria for a supplemental grant under section 408; 1 credit for meeting the criteria for a basic grant under section 410; and 1/2 credit for meeting at least 2 of the criteria for a supplemental grant under section 410;
 - (B) 1 credit for meeting the safety belt criterion under (h)(3)(B);
 - (C) 1 credit for meeting the fatality rate criterion under (h)(3)(C); and
 - `(D) one credit each for meeting any criterion under (h)(4).
- `(6) AMOUNT OF SAFETY BONUS- The amount of each State's safety bonus shall be calculated as follows:
- `(A) Determine the State's credits under (h)(5);
 - `(B) multiply the State's credits by the State's apportionment percentage under section 202(c)(2)(D), as determined by the Secretary;
 - `(C) divide the product obtained in (h)(6)(C) by the sum of those products for all States; and
 - `(D) multiply the quotient of (h)(6)(C) by the total bonus funds available for the fiscal year to determine the State's bonus.
- `(7) APPLICATIONS, DETERMINATIONS AND DISTRIBUTIONS- Except for fiscal year 1992, a State must apply to the Secretary for any bonus funds by October 1 of the fiscal year for which bonus funds are available. Not later than November 30 of the fiscal year for which bonus funds are available the Secretary shall make a final determination of each State's eligibility for bonus funds. Not

later than December 31 of the fiscal year for which bonus funds are available, the Secretary shall distribute the bonus funds to eligible States. The Secretary is authorized to establish any necessary procedures for the application and distribution of bonus funds and for appropriate State consultation regarding decisions of eligibility.

`(8) AVAILABILITY- Funds to carry out this section from the Highway Account of the Highway Trust Fund shall be available for obligation on October 1 of the fiscal year for which they are authorized. The provisions of section 402 shall apply to the portion of each State's bonus funds used for section 402 purposes. Bonus funds awarded to a State shall remain available for obligation in that State until expended.

`(9) OBLIGATION OF BONUS FUNDS- The action of a State in entering into an agreement with the United States to expend bonus funds creates a contractual obligation of the United States to pay its proportional contributions under that agreement.

`(10) PAYMENT TO STATES- Except for projects administered under the Urban and Rural program, for which payment shall be made under the terms of that program, the Secretary shall make payments to a State of costs incurred by it on account of any activity financed with bonus funds. Payments shall not exceed the costs incurred as of the date of the voucher.

`(11) EFFECT OF RELEASE OF BONUS FUNDS- Bonus funds released by the payment of the final voucher or by modification of an agreement shall be credited to the funds previously awarded to the State and be immediately available for obligation.

`(12) PROGRAM EVALUATION- The Secretary shall periodically report to the Congress on the States' efforts to qualify for safety bonus funds. In addition to meeting the criteria of (h)(3) and (h)(4), States receiving bonus funds shall evaluate highway safety programs conducted under section 402 in accordance with criteria to be issued by the Secretary.

`SEC. 403. HIGHWAY SAFETY DEVELOPMENT, RESEARCH, AND DEMONSTRATION PROJECTS.

`(a) AUTHORITY OF THE SECRETARY- The Secretary is authorized to use funds appropriated to carry out this section to engage in research on all phases of highway safety and traffic conditions, including the effect thereon of State laws and activities related to Intelligent Vehicle Highway Systems which the Secretary is authorized to conduct by section 110, and is authorized to test, develop, or assist in the testing and development of any material, invention, patented article, or process. In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related research and development activities which the Secretary deems will promote the purposes of this section. As used in this

section the term 'safety' includes, but is not limited to, highway safety systems, research and development relating to vehicle, highway, and driver characteristics, crash investigations, communications, emergency medical care and transportation of the injured.

`(b) DRUGS, DRIVER BEHAVIOR, AND BIOMECHANIC RESEARCH- In addition to the research authorized by (a), the Secretary, in consultation with other Government and private agencies as may be necessary, is authorized to carry out safety research on the following--

`(1) the relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles,

`(2) driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver crash involvement to highway safety, and

`(3) biomechanics research including the injury tolerances of older drivers and pedestrians as a basis for new vehicle safety design.

`(c) GRANTS AND CONTRACTS- The research authorized by this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals.

`(d) TITLE TO EQUIPMENT- The Secretary may, to further any of the purposes of subchapter A, vest in State and local agencies, on appropriate terms and conditions, title to equipment purchased for demonstration projects and any other activities with funds authorized for subchapter A.

`(e) COLLABORATIVE RESEARCH AND DEVELOPMENT- For the purpose of encouraging innovative solutions to highway safety problems, stimulating voluntary improvements in highway safety, and stimulating the marketing of new highway safety-related technology by private industry, the Secretary is authorized to undertake on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, colleges and universities, and corporations, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any of the States of the United States. This collaborative research may include, but would not be limited to crash data collection and analysis; biomechanics and anthropomorphic test device development; driver and pedestrian behavior; and demonstrations of technology. In carrying out this subsection, the Secretary may enter into cooperative research and development agreements, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3710a); except that in entering into such agreements, the Secretary may agree to provide not more than 70 percent of the cost of any research or development project selected by the Secretary under this subsection. In selecting projects to be conducted under this subsection, the Secretary shall establish a procedure to consider the views of experts and the public concerning the project areas. The research, development, or utilization of any technology pursuant to an agreement under the provisions of this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed,

shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980, as amended.

SEC. 404. NATIONAL MAXIMUM SPEED LIMIT.

(a) SPEED LIMIT- A State shall not have (1) a maximum speed limit on any public highway within its jurisdiction in excess of 55 miles per hour other than highway on the Interstate System located outside of an urbanized area, (2) a maximum speed limit on any highway within its jurisdiction on the Interstate System located outside of an urbanized area in excess of 65 miles per hour, (3) a maximum speed limit on any highway within its jurisdiction in excess of 65 miles per hour and located outside an urbanized area which is; (A) constructed to Interstate standards in accordance with section 109(b) of title 23, United States Code in effect on September 30, 1991 and connected to an Interstate highway posted at 65 miles per hour; (B) a divided 4-lane fully controlled access highway designed or constructed to connect to an Interstate highway posted at 65 miles per hour and constructed to design and construction standards as determined by the Secretary which provide a facility adequate for a speed limit of 65 miles per hour; or (C) constructed to the geometric and construction standards adequate for current and probable future traffic demands and for the needs of the locality and is designated by the secretary as part of the Interstate System in accordance with section 139(c) of title 23, United States Code in effect on September 30, 1991, or (4) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using that portion of the highway, if on November 1, 1973, that portion of the highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of that vehicle including any load thereon. Clause (4) shall not apply to any portion of a highway, during the time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on that portion of a highway.

(b) MOTOR VEHICLE DEFINED- As used in this section the term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(c) CERTIFICATION- Each State shall certify to the Secretary before January 1 of each year that it is enforcing all speed limits on public highways in accordance with this section. The Secretary shall not approve any project under section 203 in any State which has failed to certify in accordance with this subsection. In preparing a certification under this subsection, the State shall consider the speed-related data it submits to the Secretary under section 402(b)(4).

SEC. 405. NATIONAL MINIMUM DRINKING AGE.

(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE- The Secretary shall withhold 10 percent of the amount to be apportioned to any State under

sections 202(c)(1) and 202(c)(2) on the first day of each fiscal year in which the purchase or public possession in that State of any alcoholic beverage by a person who is less than 21 years of age is lawful.

`(b) APPORTIONMENT OF WITHHELD FUNDS- Funds withheld under this section from apportionment to any state shall be apportioned to the other States in compliance with this section and remain available for the period of time applicable to the category of funds withheld.

`(c) ALCOHOLIC BEVERAGE DEFINED- As used in this section, the term 'alcoholic beverage' means--

- `(1) beer as defined in section 5052(a) of the title 26, United States Code,
- `(2) wine of not less than one-half of 1 percent of alcohol by volume, or
- `(3) distilled spirits as defined in section 5002(a)(8) of title 26, United States Code.

`SEC. 406. REPORTS OF HIGHWAY TRAFFIC CRASHES.

`All facts contained in any report of any Federal department or agency or any officer, employee, or agent thereof, relating to any highway traffic crash or the investigation thereof conducted pursuant to subchapter A of this chapter shall be available for use in any civil, criminal, or other judicial proceeding arising out of the crash, and any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in the investigation. Any such report shall be made available to the public in a manner which does not identify individuals. All completed reports on research projects, demonstration projects, and other related activities conducted under section 403 of subchapter A of this chapter shall be made available to the public in a manner which does not identify individuals.

`SEC. 407. NATIONAL DRIVER REGISTER

`(a) DEFINITIONS- For the purposes of this section, the term--

- `(1) 'alcohol' has the meaning given such term by the Secretary of Transportation under regulations prescribed by the Secretary;
- `(2) 'chief driver licensing official' means the official in each State who is authorized to (A) maintain any record regarding any motor vehicle operator's license issued by such State; and (B) grant, deny, revoke, suspend, or cancel any motor vehicle operator's license issued by such State;
- `(3) 'controlled substance' has the meaning given such term in section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6)) and includes any drug or substance added by rule under that statute;
- `(4) 'highway' means any road or street;
- `(5) 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a

highway, except that such term does not include any vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail or rails;

`(6) `motor vehicle operator's license' means any license issued by a State which authorizes an individual to operate a motor vehicle on a highway;

`(7) `participating State' means any State which has notified the Secretary of its participation in the Register system, pursuant to subsection (c) of this section;

`(8) `Register' and `Register system' mean the National Driver Register established under subsection (b) of this section;

`(9) `Secretary' means the Secretary of Transportation;

`(10) `State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

`(11) `State of record' means any State which has transmitted to the Secretary, pursuant to subsection (d) of this section, any report regarding any individual who is the subject of a request for information made under subsection (e) of this section.

`(b) Establishment of Register-

`(1) The Secretary shall establish and thereafter maintain a Register, to be known as the National Driver Register, to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals. The Register shall contain an index of the information that is reported to the Secretary under subsection (d) of this section, and shall be designed to enable the Secretary, either electronically or, until such time as all States are capable of participating electronically, through the United States mails, to--

`(A) receive information submitted under subsection (d)(1) of this section by the chief driver licensing official of any State of record;

`(B) receive any request for information made by the chief driver licensing official of any participating State under subsection (e) of this section;

`(C) refer such request to the chief driver licensing official of any State of record; and

`(D) relay without interception of the actual information to the chief driver licensing official of a participating State any information provided by any chief driver licensing official of a State of record in response to such request.

`(2) The Secretary shall not be responsible for the accuracy of any information relayed to the chief driver licensing official of any participating State, except that the Secretary shall maintain the Register in a manner that ensures against any inadvertent alteration of information during any relay.

`(3)(A) The Secretary is authorized to issue, amend, and revoke such rules and regulations the Secretary deems necessary to provide procedures for the orderly transition from the system regarding the motor vehicle driving

records of individuals provided in Public Law 86-660 (74 Stat. 526) to the Register established under this section.

`(B) The Secretary shall not maintain in the Register any report or information which was compiled under the provisions of Public Law 86-660 (74 Stat. 526) and was transferred to the Register after (i) the date the State of record removes it from the State's file; (ii) 7 years after the date such report or information is entered into the Register; or (iii) the date of establishment of a fully electronic Register system, whichever is earlier. Such report or information shall be disposed of in accordance with the provisions of chapter 33 of title 44, United States Code.

`(C) if the chief driver licensing official of any participating State finds that information which has been transmitted for inclusion in the Register under this section is erroneous or relates to a conviction of a traffic offense which is subsequently reversed, such official shall immediately notify the Secretary of the error. The Secretary shall provide for the immediate deletion from the Register of such material.

`(4) The Secretary shall assign to the administration of this section such personnel as may be necessary to ensure the effective functioning of the Register system.

`(5) The Secretary may prescribe such regulations as may be necessary to carry out the provisions of this section.

`(c) State Participation-

`(1) Any State may become a participating State under this section by notifying the Secretary of its intention to be bound by the provisions of subsection (d) of this section.

`(2) Any participating State may terminate its status as a participating State under this section by notifying the Secretary of its withdrawal from participation in the Register system.

`(3) Any notification made by a State under this subsection shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

`(d) Reports by Chief Driver Licensing Officials-

`(1) The chief driver licensing official in each participating State shall, as soon as practicable, transmit to the Secretary a report containing the information required in paragraph (2) of this subsection regarding any individual--

`(A) who is denied a motor vehicle operator's license by such State for cause;

`(B) whose motor vehicle operator's license is canceled, revoked, or suspended by such State, for cause; or

`(C) who is convicted under the laws of such State of the following motor vehicle-related offenses or comparable offenses--

`(i) operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance;

`(ii) a traffic violation arising in connection with a fatal traffic crash, reckless driving, or racing on the highways;

`(iii) failure to render aid or provide identification when involved in a crash which results in a fatality or personal injury; or

`(iv) perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law or regulation relating to the operation of a motor vehicle.

`(2) Any report regarding an individual which is transmitted by a chief driver licensing official pursuant to paragraph (1) of this subsection shall contain--

`(A) the legal name, date of birth (including day, month, and year), sex, and (at the Secretary's discretion) the height, weight, eye and hair color of such individual;

`(B) the name of the State transmitting such information; and

`(C) the social security account number, if used by the reporting State for driver record or motor vehicle license purposes; and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number); except that any report concerning an occurrence specified in paragraph (1) (A), (B), or (C) of this subsection which occurs during the 2-year period preceding the date on which such State becomes a participating State shall be sufficient if it contains all such information as is available to the chief driver licensing official on such date.

`(3) Any report required to be transmitted by a chief driver licensing official of a State under paragraph (1) of this subsection shall be transmitted to the Secretary--

`(A) not later than 31 days after receipt by a State motor vehicle department of any information specified in paragraph (2) (A), (B), or (C) of this subsection which is the subject of such report, if the date of such occurrence is after the date on which such State becomes a participating State; or

`(B) not later than the expiration of the 6-month period following the date on which such State becomes a participating State, if such report concerns an occurrence specified in paragraph (1) (A), (B), or (C) of this subsection that occurs during the 2-year period preceding such date.

`(4) Nothing in this subsection shall be construed to require any State to report any information concerning any occurrence which occurs before the 2-year period preceding the date on which the State becomes a participating State.

`(e) ACCESSIBILITY OF REGISTER INFORMATION-

`(1)(A) For the purposes of fulfilling duties with respect to driver licensing, driver improvement or transportation safety, the chief driver licensing official of any participating State may request the Secretary to refer, electronically or through the United States mails, any request for

information regarding the motor vehicle driving record of any individual to the chief driver licensing official of any State of record.

`(B) The Secretary shall relay, electronically or through the United States mails, to any chief driver licensing official of a participating State who requests information under paragraph (1)(A) of this subsection any information received from the chief driver licensing official of any State of record regarding an individual in accordance with paragraph (1)(A) of this subsection, except that the Secretary may refuse to relay any information to any chief driver licensing official of a participating State that is not in compliance with the provisions of subsection (d) of this section.

`(2)(A) Any individual, in order (i) to determine whether the Register is providing any data regarding him or her or the accuracy of any such data; or (ii) to obtain a certified copy of data provided through the Register regarding him or her, may request the chief driver licensing official of a State to obtain information regarding him or her under paragraph (1)(A) of this subsection. The individual may receive any such information.

`(B) The Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration, for purposes of requesting information regarding any individual who is the subject of any crash investigation conducted by the Board, or the Federal Highway Administration, may request and receive Register information from the Secretary.

`(C) Any individual who is employed, or seeks employment, as a driver of a motor vehicle may request the chief driver licensing official of the State in which the individual is employed or seeks employment to transmit information under paragraph (1)(A) of this subsection to his employer or prospective employer. An employer or prospective employer may receive such information regarding any such individual, and shall make that information available to the affected individual. If the individual is employed by or seeks employment with a Federal department or agency, the individual may request the Secretary to transmit Register information regarding such individual to the head of the Federal department or agency. The head of the Federal department or agency may receive such information regarding any such individual, and shall make that information available to the affected individual. There shall be no access to information in the Register under this paragraph if such information was entered in the Register more than 3 years before the date of such request, unless such information relates to revocations or suspensions that are still in effect on the date of the request.

`(D) any individual who has applied for or received an airman's certificate may request the Secretary to transmit Register information regarding such individual to the Administrator of the Federal Aviation Administration. The Administrator of the Federal Aviation Administration may receive such information regarding any such individual and shall make such information available to the individual for review and written comment.

The Administrator shall not otherwise divulge or use such information, except to verify information required to be reported to the Administrator by an airman applying for an airman medical certificate and to evaluate whether the airman meets the minimum standards as prescribed by the Administrator to be issued an airman medical certificate. There shall be no access to information in the Register under this paragraph if such information was entered in the Register more than 3 years before the date of such request, unless such information relates to revocations or suspensions that are still in effect on the date of the request.

(E) Any individual who is employed by a railroad as an operator of a locomotive, or who seeks employment with a railroad as an operator of a locomotive, may request the chief driver licensing official of a State to transmit information regarding the individual under paragraph (1)(A) of this subsection to his or her employer or prospective employer, or may request the Secretary to transmit Register information regarding such individual to the Administrator of the Federal Railroad Administration. An employer, prospective employer, or the Administrator of the Federal Railroad Administration may receive such information regarding any such individual, and shall make that information available to the individual. There shall be no access to information in the Register under this paragraph which was entered in the Register more than 3 years before the date of such request, unless such information relates to revocations or suspensions that are still in effect on the date of the request.

(F) Any individual who holds or who has applied for a license or certificate of registry under section 7101 of title 46, United States Code, or a merchant mariner's document under section 7302 of title 46, United States Code, may request the Secretary to transmit Register information regarding such individual to the head of the department in which the Coast Guard is operating. The head of the department may receive such information regarding any such individual, and shall make the information available to the individual for review and written comment before denying the license, certificate, or document or before suspending or revoking the license, certificate of registry, or merchant mariner's document of the individual based on the information in any action taken under chapter 77 of title 46, United States Code. The head of the department in which the Coast Guard is operating may not otherwise divulge or use the information, except for the purposes of section 7101, 7302, or 7703 of title 46, United States Code. In addition, any individual whose employment or prospective employment requires a license or certificate of registry under section 7101 of title 46, United States Code, or a merchant mariner's document under section 7302 of title 46, United States Code, may request the chief driver licensing official of the State in which the individual is employed or seeks employment to transmit information under paragraph (1)(A) of this subsection to his or her employer or prospective employer. An employer or prospective employer may receive such information regarding any such individual, and shall make that information available

to the affected individual. Information may not be obtained from the Register under this paragraph if the information was entered into the Register more than 3 years before the date of such request, unless the information relates to revocations or suspensions that are still in effect on the date of the request.

`(G) Any individual who is employed, or seeks employment, as an operator of a rail vehicle on a rail fixed guideway mass transit system may request the chief driver licensing official of the State in which the individual is employed or seeks employment to transmit information regarding the individual under paragraph (1)(A) of this subsection to his or her employer or prospective employer, or may request the Secretary to transmit Register information regarding such individual to the Administrator of the Mass Transportation Administration. An employer, prospective employer, or the Administrator of the Mass Transportation Administration may receive such information regarding any such individual, and shall make that information available to the individual. There shall be no access to information in the Register under this paragraph which was entered in the Register more than 3 years before the date of such request, unless such information relates to revocations or suspensions that are still in effect on the date of the request.

`(3) Any request for, or receipt of, information by means of the Register shall be subject to the provisions of sections 552 and 552a of title 5, United States Code, and any other applicable Federal and State law, except that--

`(A) the Secretary shall not relay, or otherwise transmit, information specified in paragraphs (d)(2)(A) or (C) of this section to any person not authorized by this subsection to receive such information;

`(B) any request for, or receipt of, information by any chief driver licensing official, or by any person authorized by paragraph (2) of this subsection to request and receive information, shall be considered to be a routine use for purposes of section 552a(b) of title 5, United States Code; and

`(C) any receipt of information by any person authorized by this subsection to receive information shall be considered to be a disclosure for purposes of section 552a(c) of title 5, United States Code, except that the Secretary shall not be required to retain the accounting made under paragraph (1) of such section for more than a 7-year period after the date of such disclosure.

`(4) Information submitted to the Register by States under the Act of July 14, 1960 (74 Stat. 526), and under this section shall be subject to access for the purpose of this subsection during the transition to the Register established under subsection (b) of this section.

`(5) Any request made under this subsection shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

`(f) CRIMINAL PENALTIES-

`(1) Any person, other than an individual described in subsection (e)(2)(A) of this section, who receives under subsection (e) of this section information specified in subsection (d)(2)(A) or (C) of this section (the disclosure of which is not authorized by subsection (e) of this section), and who, knowing that disclosure of such information is not authorized, willfully discloses such information, shall be fined not more than \$10,000 or imprisoned for not more than 1 year, or both.

`(2) Any person who knowingly and willfully requests or under false pretenses obtains information specified in subsection (d)(2)(A) or (C) of this section from any person who receives such information under subsection (e) of this section shall be fined not more than \$10,000 or imprisoned for not more than 1 year, or both.

`(g) ADVISORY COMMITTEE-

`(1) There is established a National Driver Register Advisory Committee, which shall advise the Secretary concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records.

`(2) The Advisory Committee shall consist of 15 members, appointed by the Secretary, as follows--

`(A) three members from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience, and who are not employees of the Federal Government or of any State; and

`(B) three members from among groups outside the Government which represent the interests of bus and trucking organizations, enforcement officials, labor, or safety organizations; and

`(C) nine members, geographically representative of the participating States, from among individuals who are chief driver licensing officials of participating States.

`(3)(A) Except as provided in clause (B) and clause (C), each member of the Advisory Committee shall be appointed for a term of 3 years;

`(B) Of the members first appointed--

`(i) one of the members described in paragraph (2)(A) and one of the members described in paragraph (2)(B) and three of the members described in paragraph (2)(C) shall be appointed for a term of 1 year;

`(ii) one of the members described in paragraph (2)(A) and one of the members described in paragraph (2)(B) and three of the members described in paragraph (2)(C) shall be appointed for a term of 2 years; and

`(iii) one of the members described in paragraph (2)(A) and one of the members described in paragraph (2)(B) and three of the members described in paragraph (2)(C) shall be appointed for a

term of 3 years; as designated by the Secretary at the time of appointment.

`(C) Any vacancy in the Advisory Committee shall be filled in the same manner as original appointments. Any member appointed to fill any vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his term until his successor has taken office.

`(4) The members of the Advisory Committee shall serve without compensation, but the Secretary is authorized to reimburse such members for all reasonable travel expenses incurred by them in attending the meetings of the Advisory Committee.

`(5)(A) The Advisory Committee shall meet not less than once each year.

`(B) The Advisory Committee shall elect a Chairman and a Vice Chairman from among the members of the Advisory Committee.

`(C) Eight members of the Advisory Committee shall constitute a quorum.

`(D) The Advisory Committee shall meet at the call of the Chairman or a majority of the members of the Advisory Committee.

`(6) The Advisory Committee may receive from the Secretary such personnel, penalty mail privileges, and similar services, as the Secretary considers necessary to assist it in performing its duties and functions under this section.

`(7) Not less than once each year, the Advisory Committee shall prepare and submit to the Secretary a report concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records. Such report shall include any recommendations of the Advisory Committee for changes in the Register system.

`(8) The Advisory Committee shall be exempt from the requirements of section 10(e) and section 10(f) of the Federal Advisory Committee Act (5 U.S.C. Appendix), and shall be exempt from the termination requirements of section 14 of the Federal Advisory Committee Act until the date of establishment of a fully electronic Register system or December 31, 1994, whichever is earlier.

`SEC. 408. ALCOHOL SAFETY.

`To carry out the safety bonus provisions of section 402(h), there is authorized to be appropriated, out of the Highway Account of the Highway Trust Fund, \$25,000,000 for each of fiscal years 1992, 1993, 1994, 1995 and 1996. These funds shall be distributed, as provided in section 402(h), to eligible States that meet criteria under section 402(h), including the criteria for basic and supplemental grants under section 408 and 410 of title 23, United States Code, respectively, in effect on September 30, 1991, as implemented in rulemakings in effect on September 30, 1991. The provisions of section 402(h) shall apply to the funds authorized by this section. The funds authorized by this section shall remain

available until expended and shall not be subject to any obligation limitation for State and community highway safety programs.

Subchapter B--Safety Construction

SEC. 451. NATIONAL BRIDGE INSPECTION PROGRAM.

(a) NATIONAL BRIDGE INSPECTION STANDARDS- The Secretary, in consultation with the State transportation or highway departments and interested and knowledgeable private organizations and individuals, shall establish national bridge inspection standards for the proper safety inspection and evaluation of all highway bridges.

(b) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS- The standards established under (a) shall, at a minimum--

(1) specify, in detail, the method by which inspections shall be carried out by the States;

(2) establish the maximum time period between inspections;

(3) establish the qualifications for those charged with carrying out the inspections;

(4) require each State to maintain and make available to the Secretary upon request--

(A) written reports on the results of highway bridge inspections together with notations of any action taken pursuant to the findings of inspections; and

(B) current inventory data for all highway bridges reflecting the findings of the most recent highway bridge inspections conducted; and

(5) require each State to establish a procedure to certify that highway bridge inspectors meet national qualifications.

(c) TRAINING PROGRAM FOR BRIDGE INSPECTORS- The Secretary, in cooperation with the State transportation or highway departments, shall establish a program designed to train governmental employees to carry out highway bridge inspections. The training program shall be revised from time to time to take into account new and improved techniques.

(d) AVAILABILITY OF FUNDS- To carry out this section, the Secretary may use funds made available pursuant to the provisions of sections 202(a) and 202(c)(3).

SEC. 452. REPORTS AND SURVEYS AS EVIDENCE.

Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal highway funds shall not be admitted into evidence in Federal or State court or

considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in those reports, surveys, schedules, lists, or data.'

SEC. 204. `VINCE' AND `LARRY' CHARACTERS

(a) As used in this section, the terms `Vince' and `Larry' means the names, representations and characters of two automotive crash test dummies, capable of uniquely identifiable speech, having physical attributes and markings resembling those of anthropomorphic test dummies used by the Department of Transportation in the performance of automotive safety tests, as originated by the Advertising Council, Inc., organized under the laws of the State of New York, in cooperation with the Department of Transportation.

(b) The names and characters, `Vince' and `Larry', are hereby declared the property of the United States.

(c) The Secretary of Transportation may establish and collect royalty fees for the manufacture, reproduction, or use of the names or characters, `Vince' and `Larry'.

(d) The Secretary of Transportation shall deposit into a special account all fees collected under regulations promulgated by the Secretary pursuant to this section. Such fees shall be available until expended, without fiscal year limitation, to the extent provided in advance by appropriation acts, solely for use by the Secretary in public service campaigns to promote public safety on the highways.

(e) Whoever, except as provided by rules and regulations issued by the Secretary of Transportation, manufactures, uses, or reproduces the characters `Vince' or `Larry', or the names `Vince' or `Larry', or a facsimile or simulation of such characters or names in such a manner as suggests `Vince' or `Larry', shall be enjoined from such manufacture, use, or reproduction at the suit of the Attorney General upon complaint by the Secretary.

(f)(1) Chapter 33 of title 18, United States Code, is amended by adding after section 711a. a new section, as follows:

`Sec. 711b. `Vince' and `Larry' characters and names

`Whoever, except as authorized under rules and regulations issued by the Secretary of Transportation, knowingly and for profit manufacturers, reproduces, or uses the characters or names `Vince' or `Larry', as originated by the Advertising Council, Inc., organized under the laws of the State of New York, in cooperation with the Department of Transportation, shall be fined not more than \$500 or imprisoned not more than 6 months, or both.'

(2) The table of sections of chapter 33 of title 18, United States Code, is amended by inserting immediately after the item relating to section 711a. the following:

`711b. `Vince' and `Larry' characters and names.'

SEC. 205. EFFECTIVE DATE AND UNOBLIGATED BALANCES.

The effective date of the Highway Safety Act of 1991 shall be October 1, 1991: *Provided*, That any unobligated balances available on October 1, 1991, for alcohol safety programs and drunk driving prevention programs under sections 408 and 410 of chapter 4 of title 23, United States Code, respectively, shall lapse and unobligated balances available on September 30, 1991, for other purposes under chapter 4 of title 23, United States Code, shall remain available for obligation under the law, rules and procedures in effect on September 30, 1991.

SEC. 206. REPEAL OF ANNUAL REPORT REQUIREMENT.

Section 401 note of title 23, United States Code (comprising section 202 of the Highway Safety Act of 1966, which pertains to the annual report on highway safety), is repealed.

SEC. 207. EFFECT OF REPEALED PROVISIONS.

This bill shall extinguish any proceedings under any provisions which it repeals that are not concluded before the date of its enactment.

SEC. 208. CONFORMING AMENDMENTS.

(a) Section 106 of the Highway Safety Act of 1966 (80 Stat. 735) (pertaining to reports of highway traffic accidents) is repealed.

(b) Due to codification of the National Driver Register Act of 1982:

(1) Section 7107(g) of title 46, United States Code, is amended by striking everything after `Secretary,' and substituting `under section 407(e)(2)(F) of title 23, United States Code, any information contained in the National Driver Register related to an offense described in section 407(d)(1)(C)(i) or (ii) of title 23, United States Code committed by an individual.'

(2) Section 7302(c) of title 46, United States Code, is amended by striking everything after `Secretary,' and substituting `under section 407(e)(2)(F) of title 23, United States Code, any information contained in the National Driver Register related to an offense described in section 407(d)(1)(C)(i) or (ii) of title 23, United States Code committed by an individual.'

(3) Section 7505 of title 46, United States Code, is amended by striking `under section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)' and substituting `under section 407(a)(2)(F) of title 23, United States Code'.

(4) Section 7702(c)(1) of title 46, United States Code, is amended by striking everything after `Secretary,' and substituting `under section 407(e)(2)(A) of title 23, United States Code, all information contained in the National Driver Register related to an offense described in section 407(d)(1)(C)(i) or (ii) of title 23, United States Code committed by an individual.'

(5) Section 7702(d)(1)(B)(iii) of title 46, United States Code, is amended by striking everything after `described' and substituting `in section 407(d)(1)(C)(i) or (ii) of title 23, United States Code.'.

(6) Section 7703(3) of title 46, United States Code, is amended by striking everything after `described' and substituting `in section 407(d)(1)(C)(i) or (ii) of title 23, United States Code.'.

TITLE III--MOTOR CARRIER ACT OF 1991

SEC. 301. SHORT TITLE.

This title may be cited as the `Motor Carrier Act of 1991'.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM- There is authorized to be appropriated out of the Highway Account of the Highway Trust Fund for the Motor Carrier Safety Assistance Program \$60,000,000 for the fiscal year 1992, \$80,000,000 for the fiscal year 1993, and \$100,000,000 per fiscal year for each of the fiscal years 1994, 1995, and 1996.

(b) MOTOR CARRIER SAFETY FUNCTIONS- There is authorized to be appropriated out of the Highway Account of the Highway Trust Fund for the motor carrier safety functions of the Federal Highway Administration \$49,317,000 for the fiscal year 1992 and sums as may be necessary for the fiscal years 1993, 1994, 1995 and 1996.

SEC. 303. CHAPTER 5 OF TITLE 23.

Chapter 5 of title 23, United States Code, is added as follows:

`CHAPTER 5--MOTOR CARRIERS

Sec.

- `501. Definitions.
- `502. Access to the National Highway System.
- `503. Commercial Motor Vehicle Length Limitations.
- `504. Commercial Motor Vehicle Width Limitation.
- `505. Commercial Vehicle Information System.
- `506. Enforcement.
- `507. Motor Carrier Safety Assistance Program.
- `508. State Requirements for Interstate Motor Carriers.
- `509. State size and weight laws.
- `510. Vehicle weight limitations.

SEC. 501. DEFINITIONS.

As used in this chapter unless the context requires otherwise:

(a) **BASE STATE**- Means the State where a commercial motor vehicle is registered and to which a registration fee or fuel use tax is paid directly and from which other jurisdictions may be paid on a proportional basis.

(b) **COMMERCIAL MOTOR VEHICLE**- Means any self-propelled or towed vehicle, whether loaded or empty, designed for use on highways to transport passengers or property--

(1) if the vehicle has a gross vehicle weight of 26,001 or more pounds or a lesser gross vehicle weight rating as the Secretary determines by regulation but not less than a gross vehicle weight rating of 10,001 pounds;

(2) if the vehicle is designed to transport more than 15 passengers, including the driver, or

(3) if the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813).

(c) **MOTOR FUEL**- Means all combustible gases and liquids used for the generation of power for propulsion of motor vehicles.

(d) **INTERSTATE COMMERCE**- Means trade, traffic, or transportation in the United States between a place in a State and a place outside of that State (including a place outside of the United States) or is between two places in a State through another State or a place outside of the United States, or which affects the stated trade, traffic, or transportation.

(e) **MOTOR CARRIER**- Means any person who owns, leases or otherwise exercises control over a commercial motor vehicle or vehicles, and either operates or employs drivers to operate the vehicle or vehicles to transport property or passengers in furtherance of a commercial enterprise.

(f) **PERSON**- Means any individual, partnership, association, corporation, business trust, or any other organized group of individuals.

(g) **REGISTRANT**- Means a person who registers a commercial motor vehicle as required by a State.

(h) **STATE**- Means a state of the United States and the District of Columbia including a political subdivision of a State.

(i) **TAXATION OF MOTOR FUELS**- Means the assessment and collection of a tax by a State on the sale or use of motor fuels by commercial motor vehicles.

(j) **VEHICLE REGISTRATION**- Means the act of recording by a State of the identification of motor vehicles owned by residents of that State or used on the highways of that State as a predicate to the lawful operation of those vehicles in that State.

SEC. 502. ACCESS TO THE NATIONAL HIGHWAY SYSTEM.

`(a) REASONABLE ACCESS- No State may enact or enforce any law denying reasonable access to commercial motor vehicles between (1) the National Highway System (other than a segment which is exempted under section 503(g) or 504(e), and (2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers and for any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28 1/2 feet and which generally operates as part of a vehicle combination described in section 503(c).

`(b) REASONABLE RESTRICTIONS- Nothing in this section shall be construed as preventing a State or local government from imposing any reasonable restriction, based on safety considerations, on any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28 1/2 feet and which generally operates as part of a vehicle combination described in section 503(c).

`SEC. 503. COMMERCIAL MOTOR VEHICLE LENGTH LIMITATIONS.

`(a) TRAILER LENGTH LIMITATIONS- Except as provided in (g), no State shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle length limitation of less than 48 feet on the length of the semitrailer unit operating in a truck tractor-semitrailer combination, and of less than 28 feet on the length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the National Highway System (other than a segment exempted under (g)).

`(b) TRUCK TRACTOR LENGTH LIMITATIONS; TRAILERS IN USE ON DECEMBER 1, 1982- Length limitations established, maintained, or enforced by the States under (a) shall apply solely to the semitrailer or trailer or trailers and not to a truck tractor. No State shall establish, maintain, or enforce any regulation of commerce which imposes an overall length limitation on commercial motor vehicles operating in truck tractor semitrailer or truck tractor semitrailer, trailer combinations. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of trailers or semitrailers of the dimensions of trailers or semitrailers that were in actual and lawful use in the State on December 1, 1982. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of existing trailers or semitrailers, of up to 28 1/2 feet in length, in a truck tractor-semitrailer-trailer combination if those trailers or semitrailers were actually and lawfully operating on December 1, 1982, within a 65-foot overall length limit in any State.

`(c) COMBINATIONS OF TRUCK TRACTOR AND TRUCK TRAILERS- No State shall prohibit commercial motor vehicle combinations consisting of a truck tractor and two trailing units on any segment of the National Highway System (other than a segment exempted under (g) or a segment where all truck traffic is prohibited).

`(d) RULES--The Secretary is authorized to establish rules to implement this section, and to make determinations as are necessary to accommodate specialized

equipment (including but not limited to, automobile and boat transporters) subject to (a) and (b).

`(e) TRUCK TRACTOR DEFINED- For the purposes of this section 'truck tractor' is defined as the noncargo carrying power unit that operates in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit.

`(f) EXCLUSIONS FROM LENGTH LIMITATIONS- The length limitations described in this section, shall be exclusive of safety and energy conservation devices, like rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors and other devices, which the Secretary may interpret as necessary for safe and efficient operation of commercial motor vehicles, except that no device excluded under this subsection from the limitations of this section shall have by its design or use the capability to carry cargo.

`(g) NATIONAL HIGHWAY SYSTEM SEGMENT EXEMPTIONS-

`(1) REQUEST FOR EXEMPTION- If the Governor of a State, after making the consultations specified in (2) determines that any specific segment of the National Highway System is not capable of safely accommodating motor vehicles having lengths set forth in (a) or motor vehicle combinations described in (c), the Governor may notify the Secretary of that determination and request that the Secretary exempt the segment from one or both of those subsections.

`(2) CONSULTATIONS- Before notification, the Governor shall consult with units of local government within the State in which the specific segment of the System is located, as well as the Governor of any adjacent State that might be directly affected by the exemption. As part of consultations, consideration shall be given to any potential alternative route that--

`(A) can safely accommodate motor vehicles having the lengths set forth in (a) or motor vehicle combinations described in (c); and

`(B) serves the area in which the segment is located.

`(3) EVIDENCE OF SAFETY PROBLEMS- The Governor shall transmit with the notification specific evidence of safety problems that supports the determination and the results of consultation regarding any alternative route under (2).

`(4) DETERMINATION BY THE SECRETARY-

`(A) FINDING THAT A NHS SEGMENT IS NOT SAFE- If the Secretary determines, upon request by a Governor under (1) or on the Secretary's own initiative, that any segment of the National Highway System is not capable of safely accommodating motor vehicles having the lengths set forth in (a) or motor vehicle combinations described in (c), the Secretary shall exempt the segment from one or both of those subsections. Before making a

determination, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.

`(B) TIME PERIOD FOR A DETERMINATION- The Secretary shall make a determination within a period of 120 days after the date of receipt of notification from a Governor under (1) or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to the segment. If the Secretary determines that a determination cannot be made within the time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for the determination.

`(C) NOTICE AND OPPORTUNITY FOR COMMENT- The Secretary shall make a determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under (a) shall be included as part of the final rules. Any exemption granted on or after such date shall be published as a revision of the rules.

`SEC. 504. COMMERCIAL MOTOR VEHICLE WIDTH LIMITATION.

`(a) WIDTH LIMITATION- Except as provided in (e), no State, other than the State of Hawaii, shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle width limitation of more or less than 102 inches on any segment of the National Highway System (other than a segment exempted under (e) or a segment where all truck traffic is prohibited).

`(b) CALCULATION OF WIDTH- Safety devices which the Secretary determines are necessary for the safe and efficient operation of motor vehicles shall not be included in the calculation of width.

`(c) SPECIAL USE PERMITS- A State may grant special use permits to motor vehicles that exceed 102 inches in width.

`(d) STATE AUTHORITY- A State shall have authority to enforce a commercial vehicle width limitation of 102 inches on any segment of the National Highway System (other than a segment exempted under (e)).

`(e) NATIONAL HIGHWAY SYSTEM SEGMENT EXEMPTIONS-

`(1) REQUEST FOR EXEMPTION- If the Governor of a State, after making the consultations specified in (2), determines that any specific segment of the National Highway System is not capable of safely accommodating motor vehicles having the width set forth in (a), the Governor may notify the Secretary of the determination and request that the Secretary exempt the segment from (a) for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on the segment.

`(2) CONSULTATIONS- Before notification, the Governor shall consult with units of local government within the State in which the specific

segment of the system is located, as well as the Government of any adjacent State that might be directly affected by the exemption. As part of the consultations, consideration shall be given to any potential alternative route that--

`(A) can safely accommodate motor vehicles having the width set forth in (a);

`(B) serves the area in which the segment is located.

`(3) EVIDENCE OF SAFETY PROBLEMS- The Governor shall transmit with the notification specific evidence of safety problems that support the determination and the results of consultation regarding any alternative route under (2).

`(4) DETERMINATION BY THE SECRETARY-

`(A) FINDING THAT A NHS SEGMENT IS NOT SAFE- If the Secretary determines, upon request by a Governor under (1) or on the Secretary's own initiative, that any segment of the National Highway System is not capable of safely accommodating motor vehicles having the width set forth in (a), the Secretary shall exempt the segment from (a) for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on the segment. Before making the determination, the Secretary shall consider any possible alternative route that serves the area in which a segment is located.

`(B) TIME PERIOD FOR A DETERMINATION- The Secretary shall make a determination within a period of 120 days after the date of receipt of notification from a Government under (1) or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to the segment. If the Secretary determines that the determination cannot be made within the time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date for any determination.

`(C) NOTICE AND OPPORTUNITY FOR COMMENT- The Secretary shall make a determination only after affording interested parties notice and opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under (a) shall be included as part of the final rules. Any exemption granted on or after that date shall be published as a revision of the rules.

`SEC. 505. COMMERCIAL VEHICLE INFORMATION SYSTEM.

`(a) ESTABLISHMENT OF THE INFORMATION SYSTEM-

`(1) INFORMATION SYSTEMS REVIEW- Within 12 months of the enactment of this section, the Secretary, in cooperation with the States, shall conduct a review of information systems utilized by 1 or more States

or jurisdictions pertaining to the collection of and accounting for fees and taxes for vehicle registration, motor fuel use, or other purposes in order to determine whether or not that information system could be utilized to carry out this section.

`(2) ESTABLISHMENT OF AN INFORMATION SYSTEM- Within 24 months of the enactment of this section, the Secretary, in cooperation with the States, shall establish an information system which will serve as a clearinghouse and depository of information pertaining to the collection of and accounting of fees for registering commercial motor vehicles and taxes charged by States for motor fuel used by commercial motor vehicles and which will enable States to carry out their responsibilities under this section and section 508. The maintenance of the system shall be supported by a system of user fees.

`(3) OPERATION OF THE INFORMATION SYSTEM- The Secretary may authorize the operation of the information system by contract, through an agreement with a State or States, or by designating, after consultation with the States, a third party which represents the interests of the States.

`(4) DATA COLLECTION AND REPORTING STANDARDS- The Secretary shall establish standards to ensure uniform data collection and reporting by all States necessary to carry out the provisions of this section and section 508 and to ensure the availability of the information to the States and to the Secretary.

`(5) FUNDING- There shall be available to the Secretary to carry out this subsection not to exceed \$2,000,000 from funds made available to carry out the Motor Carrier Safety Assistance Program for each of the fiscal years 1992, 1993, and 1994 to remain available until expended.

`(b) GRANTS TO STATES-

`(1) GRANTS- The Secretary may make grants to States for the development and implementation of a program to register and collect motor fuel taxes for commercial motor vehicles according to standards established under section 508, including participation in the information system required by this section.

`(2) FUNDING- There shall be available to the Secretary to carry out this subsection not to exceed \$5,000,000 from funds made available to carry out the Motor Carrier Safety Assistance Program for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to remain available until expended.

`(c) CONSIDERATION OF SAFETY FITNESS-

`(1) DEMONSTRATION PROJECT- The Secretary may make grants to States to carry out a project to demonstrate methods of linking the safety fitness of the registrant or the motor carrier responsible for the operation of the commercial motor vehicle when registering the commercial motor vehicle. There shall be available to the Secretary to carry out this subsection not to exceed \$1,000,000 from the funds made available to

carry out the Motor Carrier Safety Assistance Program for each of the fiscal years 1992, 1993, and 1994 to remain available until expended.

`(2) FEDERAL STANDARDS- The Secretary is authorized to promulgate regulations requiring that no State shall register a commercial motor vehicle under the uniform Federal standards established under section 508, if the State or Secretary determines that the registrant or the motor carrier responsible for the operation of the commercial motor vehicle has not demonstrated the safety fitness required to operate the commercial motor vehicle.

`(3) INFORMATION SYSTEM- As part of the information required by (a)(4), the Secretary may include information on the safety fitness of the registrant or the motor carrier responsible for the operation of the commercial motor vehicle, including data on vehicle inspections, accidents, traffic violations and other information as the Secretary considers appropriate.

`SEC. 506. ENFORCEMENT.

`On the request of the Secretary, the Attorney General of the United States is authorized and directed to institute any civil action for injunctive relief that may be appropriate to assure compliance with the provisions of this chapter. The action may be instituted in any district court of the United States in any State where relief is required to assure compliance with the terms of this chapter. In any action under this section, the court shall, upon a proper showing, issue a temporary restraining order or preliminary or permanent injunction. In any action, the court may also issue a mandatory injunction commanding any State, local government or person to comply with any applicable provision of this chapter, or any rule issued under authority of this chapter.

`SEC. 507. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.

`(a) GRANTS- The Secretary may make grants to States for the development or implementation of programs for the enforcement of Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety, vehicle size and maximum weight, and commercial motor vehicle drug awareness and enforcement, and compatible State rules, regulations, standards, and orders.

`(b)(1) DEFINITION OF STATE- As used in this section `State' means any 1 of the 50 States, the District of Columbia, American Samoa, the Commonwealth of the Northern Marianas, the Commonwealth of Puerto Rico, Guam, or the Virgin Islands.

`(2) DEFINITION OF COMMERCIAL MOTOR VEHICLE- As used in this section `commercial motor vehicle' means any self-propelled or towed vehicle used on highways in interstate commerce to transport passengers or property--

`(A) if the vehicle has a gross vehicle weight rating of 10,001 or more pounds;

`(B) if the vehicle is designed to transport more than 15 passengers, including the driver; or

`(C) if the vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. app. 1801-1812) and are transported in a quantity requiring placarding under regulations issued by the Secretary under that Act.

`(c) State Plans-

`(1) SUBMISSION- The Secretary shall formulate procedures for a State to submit a plan where the State agrees to adopt, and to assume responsibility for enforcing, Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety, vehicle size and maximum weight, and commercial motor vehicle drug awareness and enforcement, or compatible State rules, regulations, standards and orders. The State plans shall be approved by the Secretary if, in the Secretary's judgment, the plan is adequate to promote the objectives of this section, and the plan--

`(A) designates the State motor vehicle agency responsible for administering the plan;

`(B) ensures that the State motor vehicle agency has or will have the legal authority, resources, and qualified personnel necessary for administering the plan;

`(C) ensures that the State will devote adequate funds for administering the plan;

`(D) provides a right of entry and inspection to carry out the plan;

`(E) provides that the State motor vehicle safety agency will adopt uniform reporting requirements and use uniform forms for recordkeeping, inspections, and investigations, as may be established and required by the Secretary;

`(F) provides that all required reports be submitted to the State motor vehicle agency and that the agency make the reports available to the Secretary, upon request;

`(G) ensures State participation in motor carrier information systems, including data bases containing driver/vehicle inspection data, safety and compliance review information, accident data, and vehicle weighing information.

`(H) ensures that commercial motor vehicle size and weight activities will not diminish the effectiveness of other initiatives.

`(2) REJECTION-

`(A) SAFETY AND DRUG ENFORCEMENT- The Secretary shall reject any State plan that does not provide that the aggregate expenditure of funds of the State and political subdivisions for commercial motor vehicle safety, and commercial motor vehicle drug awareness and enforcement, exclusive of Federal funds, will be maintained at a level that does not fall below the average level of expenditure in that state for the last full fiscal year.

`(B) WEIGHT- The Secretary shall reject any State plan that does not provide that the aggregate expenditure of funds of the State and political subdivision for commercial motor vehicle size and weighing activities, exclusive of Federal funds, will be maintained at a level that does not fall below the average level of expenditure in that state for the last full fiscal year.

`(3) CONTINUING EVALUATION, WITHDRAWAL OF APPROVAL, JUDICIAL REVIEW-

`(A) EVALUATION- The Secretary shall make a continuing evaluation of the manner in which each State is carrying out its State plan, based upon reports submitted by the State agency and upon the Secretary's own inspection.

`(B) WITHDRAWAL OF APPROVAL- After providing a State notice and opportunity to comment, whenever the Secretary finds that a State plan is not being followed, or has become inadequate to ensure the enforcement of Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety, vehicle size and maximum weight, and commercial motor vehicle drug awareness and enforcement, and compatible State rules, regulations, standards, and orders, the Secretary shall notify the State of withdrawal of approval of the State plan. Upon receipt of the notice of withdrawal of approval by the State, the State plan shall cease to be in effect.

`(C) JUDICIAL REVIEW- A State may seek judicial review of notice of withdrawal of approval, pursuant to chapter 7 of title 5, United States Code in the appropriate United States Court of Appeals. The State may retain jurisdiction in any administrative or judicial enforcement proceeding commenced before the withdrawal of the approval of the State plan, if the issues involved do not directly relate to the reasons for the withdrawal of approval.

`(4) COORDINATION OF SAFETY PLANS- The State motor vehicle agency shall coordinate the motor carrier plan developed under this subsection, with the highway safety plan developed under section 402.

`(d) FEDERAL SHARE OF COSTS- By grants authorized under this part, the Secretary shall reimburse a State an amount not to exceed 75 percent of the costs incurred by that State in the development and implementation of programs for the enforcement of rules, regulations, standards, and orders applicable to commercial motor vehicle safety, vehicle size and maximum weight, and commercial motor vehicle drug awareness and enforcement. If the Secretary determines that the development and implementation of programs established for the enforcement of commercial motor vehicle safety, vehicle size and maximum weight, and commercial motor vehicle drug awareness and enforcement are particularly beneficial to all jurisdictions, the Secretary may reimburse a State for 100 percent of the State costs.

`(e) ALLOCATIONS-

`(1) DEDUCTION FOR ADMINISTRATION- On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary may deduct not to exceed 1 percent of the funds authorized to be appropriated for that fiscal year to carry out this section to administer this section for that fiscal year.

`(2) ALLOCATION CRITERIA- On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary, after making the deduction authorized by (1), shall allocate, among the States whose applications for grants have been approved, the funds authorized to be appropriated for that fiscal year, pursuant to criteria established by the Secretary.

`(f) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS- Funds authorized to be appropriated to carry out this section shall remain available for obligation by the Secretary until expended. Allocations to a State shall remain available for expenditure in that State for the fiscal year in which they are allocated and two succeeding years. Funds not expended by a State during that period shall be released to the Secretary for reallocation.

`(g) OBLIGATION OF FUNDS- Approval by the Secretary of a grant to a State under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the costs incurred by that State in development or implementation or both of programs to enforce commercial motor vehicle rules, regulations, standards, and orders.

`(h) PAYMENTS TO STATES- The Secretary shall make payments to a State of costs incurred by it under this section. Payments shall not exceed the Federal share of costs incurred as of the date of the voucher.

`SEC. 508. STATE REQUIREMENTS FOR INTERSTATE MOTOR CARRIERS.

`(a) OPERATING AUTHORITY- Effective 12 months following the enactment of this section, no State or political subdivision and no interstate agency of two or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law relating to interstate or intrastate rates, routes, or services of any motor carrier providing transportation of passengers or property in interstate commerce, or to the leasing, rental, or other sourcing of commercial drivers and motor vehicles by interstate motor carriers.

`(b) VEHICLE REGISTRATION-

`(1) Within 18 months after the enactment of this section, the Secretary shall issue regulations to establish uniform standards for the registration of commercial motor vehicles. The regulations shall at a minimum provide for single base State registration with proportional sharing of registration fees with other States where the commercial motor vehicle is operated, reciprocity among the agreeing States, and no more than one registration plate to be issued to each vehicle for purposes of registration.

`(2) By September 30, 1994, no State, except a State that is in compliance with the regulations established under (1), shall have in effect or enforce a law or regulation which limits operation of any commercial motor vehicle

within its borders by reason of the fact that the vehicle is not registered in the State when the vehicle is registered in another State.

^(c) TAXATION OF MOTOR FUELS, VEHICLES AND MOTOR CARRIER OPERATIONS-

^(1) Within 18 months after the enactment of this section, the Secretary shall issue regulations to establish uniform standards for the collection and distribution of taxes charged by States for motor fuel used by commercial motor vehicles. The regulations, at a minimum, shall provide for single base State collection with proportional sharing of the motor fuel taxes charged within the States where the commercial motor vehicle is operated, reciprocity among the agreeing States, and for uniform, simplified tax reporting requirements.

^(2) By September 30, 1995, no State shall have in effect or enforce a law or regulation which imposes a tax upon the use of motor fuel by commercial motor vehicles, except as may be imposed upon the purchase of fuel within that State, unless the State is in compliance with the requirements established under (1).

^(3) The Secretary is authorized to promulgate regulations to establish uniform standards for the collection and distribution of taxes and fees exclusively associated with the purchase, use and operation of commercial motor vehicles. The regulations, at a minimum, shall provide for single base State collection with proportional sharing of the taxes and fees as appropriate. Regulations promulgated under this paragraph shall be enforceable under section 506.

^(4) Nothing in this Act shall prohibit or limit the Secretary from combining the regulations and standards established under this section for the purposes of designating a single point of contact within each State for the administration of commercial motor vehicle registration requirements and the collection and distribution of taxes and fees exclusively associated with the purchase, use and operation of commercial motor vehicles.

^(d) EXTENSIONS OF TIME- After affording interested parties notice and opportunity for comment, the Secretary may determine whether a State is in substantial compliance with the uniform Federal standards established under (b) and (c). The Secretary may allow to any State an additional period not to exceed 24 months, for the time periods referred to in (b)(2) and (c)(2), upon a demonstration to the satisfaction of the Secretary of substantial hardship in achieving compliance and upon a determination by the Secretary that the extension does not inhibit interstate commerce.

^(e) DELEGATION OF AUTHORITY- The Secretary is authorized to carry out the responsibility of (b) or (c) by delegation to a national organization, the purpose of which is to establish and maintain standards for the proportional and equitable collection and distribution of registration fees and commercial vehicle user taxes: *Provided*, That, all States have an opportunity for equal representation in that national organization and that the national organization shall not be authorized to establish or maintain standards which are in conflict with regulations issued by the Secretary.

SEC. 509. STATE SIZE AND WEIGHT LAWS.

(a) CERTIFICATION- Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting vehicle size and weight limits allowed on the Interstate System, in accordance with section 510.

(b) INFORMATION TO VERIFY CERTIFICATION- Each State shall submit to the Secretary information as the Secretary shall, by regulation, require as necessary to verify the certification of the State under (a).

(c) REDUCTION OF APPORTIONMENTS- If a State fails to certify as required by (a) or if the Secretary determines that a State is not adequately enforcing all State laws respecting maximum vehicle size and weight limits, notwithstanding the certification, then National Highway Program funds apportioned to the State for that fiscal year shall be reduced by amounts equal to 10 percent of the amount which would otherwise be apportioned to the State under section 202.

(d) APPOINTMENT OF WITHHELD FUNDS- If within 1 year from the date that the apportionment for any State is reduced in accordance with (c), the Secretary determines that the State is enforcing all State laws respecting size and weight limits, the apportionment of the State shall be increased by an amount equal to the reduction. If the Secretary does not make that determination within a 1-year period, the amounts withheld shall be reapportioned to all other eligible States using the factors from the original apportionments.

SEC. 510. VEHICLE WEIGHT LIMITATIONS.

No funds authorized to be appropriated for the National Highway Program shall be apportioned to any State which does not permit the use of the Interstate System within its boundaries by vehicles with a weight of 20,000 pounds carried on any one axle, including enforcement tolerances, or with a tandem axle weight of 34,000 pounds, including enforcement tolerances, or a gross weight of at least 80,000 pounds for vehicle combinations of five axles or more. However, the maximum gross weight to be allowed by any State for vehicles using the Interstate System shall be 20,000 pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of 34,000 pounds, including enforcement tolerances and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 A \frac{LN + 12N + 36}{N-1} B$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of those consecutive sets of tandem axles is 36 feet or

more: *Provided*, That overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances, except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws, or the corresponding maximum weights permitted for vehicles using the public highways of the State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles on any vehicle on January 4, 1975, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse if not released and obligated within the availability period specified in section 201. This section shall not be construed to deny apportionment to any State allowing the operation within the State of any vehicles or combinations which the State determines could be lawfully operated within the State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on January 4, 1975. With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. With respect to the State of Michigan, laws or regulations in effect on May 1, 1982, shall be applicable for the purposes of this subsection.'

SEC. 304. REPEAL OF SECTIONS AND UNOBLIGATED AUTHORIZATIONS.

- (a) REPEAL OF SECTIONS- (1) Sections 402, 403, 404, 411, 412, 413, 414, and 416 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. App. 2302, 2303, 2304, 2311, 2312, 2313, 2314, and 2316 are repealed.
- (2) Section 2 of Public Law 89-170 (79 Stat. 648, 49 U.S.C. 11506), as it relates to required State registration of operating authority granted by the Interstate Commerce Commission, is repealed.
- (b) UNOBLIGATED AUTHORIZATIONS- Unobligated authorizations contained in section 404 of the Surface Transportation Assistance Act of 1982 shall continue in full force and effect pursuant to the provisions of that section except that obligations made from those authorizations shall be subject to the provisions of 23 U.S.C. 507.

SEC. 305. REGISTRATION BY STATES.

Section 11506 of title 49, United States Code, is amended to read as follows:

Sec. 11506. Registration of motor carriers by a State

'No State may require any interstate private or for-hire motor carrier or interstate broker of property to prove the lawfulness of any interstate transportation activity performed under the authority of this subtitle or regulations issued by the Commission, including, but not limited to, requiring such carrier or broker to--

- `(1) file and maintain any certificate or permit issued to the motor carrier or broker by the Commission;
- `(2) register more vehicles operated under a certificate or permit issued by the Commission;
- `(3) display or carry on any vehicle a decal, stamp, cab card, or other means of identification evidencing the lawfulness of such transportation activity; or
- `(4) pay a fee or tax with respect to any activity described in paragraphs (1), (2) or (3) of this section.'

SEC. 306. EFFECTIVE DATE.

The effective date for the Motor Carrier Act of 1991 is October 1, 1991.

TITLE IV--FEDERAL MASS TRANSPORTATION ACT OF 1991

SEC. 401. SHORT TITLE.

This title may be cited as the 'Federal Mass Transportation Act of 1991'.

SEC. 402. THE AGENCY NAME.

Section 107 of 49 U.S.C.A. is revised by striking 'Urban Mass Transportation Administration' where it appears and substituting 'Mass Transportation Administration'.

SEC. 403. DISCRETIONARY CAPITAL GRANTS--ELIGIBLE PROJECTS.

Section 3(a)(1)(B) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. app. 1602(a)) (the 'Act') is amended--

- (a) by striking in the second sentence '(but not public highways other than fixed guideway facilities)'; and
- (b) by striking the period at the end of the second sentence and substituting the following: ', including public highways (other than those functionally classified as local or rural minor collectors): *Provided*, That, funds used for the State or local share portion of such highway projects are eligible to fund either highway or transit projects, or, when in the determination of the Secretary there exists under State or local law a sufficient amount of funds from a dedicated source which is available to fund local transit projects.'

SEC. 404. DISCRETIONARY CAPITAL GRANTS--INNOVATIVE TECHNIQUES AND PRACTICES.

Section 3(a)(1) of the Act (49 U.S.C. app. 1602(a)(1)) is amended by striking in subsection (a)(1)(C) the semicolon and substituting `, including grants to State and local public bodies for projects for the deployment of innovative techniques and methods in the management and operation of public transportation services;`.

SEC. 405. DISCRETIONARY CAPITAL GRANTS--ELDERLY AND HANDICAPPED.

Section 3(a)(1) of the Act (49 U.S.C. app. 1602(a)(1)) is amended by striking subsection (a)(1)(E) and substituting a new subsection (a)(1)(E) as follows:
`(E) mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons, with such grants and loans being subject to all of the terms, conditions, requirements and provisions applicable to grants and loans made under this section.`.

SEC. 406. DISCRETIONARY CAPITAL GRANTS--TECHNICAL AMENDMENT TO PROVIDE FOR FULL FUNDING CONTRACTS.

Section 3(a)(4) of the Act (49 U.S.C. app. 1602(a)(4)) is amended--
(a) by adding, in the fifth and seventh sentences, after `letter`, the phrase `or full funding contract`;
(b) by adding, in the seventh sentence, after `all outstanding letters of intent,` the phrase `and full funding contracts`; and
(c) by adding, in the penultimate sentence after the phrase `by new letters issued,` the phrase `and full funding contracts executed`.

SEC. 407. DISCRETIONARY CAPITAL GRANTS--CRITERIA FOR NEW STARTS.

Section 3(i) of the Act (49 U.S.C. app. 1602(i)) is amended--
(a) by striking `and` at the end of subsection (i)(2);
(b) by striking the period at the end of subsection (i)(3) and substituting `.`;
(c) by adding a new subsection (i)(4) as follows:
`(4) is based upon a thorough assessment of the feasibility of using a variety of innovative financing mechanisms in connection with the construction and operation of the project as well as for its overall capital plan. Such innovative financing mechanisms may include benefit assessment districts, private developer cost-sharing arrangements, public private joint development arrangements, possible private asset ownership, and other such techniques; and`;
(d) by adding a new subsection (i)(5) as follows:
`(5) is included in the report prepared pursuant to subsection (j) of this section.`;
(e) by striking the last sentence and substituting: `The Secretary shall determine that a proposed project is cost effective only if the proposed`

project provides a gain in transit ridership compared to the transportation system management alternative and has a cost-effectiveness index value better than a threshold value to be determined by the Secretary. The transportation system management alternative shall be defined as a package of low to moderate cost improvements designed to make more efficient use of the existing transportation system. The cost effectiveness index shall reflect the incremental annualized capital cost, operating cost, travel time savings and ridership of the locally preferred alternative compared to the transportation system management alternative. The Secretary shall determine that a proposed project is supported by an acceptable degree of local financial commitment only if the amount of local funding provided to the project is equal to or in excess of the amount required by law; the proposed financial plan provides for the availability of contingency funds which are adequate to cover unanticipated cost overruns; each proposed local source of capital and operating funding is stable, reliable and available within the proposed project timetable; and local resources are available to operate the overall proposed transit system (including essential feeder bus and other services necessary to achieve projected ridership levels) without requiring a reduction in other transit services in order to operate the proposed project. In assessing the stability, reliability and availability of proposed sources of local funding, the Secretary shall consider existing grant commitments, the degree to which funding sources are dedicated to the purposes proposed and any debt obligations which exist or are proposed by the recipient for the proposed project or other transit purposes. No project shall be advanced from alternatives analysis to preliminary engineering unless the Secretary finds that the proposed project meets the requirements in this section and there is a reasonable chance that the project will continue to meet these requirements at the conclusion of preliminary engineering. No project will qualify for consideration of discretionary funding unless it meets the requirements in this section.'; and

(f) by adding at the end of the section the following: 'A project funded pursuant to this subsection shall be implemented by means of a full funding contract.'

SEC. 408. DISCRETIONARY CAPITAL GRANTS--FUNDING AND ALLOCATION LEVELS.

Sections 3 (j) and (k) of the Act (49 U.S.C. app. 1602 (h) and (k)) are amended--

- (a) by striking subsection (j)(1);
- (b) by striking '(2)' from subsection (j)(2); and
- (c) by striking subsection (k) and substituting:

'(k) AMOUNTS FOR NEW STARTS- Of the amounts available under section 21(c)(1) of this Act for grants and loans under this section, not to exceed \$300,000,000 for each of fiscal years 1992 and 1993, not to exceed \$380,000,000 for each of fiscal years 1994 and 1995, and not to exceed \$400,000,000 for fiscal

year 1996, shall be available for the construction of new fixed guideway systems and extensions to fixed guideway systems.'

SEC. 409. DISCRETIONARY CAPITAL GRANTS--ADVANCE CONSTRUCTION AUTHORITY LIMITATION.

Section 3(1) of the Act (49 U.S.C. app. 1602(l)) is amended by adding at the end thereof:

`(3) LIMITATION ON PROJECTS- The Secretary may not approve an application under this subsection unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for this section.'

SEC. 410. METROPOLITAN AND RURAL INNOVATION BONUS PROJECTS.

Section 3 of the Act (49 U.S.C. app. 1602) is amended by adding at the end thereof:

`(m) Metropolitan and Rural Innovation Bonus Projects-

`(1) The Secretary may approve innovative highway-related and transit-related, immediate action, noncapital-intensive projects under this section to help relieve congestion and transportation related air quality problems in urbanized areas of more than 200,000 population, or projects in rural areas that respond to rural transportation problems through innovative approaches and strategies.

`(2) Approval of projects shall be limited to those for which there is evidence that (A) the project can be implemented in a short time period; (B) there is a private sector commitment to and support for the project; (C) there is State and local support for the project including a commitment to operate and maintain the project after completion; (D) the project is noncapital intensive and cost effective; (E) in the case of rural projects, the project will demonstrate innovation and prototypicality for resolving rural transportation problems; (F) in the case of Metropolitan projects, the project incorporates demand management as well as supply improvement; and (G), in the case of metropolitan projects, the project will contribute to achieving National Ambient Air Quality standards and/or reduce congestion.

`(3) ELIGIBLE PROJECTS- Eligible activities for projects under this subsection will be those in 23 U.S.C. 104(c) that comply with (2).'

SEC. 411. DISCRETIONARY CAPITAL GRANTS--FEDERAL SHARE.

The second sentence of section 4(a) of the Act (49 U.S.C. app. 1603(a)) is amended by striking 'equal to 75 percent of the net project cost.' and substituting: 'up to 60 percent of the net project cost, except for construction of a new fixed

guideway system and extension to a fixed guideway system, in which case the Federal share shall be up to 50 percent of the net project cost.'.

SEC. 412. DISCRETIONARY CAPITAL GRANTS--DELETION OF EXTRANEEOUS MATERIAL.

Section 4 of the Act (49 U.S.C. app. 1603) is amended by striking '(a)' in the first subsection, and striking subsections (b) through (i).

SEC. 413. SECTION 8--TRANSPORTATION PLANNING IN URBANIZED AREAS.

Section 8 of the Act (49 U.S.C. app. 1607) is amended by striking the existing provisions and substituting the following:

^(a) PLANNING; URBANIZED AREAS- It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with State and local officials in urbanized areas in the development of transportation plans and programs which are formulated with due consideration to comprehensive long-range land use plans, development objectives, overall social, economic, environmental, system performance, and energy conservation goals and objectives; and with due consideration to their probable effect on the future development of the area. The process for developing plans and programs shall be coordinated with the process for development of the transportation measures of the State Implementation Plan required by the Clean Air Act, as amended. The transportation planning process at a minimum shall cover the existing urbanized area and the area expected to become urbanized within the forecast period, and may encompass the entire Metropolitan Statistical Area/Consolidated Metropolitan Statistical Area (MSA/CMSA) at the discretion of the Governor and the affected units of local government.

^(b) PLANNING; URBANIZED AREAS OF 200,000 OR MORE IN POPULATION- In urbanized areas of 200,000 or more in population, transportation plans and programs shall be based on a continuing transportation planning process carried out by a metropolitan planning organization in cooperation with the State and transit operators and shall be comprehensive to the degree appropriate based on the complexity of transportation problems, including transportation related air quality problems, in the areas. The process shall consider all modes of transportation, including intermodal connectivity, and the balance between future development and transportation needs, including opportunities for corridor preservation, and shall include the development of a transportation improvement program, and development of long term financial plans for regional urban mass transit improvements and the revenue available from current and potential sources to implement such improvements. In addition, the planning process shall include an areawide multimodal congestion management system appropriate for the size of the area and the complexity of transportation problems

in the area, including transportation related air quality problems, that results in a plan for effective management of new and existing transportation facilities through the use of travel demand reduction and operational management strategies. The multimodal congestion management system shall address air quality considerations, and in non-attainment areas for transportation related pollutants, shall be coordinated with the process for development of the transportation element of the state implementation plan required by the Clean Air Act. The costs and impacts of proposed actions on both mobility and air quality shall be evaluated. No highway project in urbanized areas of 200,000 or more in population that by reconstruction or new construction significantly increases the vehicle carrying capacity of a transportation corridor shall be approved by the Secretary, unless the project is consistent with the congestion management system.

`(c) METROPOLITAN PLANNING ORGANIZATION- A metropolitan planning organization shall be designated in each urbanized area by agreement among the units of general purpose local government and the Governor to carry out the transportation planning process required by this section.

`(d) TRANSPORTATION IMPROVEMENT PROGRAM- The metropolitan planning organization, in cooperation with the State and transit operators, shall develop a transportation improvement program that includes all projects proposed for funding within the study area under this Act. In urbanized areas of 200,000 or more in population, development of the transportation improvement program shall be through the process in subsection (b).

`(e) PLANNING; URBANIZED AREAS OF LESS THAN 200,000 IN POPULATION- In urbanized areas of less than 200,000 population, the metropolitan planning organization, transit operators, and the State may meet the requirements of this section by the development of a transportation improvement program that includes projects to be funded under this Act and includes planning for Transportation related air quality problems.

`(f) GRANTS-

`(1) ELIGIBILITY- The Secretary is authorized to contract for and make grants to States and local public bodies and agencies thereof, or enter into working agreements with other Federal departments and agencies, for the planning, engineering, design, and evaluation of public transportation projects, and for other technical studies. Activities assisted under this section may include--

`(A) studies relating to management, operations, capital requirements, and economic feasibility;

`(B) evaluation of previously funded projects; and

`(C) other similar or related activities preliminary and in preparation for the construction, acquisition or improved operation of mass transportation facilities and equipment.

`(2) A grant, contract or working agreement under this section shall be made in accordance with criteria established by the Secretary.

`(g) PRIVATE ENTERPRISE- The plans and programs required by this section shall encourage to the maximum extent feasible the participation of private

enterprise. Where facilities and equipment are to be acquired which are already being used in mass transportation service in the urban areas, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area.'

SEC. 414. SECTION 9--FORMULA GRANT PROGRAM APPORTIONMENTS.

Section 9 of the Act (49 U.S.C. 1607a) is amended--

- (1) by striking in subsections (a) (1) and (2) the words 'from the general fund of the Treasury';
- (2) by striking in subsections (a) (1) and (2) after 'section 21 the letter '(a)' and substituting '(e)'; and
- (3) by deleting the period at the end of subsection (a)(1) and substituting ':
Provided, That, before apportionment of funds made available under section 21(e), \$600,000,000 shall be made available under subsection (b).'

SEC. 415. SECTION 9--FORMULA GRANT PROGRAM ELIMINATION OF INCENTIVE TIER.

Section 9 of the Act (49 U.S.C. app. 1607a) is amended--

- (1) by striking in subsections (b)(2) '95.61 percent of';
- (2) by striking in subsections (b)(3);
- (3) by striking in subsections (c)(2) '90.8 percent of'; and
- (4) by striking subsection (c)(3).

SEC. 416. SECTION 9--FORMULA GRANT PROGRAM APPLICABILITY OF SAFETY PROVISIONS.

Section 9(e)(1) of the Act (49 U.S.C. app. 1607a) is amended by striking, in the first sentence, '13, and 19', and substituting '13, 19, and 22'.

SEC. 417. SECTION 9--FORMULA GRANT PROGRAM COORDINATION OF PUBLIC TRANSPORTATION.

Section 9 of the Act (49 U.S.C. app. 1607a) is amended by--

- (a) striking 'and' at the end of subsection (f)(3);
- (b) striking the period at the end of subsections (f)(4) and substituting 'and'; and
- (c) adding the subsection (f)(4) the following new paragraph:
'(5) assure that the proposed program of projects provides for the maximum feasible coordination of public transportation services assisted under this section with transportation services assisted by other Federal sources.'

SEC. 418. SECTION 9--FORMULA GRANT PROGRAM ELIGIBILITY.

Section 9(j) of the Act (49 U.S.C. app. 1607a(j)) is amended--

(1) by striking in the first sentence of subsection (j)(1) 'operating costs' and substituting '(in urbanized areas under 1,000,000 in population) noncapital expenses, subject to the limits provided in subsection (j)(2);'

(2) by striking in the last sentence of subsection (j)(1) 'equipment, tires, tubes, and materials each of which costs no less than one-half of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment, tires, tubes and materials are to be used.' and substituting 'in urbanized areas over 1,000,000 in population, equipment, tires, tubes, and materials, each of which costs no less than one-half of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment, tires, tubes, and materials are to be used, and in urbanized areas under 1,000,000 in population, tires, tubes, materials, and supplies (not including fuel and lubricants), except that no more than 25 percent of an urbanized area's apportionment or the amount computed by the Secretary under subsection (j)(2), whichever is larger, shall be used for such associated capital maintenance items. Projects authorized under section 3(a)(1)(D) of this Act are eligible for assistance under this section. Grants for construction projects under this section also shall be available for highway projects (other than those functionally classified as local or rural minor collectors): *Provided*, That funds used for the State or local share portion of such highway projects are eligible to fund either highway or transit projects, or, when, in the determination of the Secretary, there exists under State or local law a sufficient amount of funds from a dedicated source which are available to fund local transit projects.'; and

(3) striking subsection (j)(2) and substituting--

(j)(2) For urbanized areas under 1,000,000 in population, the Secretary shall compute an amount equal to the amount allocated to an urbanized area, or State (for areas of less than 200,000 population), for operating expenses for fiscal year 1991. If this amount exceeds eligible associated capital maintenance items for a particular fiscal year, the difference in such amount shall be available to the urbanized area for noncapital expenses. For an urbanized area that first became an urbanized area under the 1990 Census or thereafter, the Secretary shall use for this amount an amount equal to two-thirds of its apportionment during the first full year it received funds under this section.'

SEC. 419. SECTION 9--FORMULA GRANT PROGRAM FEDERAL SHARE.

Section 9(k)(1) of the Act (49 U.S.C. app. 1607a) is amended--

(1) by striking in the first sentence, '(1)' and '80 percent' and substituting '60 percent';

- (2) by adding in the first sentence before the semicolon: `except for a noncapital expenses project, in which case the Federal share shall be 50 percent of the net project cost'; and
- (3) by striking the second sentence.

SEC. 420. SECTION 9--FORMULA GRANT DELETION OF EXTRANEIOUS MATERIAL.

Section 9 of the Act (49 U.S.C. app. 1607a) is amended by striking subsections (k)(2) and (k)(3)--

- (1) by adding in the first sentence of subsection (n)(1) the phrase `or 16(b)' after the phrase `section 18(a)' and before `of this Act';
- (2) by deleting in subsection (n)(1) the second sentence; and
- (3) by adding at the end of subsection (n)(1) the following sentence: `The Governor may transfer an amount of the State's section 16(b) apportionment to supplement funds apportioned to the State under section 18(a) or subsection (d).'

SEC. 422. SECTION 9--FORMULA GRANT PROGRAM DELEGATION OF ENVIRONMENTAL ASSESSMENT RESPONSIBILITY.

Section 9 of the Act (49 U.S.C. app. 1607a) is amended by adding at the end thereof--

`(r) National Environmental Policy Act-

`(1) DELEGATION- The Secretary in lieu of the Federal environmental review procedures otherwise applicable under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq., NEPA) may, under regulations, provide for the approval of projects by recipients of assistance under this section who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to NEPA, and other provisions of law that would apply to the Secretary if the projects were undertaken as Federal projects. The Secretary shall issue regulations to carry out this paragraph only after consultation with the Council on Environmental Quality.

`(2) CERTIFICATION- Such recipient shall submit an annual certification under the regulations authorized by subsection (d)(1). The certification shall--

- `(i) be in a form acceptable to the Secretary;
- `(ii) be executed by the chief executive officer or other officer of the recipient of assistance under this section qualified under the regulations authorized in subsection (r)(1);
- `(iii) specify that the recipient of assistance under this section will carry out fully its responsibilities as described under the regulations authorized in subsection (r)(1);
- `(iv) specify that the certifying officer consents to assume the status of a responsible Federal official under the NEPA specified in

regulations issued by the Secretary insofar as the provisions of NEPA apply under the regulations authorized under subsection (r)(1) and is authorized and consents on behalf of the recipient of assistance under this section and the certifying officer to accept the jurisdiction of the Federal courts for the purpose of enforcement of the certifying officer's responsibilities, and

(v) include an agreement that the Secretary's approval of any certification shall be deemed to satisfy the Secretary's responsibilities under the NEPA as the regulations of the Secretary specify insofar as those responsibilities relate to the approval of projects by recipients under this section.

(3) COMPLIANCE- If the Secretary determines that a recipient has failed to comply substantially with any provision of this subsection, the Secretary shall notify the recipient that, if it fails to take corrective action within 60 days from the receipt of the notification, the Secretary will withhold future payments under this section until the Secretary is satisfied that appropriate corrective action has been taken.'

SEC. 423. SECTION 10--GRANTS FOR TRAINING PURPOSES.

Section 10 of the Act (49 U.S.C. app. 1607b) is amended--

- (1) by striking, in the first sentence, 'fellowships'; and
- (2) by striking the remainder of the section.

SEC. 424. SECTION 11--UNIVERSITY TRANSPORTATION CENTERS.

Section 11(b) of the Act (49 U.S.C. app. 1607c) is amended--

- (1) by striking section 11(b)(2) and substituting:

(2) RESPONSIBILITIES- The responsibilities of each transportation center established under this subsection shall include, but not be limited to, the conduct of infrastructure research concerning transportation, research and training concerning transportation of passengers and property, and transportation safety and the interpretation, publication, and dissemination of the results of such research. The responsibilities of one of such centers may include research on the testing of new model buses. The responsibilities of the centers may include research involving any mode of transportation. The program of research at all research centers should cover more than one mode of transportation, and should take into consideration the proportion of funding for this subsection made available under this Act, title 23, United States Code, or other sources.'

- (2) by striking section 11(b)(7) and substituting:

(7) PROGRAM COORDINATION- The Secretary shall provide for coordination of the research, education, training and technology transfer in the research centers, the dissemination of the results of the research, and a clearinghouse between the centers and the transportation industry. The

Secretary shall review and evaluate the programs carried out by the grant recipients at least annually.';

(3) by striking section 11(b)(8) and substituting:

`(8) ADMINISTRATION- Up to 1 percent of the funds made available from any source to carry out this subsection shall be available to the Secretary for the administrative expenses in connection with the performance of such administrative responsibilities.'; and

(4) by adding at the end of section 11(b) the following:

`(11) NATIONAL CENTERS- To accelerate the involvement and participation of minorities and women in transportation related professions, particularly in the science, technology, and engineering disciplines, the Secretary shall make grants to colleges or universities to establish three additional National Centers for Transportation Management, Research, and Development. The National Centers shall give special attention to the design, development, and implementation of research, training, and technology transfer activities to increase the number of highly skilled minorities and women entering the transportation workforce. The Centers shall meet all guidelines and criteria applicable to Centers under this subsection. In awarding the grants, the Secretary shall consider the commitment which the college or university demonstrates to enrollment of minorities and women.

`(12) Notwithstanding any other provision of law, funds appropriated or otherwise made available to the Department of Transportation in any Act for the purpose of transportation research may, at the discretion of the Secretary, be made available to one or more of the transportation research centers for the conduct of research compatible with the research conducted in such centers pursuant to authorizations under this Act or from the Highway Trust Fund.'.

SEC. 425. SECTION 12--TRANSFER OF FACILITIES AND EQUIPMENT.

Section 12 of the Act (49 U.S.C. app. 1608) is amended by adding at the end thereof:

`(k) TRANSFER OF CAPITAL ASSET-

`(1) AUTHORIZATION- If a recipient determines that facilities and equipment acquired with assistance under this Act no longer are needed for their original purposes, the Secretary may authorize the transfer of such assets to any public body to be used for any public purpose, with no further obligation to the Federal Government, on condition that any such facilities (including land) remain in public use no less than 5 years after the date of the transfer.

`(2) DETERMINATION- Before authorizing a transfer under subsection (k)(1) for any public purpose other than mass transportation, the Secretary shall first determine that--

- `(A) there are no purposes eligible for assistance under this Act for which the asset should be used;
 - `(B) the overall benefit of allowing the transfer outweighs the Federal Government interest in liquidation and return of the Federal financial interest in the asset, after consideration of fair market value and other factors; and
 - `(C) in the case of facilities (including land), the Secretary determines through an appropriate screening or survey process that there is no interest in acquiring the asset for Federal use.
- `(3) DOCUMENTATION. Where the Secretary finds that a transfer is warranted, the Secretary shall set forth in writing the rationale for the decision that the transfer is appropriate under the standards in subsection (k)(2).
- `(4) RELATION TO OTHER PROVISIONS- The provisions of this section shall be in addition to and not in lieu of any other provision of law governing use and disposition of facilities and equipment under an assistance agreement.'

SEC. 426. SECTION 12--PUBLIC HIGHWAY PROJECTS.

Section 12 of the Act (49 U.S.C. app. 1608) is amended by adding at the end thereof:

- `(1) PUBLIC HIGHWAY PROJECTS- Funds made available for a public highway project under this Act shall be transferred to and administered by the Federal Highway Administration.'

SEC. 427. SECTION 13--LABOR STANDARDS MINIMUM CONTRACT AMOUNTS.

Section 13(a) of the Act (49 U.S.C. app. 1609(a)) is amended by--

- (1) at the end of the first sentence by striking the period and substituting: ', if such construction contract financed with assistance under this Act is in excess of \$250,000 in amount.'; and
- (2) adding at the end the following:
 - `(1) Any person entering into a contract under which wages are to be determined in accordance with this section shall not divide any project into contracts of \$250,000 or less if the project would not have been so divided but for the purpose of avoiding application of this section.
 - `(2) Whenever the Secretary of Labor determines that a division for such purposes as described above has occurred, the Secretary may require that the contracts, grants, or other instruments providing Federal financing or assistance be amended so as to incorporate retroactively all the provisions which would have been required under this Act or other applicable prevailing wage statute, and (B) require the contracting or assisting agency, the recipients of Federal financing or assistance, or any other entity which awarded the contract or instrument providing Federal

financing or assistance in violation of this section, to compensate the contractor, the grantee, or other recipient of Federal assistance, as appropriate, for payment to each affected laborer and mechanic, of an amount equal to the difference between the rate received and the applicable prevailing wage rate, with interest on wages due at the rate specified in section 6621(a)(2) of title 26, United States Code, from the date work was performed by such laborers and mechanics. The Secretary shall make such a determination only if the Secretary has notified the agency or entity in question no later than 180 days after completion of construction on the project that an investigation will be conducted concerning an alleged violation of this paragraph.'

SEC. 428. SECTION 16--ELDERLY PERSONS AND INDIVIDUALS WITH DISABILITIES PROGRAM.

Section 16 of the Act (49 U.S.C. app. 1612) is amended by striking subsections (b), (c), (d), and (e) and substituting--

`(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants and loans for capital projects--

`(1) to the Governor of each State for allocation to private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly persons and individuals with disabilities, with such grants and loans being subject to such terms, conditions, requirements, and provisions (similar insofar as may be appropriate to those applicable to grants and loans otherwise provided for under section 9 or 18 of the Act) as the Secretary may determine to be necessary or appropriate for purposes of this paragraph.

`(2) Funds made available under this section may be used for transportation projects to assist in the provision of transportation services for elderly persons and individuals with disabilities which are included in a State program of projects. Such programs shall be submitted annually to the Secretary for approval. The program shall not be approved unless the Secretary finds that it provides for the maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Federal sources.

`(3) Sums made available for expenditure under section 21 of the Act for the purposes of section 16(b) shall be apportioned to the States on the basis of a formula administered by the Secretary which shall take into consideration the number of elderly and handicapped persons in each State.

`(4) The Federal share for any construction project assisted under this section shall be in an amount not to exceed 60 percent of the net cost of such project.'

SEC. 429. SECTION 17--GOVERNOR'S ALLOCATION.

Section 17 of the Act (49 U.S.C. app. 1613) is repealed and the following new section is substituted:

`SEC. 17. (a) GOVERNOR'S DISCRETION- The funds provided for under subsection (d) shall be available each year to the Governor to allocate under sections 16(b), 18, and 9 (for urbanized areas of less than 200,000 in population) as the Governor deems appropriate.

`(b) ANNUAL GRANTS- After allocation of such funds, the Governor shall submit the programs of projects to be funded under sections 9, 16(b) and 18 to the Secretary. Upon approval by the Secretary of such programs, the Governor shall enter into a single grant agreement for the program of projects under each of such sections or for all such sections.

`(c) ADMINISTRATIVE EXPENSES- The Governor may use funds available under this section for administering projects funded under this section and for providing technical assistance to recipients of funds under this section, subject to the local share provisions of sections 9, 16(b), and 18.

`(d) FUNDS COVERED- Subsection (a) shall apply to funds made available under--

 `(1) section 21(b)(3);

 `(2) section 21(d); and

 `(3) section 21(e) for urbanized areas of less than 200,000 in population.

`(e) CERTIFICATION ON TRANSIT NEEDS- Before funds under this section may be made available to construct a highway project under section 9 or 18, the Governor, with the concurrence of urbanized areas of less than 200,000 in population, shall certify that no priority transit needs are unmet among such urbanized areas in the State.

`(f) NATIONAL ENVIRONMENTAL POLICY ACT- The provisions of section 9(r) of this Act shall apply to the approval of projects under this section.

`(g) TRIENNIAL REVIEWS- The Secretary shall, not less than once every 3 years, perform a full review and evaluation of the performance of the Governors in carrying out this program, with specific reference to compliance with statutory and administrative requirements, and consistency of actual program activities with such requirements.'

SEC. 430. SECTION 18--NONURBANIZED AREA FORMULA PROGRAM--OPERATING ASSISTANCE LIMITATION.

Section 18 of the Act (49 U.S.C. app. 1614) is amended by striking subsection (d) and substituting the following:

`(d) The amount of the funds apportioned to each State under this section which may be used for operating assistance shall not exceed the amount of funds apportioned to each State in fiscal year 1991 under this section.'

SEC. 431. SECTION 18--NONURBANIZED AREA FORMULA PROGRAM--FEDERAL SHARE.

Section 18(e) of the Act (49 U.S.C. app. 1614(e)) is amended by striking in the first sentence `80' and substituting `60'.

SEC. 432. SECTION 18--NONURBANIZED AREA FORMULA PROGRAM--ELIGIBLE ITEMS.

Section 18(e) of the Act (49 U.S.C. app. 1614(e)) is amended by adding at the end thereof: `Public highways (other than those functionally classified as local or rural minor collectors) are eligible construction projects under this section, provided that funds used for the State or local share portion of such highway projects are eligible to fund either highway or transit projects, or, when in the determination of the Secretary there exists under State or local law a sufficient amount of funds from a dedicated source which is available to fund local transit projects.'.

SEC. 433. SECTION 18--NONURBANIZED AREA FORMULA PROGRAM--TRANSFER OF CAPITAL ASSET, DELETION OF EXTRANEIOUS MATERIAL.

Section 18 of the Act (49 U.S.C. app. 1614) is amended--

(1) by striking, in subsection (h), the second sentence;

(2) by adding the following new subsection:

`(i) TRANSFER OF FACILITIES AND EQUIPMENT- In addition to the transfer authority in section 12(k) of this Act, in administering this section the State may transfer facilities and equipment acquired with assistance under this section or section 16(b) to any recipient eligible to receive assistance under this Act so long as the equipment or facilities continue to be used in accordance with the requirements of this section or section 16(b).'; and

(3) by striking subsection (g) and redesignating subsection (h) as `(g)'.

SEC. 434. SECTION 20--HUMAN RESOURCES PROGRAM SUPPORT.

Section 20 of the Act (49 U.S.C. app. 1616) is amended--

(1) by inserting `(a)' before the first sentence of the section; and

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

`(b) The Secretary is authorized to retain any funds returned to the Secretary in connection with a grant or contract under subsection (a), and such funds may continue to be used for the purpose of subsection (a).'

SEC. 435. AUTHORIZATIONS.

Section 21 of the Act (49 U.S.C. app. 1617) is amended by striking all of its provisions and substituting:

`(a) There are authorized to be appropriated from the Mass Transit Account of the Highway Trust Fund only to carry out sections 9, 11(b), 12(a), 16(b), 18, 23, and 26 of this Act, and substitute mass transportation projects under section 103(e)(4)

of title 23, United States Code, \$2,899,499,000 for the fiscal year 1992, \$2,899,499,000 for the fiscal year 1993, \$2,819,499,000 for the fiscal year 1994, \$2,819,499,000 for the fiscal year 1995, and \$2,870,499,000 for the fiscal year 1996, to remain available until expended.

`(b) Before apportionment in each fiscal year of the funds appropriated under subsection (a)--

`(1) An amount equivalent to 2.8 percent of the amounts appropriated under subsection (a), and under the National Capital Transportation Act of 1969, as amended, and made available under subsection (f), shall be available to carry out section 26 of this Act to be available until expended;

`(2) Not to exceed an amount equivalent to 2 percent of the amounts appropriated under subsection (a), and under the National Capital Transportation Act of 1969, as amended, and made available under subsection (f), shall be available to carry out section 12(a) of this Act and shall be available until expended;

`(3) Not to exceed an amount equivalent to 1.5 percent of the amounts appropriated under subsection (a), and under the National Capital Transportation Act of 1969, as amended, and made available under subsection (f), shall be available pursuant to the formula under section 16(b) of this Act, to be available until expended;

`(4) \$6,000,000 shall be available for the purposes of section 11(b) for each of fiscal years 1992 and through 1996.

`(c) Of the amounts remaining available each year under subsection (a), after allocation pursuant to subsection (b), for substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there shall be available \$160,000,000 for fiscal year 1992 and \$160,715,000 for fiscal year 1993.

`(d) An amount equivalent to 2.93 percent of the amounts remaining available each year under subsection (a), after allocation pursuant to subsections (b) and (c), or \$89,000,000, whichever is larger, shall be made available pursuant to the formula under section 18, to be available until expended.

`(e) The funds remaining available each year under subsection (a), after allocation pursuant to subsections (b), (c) and (d), shall be made available under section 9.

`(f) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out section 3 of this Act, \$350,000,000 for each of fiscal years 1992 and 1993, \$430,000,000 for each of fiscal years 1994 and 1995, and \$450,000,000 for fiscal year 1996 to remain available until expended. Approval by the Secretary of a grant or contract with funds made available under this subsection shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.'.

SEC. 436. SECTION 22--SAFETY AND SUBSTANCE ABUSE.

Section 22 of the Act (49 U.S.C. app. 1618) is amended--

(1) by inserting `(a)' before the first sentence of the section; and

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

(b)(1) The Secretary may issue regulations requiring as a condition of assistance under sections 3, 9, and 18 of this Act or interstate transfer projects under section 103(e)(4) of title 23, United States Code, in effect on September 30, 1991, that a recipient certify that it has established programs for the control of alcohol and drug use which, at a minimum provide for prevention, chemical testing, including random testing, of workers of or for the recipient whose responsibilities include sensitive safety functions, as determined by the Secretary. The Secretary may withhold further financial assistance under the Act from the recipient until the recipient implements such a program.

(2) for purposes of the requirement for drug control programs, following terms have the meaning specified--

(A) 'Chemical testing' means the taking or examining, or both, of an individual's blood, urine, saliva, or tissue for the purpose of inferring or identifying the presence of alcohol, a drug or drugs;

(B) 'Drug' means a substance specified in Schedule I or Schedule II of the Controlled Substances Act (21 U.S.C. 802), as amended, which schedules may be revised by regulation from time to time (21 CFR 1308); and

(C) 'Random testing' means mandatory testing imposed without individualized suspicion that an individual is using drugs and includes uniform, unannounced testing of every person authorized for testing, or a statistically random sampling of those persons based upon neutral criteria.

(3) No State or local government shall adopt or have in effect any constitutional provision, law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations issued under this section.'

SEC. 437. SECTION 23--PROJECT MANAGEMENT OVERSIGHT.

Section 23 of the Act (49 U.S.C. app. 1619) is amended--

(1) by striking in subsection (a) 'one-half of 1 percent' and substituting 'three-quarters of 1 percent';

(2) by striking paragraphs (a)(1) through (a)(5); and

(3) by substituting at the end of subsection (a): 'the funds made available for any fiscal year to carry out sections 3, 9, or 18 of this Act, or interstate transfer transit projects under section 103(e)(4) of title 23, United States Code, in effect on September 30, 1991, or a project under the National Capital Transportation Act of 1969, as amended, to contract with any person to oversee the construction of any major project under any such section.'

SEC. 438. SECTION 26--PLANNING AND RESEARCH.

The following new section is added to the Act: 'planning and research program'.

'SEC. 26. (a) NATIONAL PROGRAM- (1) Of the funds made available under section 21(b)(1), one-third shall be available to the Secretary for grants or

contracts for the purposes of sections 6, 8, 10, 11, 18(h), or 20 of this Act as the Secretary deems appropriate;

`(2) Notwithstanding any other provision of law, the Secretary is authorized to charge and retain fees, tuition, or related amounts resulting from conferences, seminars, training sessions and the like funded under this subsection, and any such amounts may be used for the purposes of this subsection. The Secretary shall determine what constitutes a necessary expense for the conduct of activities under this subsection.

`(3) Of the amounts available under subsection (1), an amount not to exceed 25 percent shall be available to the Secretary for special demonstration initiatives subject to such terms, conditions, requirements and provisions as the Secretary deems appropriate for the purposes of this paragraph;

`(4) TECHNOLOGY DEVELOPMENT-

`(A) The Secretary is authorized to undertake a program of transit technology development in coordination with affected entities.

`(B) the Secretary shall establish an Industry Technical Panel consisting of representatives of transportation suppliers and operators and others involved in technology development. A majority of the panel members shall represent the supply industry. The Panel shall assist the Secretary in the identification of priority technology development areas and in establishing guidelines for project development, project cost sharing, and project execution.

`(C) the Secretary shall develop guidelines for cost sharing in technology development projects funded under the section. Such guidelines shall be flexible in nature and reflect the extent of technical risk, market risk, and anticipated supplier benefits and pay back periods.

`(5) The Secretary may use funds appropriated under this subsection to supplement funds available under section 26(b)(1), as the Secretary deems appropriate.

`(6) Where there would be a clear and direct financial benefit to an entity under a grant or contract funded under this subsection or subsection (b)(1), the Secretary shall establish a Federal share consistent with that benefit.

`(b) STATE AND LOCAL PROGRAM- Of the funds made available under section 21(b)(1), two-thirds shall be available for State and local programs as follows:

`(1) TRANSIT COOPERATIVE RESEARCH PROGRAM- Sixteen and one-half percent of that amount shall be available for transit cooperative research program to be administered as follows:--

`(A) the Secretary shall establish an independent governing board for such program to recommend mass transportation research, development, and technology transfer activities as the Secretary deems appropriate;

`(B) The Secretary may make grants to, and enter into cooperative agreements with the National Academy of Sciences to carry out such activities as the Secretary determines are appropriate;

`(2) STATE AND LOCAL PLANNING AND RESEARCH- The remaining 83.5 percent of that amount shall be apportioned to the States for grants and contracts consistent with the purposes of sections 6, 8, 10, 11, 18(h), and 20 of the Act.

`(A) APPORTIONMENT FORMULA- Amounts shall be apportioned to the States in the ratio which the population in urbanized areas, in each State, bears to the total population in urbanized areas, in all the States as shown by the latest available decennial census, except that no State shall receive less than one-half of 1 percent of the amount apportioned under this section.

`(B) ALLOCATION WITHIN A STATE-

`(i) Of the funds made available to each State under subsection (b), 25 percent shall be available for State programs to carry out the objectives of this subsection. A State may authorize a portion of its funds made available under this subsection to be used to supplement funds available under subsection 26(b)(1) or (b)(2)(B)(2), of the Act, as the State deems appropriate. Of the funds made available under this subsection, at least 33 1/3 percent shall be used for purposes of section 18(h).

`(ii) Of the funds made available to each State under subsection (b), 75 percent shall be, by a formula developed by each State in cooperation with local elected officials acting through the metropolitan planning organization and approved by the Secretary which considers population in urbanized areas and provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in section 8 of this Act, made available by the State to metropolitan planning organizations designated as being responsible together with the State for carrying out the objectives of this section.

`(C) FEDERAL SHARE PAYABLE- The Federal share payable for a project under subsection (b)(2) shall be 75 percent except--

`(i) where the Secretary determines that it is in the Federal interest not to require a State or local match; and

`(ii) 100 percent for funds used for the purposes of section 18(g).

`(c) HOLD HARMLESS- The amounts made available under this section shall be adjusted as follows--

`(1) the amount made available under subsection (a) shall be reduced and the amount made available under subsection (b)(2) shall be increased so that the aggregate amount provided to the States for allocation to metropolitan planning organizations under subsection (b)(2)(B)(2) is no less than the aggregate amount provided to metropolitan planning organizations by administrative formula under section 8 of this Act in fiscal year 1991.

`(2) the amount apportioned to each State by formula under subsection (b) shall be adjusted so that the aggregate amount apportioned to each State to be made available to metropolitan planning organizations under subsection (b)(2)(B)(2) is no less than the aggregate amount provided to metropolitan planning organizations in the State by administrative formula under section 8 of this Act in fiscal year 1991.

`(3) Of the funds allocated to a State under subsection (b), a larger amount than provided for under subsection (b)(2)(B)(1) may be available for State programs to the extent that the amount otherwise available to the State for State programs is less than the amount made available to the State by administrative formula under section 8 of this Act in fiscal year 1991 and under section 18(h) of this Act in fiscal year 1991: *Provided*, That the aggregate amount made available by the State to metropolitan planning organizations under subsection (b)(2)(B)(2) shall in no event be less than the aggregate amount made available to metropolitan planning organizations in that State by administrative formula under section 8 of this Act in fiscal year 1991.'

SEC. 439. TECHNICAL ACCOUNTING PROVISIONS.

Notwithstanding any other provision of law, any funds appropriated under sections 6, 10, 11, or 18 of this Act, or section 103(e)(4) of title 23, United States Code, in effect on September 30, 1991, before October 1, 1983, that remain available for expenditure after October 1, 1991, may be transferred to and administered under the most recent appropriation heading for any such section.

TITLE V--HIGHWAY REVENUE ACT OF 1991

SEC. 501. SHORT TITLE.

This title may be cited as the 'Highway Revenue Act of 1991'.

SEC. 502. AMENDMENT OF 1986 CODE.

Whenever in this title, an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be a section or other provision of the Internal Revenue Code of 1986.

SEC. 503. 3-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

(a) EXTENSION OF TAXES- The following provisions are each amended by striking '1995' each place it appears and inserting instead '1998':

(1) Section 4091(b)(6)(a) (relating to special fuels tax).

- (2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).
- (3) Section 4071(d)(1) (relating to tax on tires and tread rubber).
- (4) Section 4081(d)(1) (relating to gasoline tax).
- (5) Section 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).
- (b) EXTENSION OF EXEMPTIONS- The following provisions are each amended by striking `1995' each place it appears and inserting instead `1998':
 - (1) Section 4041(f)(3) (relating to exemption for farm use).
 - (2) Section 4041(g) (relating to other exemptions).
 - (3) Section 4221(a) (relating to certain tax-free sales).
 - (4) Section 4483(g) (relating to termination of exemptions for highway use tax).
 - (5) Section 6420(h) (relating to gasoline used on farms).
 - (6) Section 6421(i) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).
 - (7) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).
 - (8) Section 6427(o) (relating to fuels not used for taxable purposes).
- (c) Other Provisions-
 - (1) FLOOR STOCKS REFUNDS- Section 6412(a)(1) (relating to floor stocks refunds) is amended--
 - (A) by striking `1995' each place it appears and inserting instead `1998'.
 - (B) by striking `1996' each place it appears and inserting instead `1999'.
 - (2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX- Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles) is amended by striking `1995' and inserting instead `1998'.

SEC. 504. 3-YEAR EXTENSION OF HIGHWAY TRUST FUND.

- (a) IN GENERAL- Section 9503(b) and (c) (relating to the Highway Trust Fund) are each amended--
 - (1) by striking `1993' each place it appears and inserting instead `1998'.
 - (2) by striking `1994' each place it appears and inserting instead `1999'.
- (b) EXPENDITURES FROM HIGHWAY TRUST FUND- Section 9503(c) (relating to expenditures from the Highway Trust Fund) is amended--
 - (1) by striking `or' at the end of (C) and by striking (D) and inserting instead the following:
 - `(D) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Assistance Act of 1991, or
 - `(E) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by (A), (B), (C) or (D), as in effect on the date of the enactment of the Surface Transportation Assistance of 1991.'.

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

`(5) TRAFFIC SAFETY AND COST SAVINGS PROGRAMS- Amounts in the Highway Account shall be available, as provided by appropriation Acts, for making expenditures before October 1, 1998, in accordance with (A) section 407 of title 23, United States Code (the National Driver Register program), (B) the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), and (C) the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).'

(c) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND- Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-11) is amended--

(1) by striking `1995' and inserting instead `1998' and

(2) by striking `1996' each place it appears and inserting instead `1999'.

SEC. 505. REDUCTION OF FUEL TAXES.

(a) EFFECTIVE DATE- Amendments made by this section take effect October 1, 1995.

(b) GASOLINE TAX- Subparagraph (B) of section 4081(a)(2) is amended by striking `11.5 cents a gallon' and inserting `9 cents a gallon'.

(c) DIESEL AND SPECIAL MOTOR FUELS TAXES- Paragraph (2) of section 4091(b) is amended by striking `17.5 cents' and inserting `15 cents'.

(d) TRANSFERS TO MASS TRANSIT ACCOUNT- Paragraph (2) of section 9503(e) is amended by striking `1.5 cents' and inserting `1 cent'.

SEC. 506. EFFECTIVE DATE.

The Highway Revenue Act of 1991 is effective on October 1, 1991.

END