

57 Stat. 521.  
31 U. S. C., Supp.  
III, § 734c note.

silver held or owned by the United States", approved July 12, 1943 (Public Law 137, Seventy-eighth Congress), is amended to read as follows:

"SEC. 2. This Act shall expire on December 31, 1945."

Approved December 20, 1944.

[CHAPTER 625]

AN ACT

December 20, 1944  
[S. 1962]  
[Public Law 520]

Extending the provisions of Public Law 47, Seventy-seventh Congress, as amended, to reemployment committeemen of the Selective Service System.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Public Law 47, Seventy-seventh Congress, approved May 5, 1941 (55 Stat. 150), as amended, be amended to read as follows:

5 U. S. C., Supp.  
III, § 99 note.

Nonapplicability of  
designated laws to cer-  
tain personnel.  
35 Stat. 1107, 1109.

54 Stat. 835.  
50 U. S. C., app.  
§§ 301-318; Supp. III,  
§§ 302-315.  
*Ante*, pp. 720, 798.

54 Stat. 839.  
50 U. S. C. app.  
§ 305 (g).

1 Stat. 577.

"That nothing in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99) shall be deemed to apply to any person because of his appointment under authority of the Selective Training and Service Act of 1940 or the Selective Service regulations made in pursuance thereof as a member of a local board, a board of appeal, an advisory board for registrants, as a State director, a Government appeal agent, a reemployment committeeman, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant training and service because of conscientious objections as provided in section 5 (g) of the Selective Training and Service Act of 1940; or because of his appointment as a member of an alien enemy hearing board to assist the Attorney General in the execution of any proclamations heretofore or hereafter issued by the President under the authority of the Alien Enemy Act of 1798 as amended (U. S. C., title 50, secs. 21-24)."

Approved December 20, 1944.

[CHAPTER 626]

AN ACT

December 20, 1944  
[S. 2105]  
[Public Law 521]

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, when used in this Act, unless the context indicates otherwise—

Federal-Aid High-  
way Act of 1944.

"Construction."

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of rights-of-way, and elimination of hazards of railway-grade crossings.

"Urban area."

The term "urban area" means an area including and adjacent to a municipality or other urban place, of five thousand or more, the population of such included municipality or other urban place to be determined by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

Fixing of bound-  
aries.

"Rural areas."

The term "rural areas" means all areas of the State not included in "urban areas".

The term "secondary and feeder roads" means roads in rural areas, including farm-to-market roads, rural-mail routes, and school-bus routes, and not on the Federal-aid system.

SEC. 2. For the purpose of carrying out the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, there is hereby authorized to be appropriated the sum of \$1,500,000,000 to become available at the rate of \$500,000,000 a year for each of three successive post-war fiscal years: *Provided*, That of the sums authorized to be appropriated for the first of such fiscal years \$100,000,000 may be appropriated in accordance with the provisions of this Act to become available immediately upon apportionment of the authorization for said fiscal year for the making of surveys and plans and for construction: *Provided further*, That except for the sum appropriated pursuant to the preceding proviso, no part of the funds made available pursuant to this Act shall be used to pay costs incurred under any construction contract entered into by any State before the beginning of the first post-war fiscal year. The first post-war fiscal year shall be that fiscal year which ends on June 30th following the date proclaimed by the President as the termination of the existing war emergency, or following the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, or following the date on which the Congress by a concurrent resolution of the two Houses finds as a fact that the war emergency hereinbefore referred to has been relieved to an extent that will justify proceeding with the highway construction program provided for by this Act, whichever date is the earliest. The authorization for the first post-war fiscal year shall be apportioned among the States within thirty days from the passage of this Act. The authorization for the second post-war fiscal year shall be apportioned among the States within twelve months after the date of such termination or finding as above specified, and the authorization for the third post-war fiscal year shall be apportioned among the States within twelve months after the apportionment of the authorization for the second post-war fiscal year. As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects. His approval of any such agreement shall be a contractual obligation of the Federal Government for the payment of its pro rata share of the cost of construction: *Provided, however*, That the Commissioner of Public Roads shall not, as a condition of approval of any project for Federal aid hereunder, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes and sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

SEC. 3. The sum authorized in section 2 for each year shall be available for expenditures as follows:

(a) \$225,000,000 for projects on the Federal-aid highway system.  
 (b) \$150,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population: *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate local road officials

"Secondary and feeder roads."

Appropriation authorized.  
 42 Stat. 212.  
 23 U. S. C. § 1; Supp. III, § 2 *et seq.*  
 Availability.

Amount for surveys, plans, and construction.

Restriction.

First post-war fiscal year defined.

Apportionment of authorizations.

Contractual obligation following apportionment.

State acquisition of excess marginal land along proposed highway.

Expenditures.

Federal-aid highway system.  
 Secondary and feeder roads.

Selection of system of roads.

and the Commissioner of Public Roads: *Provided further*, That in any State having a population density of more than two hundred per square mile, as shown by the latest available Federal census, the said system may be selected by the State highway department with the approval of the Commissioner of Public Roads without regard to included municipal boundaries: *Provided further*, That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Commissioner of Public Roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

(c) \$125,000,000 for projects on the Federal-aid highway system in urban areas.

**SEC. 4.** After making the deductions for administration, research, and investigations as provided in section 21 of the Federal Highway Act of 1921, the sums authorized shall be apportioned as follows:

(a) The \$225,000,000 per year available for projects on the Federal-aid highway system shall be apportioned among the States as provided in section 21 of the Federal Highway Act.

(b) The \$150,000,000 per year available for projects on the secondary and feeder roads shall be apportioned among the States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States: *Provided*, That no State shall receive less than one-half of one per centum of each year's allotment under subsection (a) and this subsection.

(c) The \$125,000,000 per year available for projects on highways in urban areas shall be apportioned among the States in the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places, of five thousand or more, in all the States as shown by the latest available Federal census: *Provided*, That Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(d) Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for one year after the close of the fiscal year for which such sums are authorized, and any amount so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds shall be deemed to have been expended if covered by formal agreement with the Commissioner of Public Roads for the improvement of a specific project as provided by this Act.

**SEC. 5.** (a) The Federal share payable on account of any project provided for by the funds made available under the foregoing provisions of this Act shall not exceed 50 per centum of the construction cost thereof other than costs of rights-of-way, and as to costs of rights-of-way shall not exceed one-third of such costs: *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein the Federal share shall be increased in each of the three post-war years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area: *Pro-*

Use of funds for secondary, etc., roads on Federal-aid highway system.

Urban areas.

Apportionment.  
42 Stat. 217.  
23 U. S. C. § 21;  
Supp. III, § 21.

Federal-aid highway system.

Secondary, etc., roads.

Manner of apportionment.

Minimum.

Projects on highways in urban areas.

Period of availability of funds.

Federal share of cost.

States containing public lands, etc.

*vided further*, That the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds: *Provided further*, That not more than 10 per centum of the sums apportioned to any State under the terms of this Act for each of such post-war fiscal years shall be used for such railway-highway projects, to be expended in accordance with the Federal Highway Act, as amended and supplemented, and the provisions of this section.

(b) Any railway involved in any project for the elimination of hazards of railway-highway crossings paid for in whole or in part from funds made available under this Act, shall be liable to the United States for a sum bearing the same ratio to the net benefit received by such railway from such project that the Federal funds expended on such project bear to the total cost of such project. For the purposes of this subsection, the net benefit received by a railway from any such project shall be deemed to be the amount by which the reasonable value of the total benefits received by it from such project exceeds the amount paid by it (including the reasonable value of any property rights contributed by it) toward the cost of such project; and in no case shall the total benefits to any railway or railways be deemed to have a reasonable value in excess of 10 per centum of the cost of any such project. The liability of any railway to the United States with respect to any such project may be discharged by paying to the United States, within six months after the completion of such project, such amount as the Commissioner of Public Roads determines to be the amount of such liability. Any such determination of the Commissioner shall be made on the basis of recommendations made to him by the State highway department and on the basis of such other information and investigation, if any, as the Commissioner deems necessary or proper. If any such railway has failed so to discharge its liability to the United States with respect to any project within six months after the completion thereof, the Commissioner of Public Roads shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railway is liable for in the premises. Any amounts paid to or recovered by the United States under this subsection shall be covered into the Treasury as miscellaneous receipts.

SEC. 6. If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this Act, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses: *Provided*, That such State, after June 30, 1945, does not divert to other than highway uses road user revenues in violation of section 12 of the Highway Act of June 18, 1934. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually

Railway - highway crossings, etc.

Exception.

Limitation.

42 Stat. 212.  
23 U. S. C. § 1; Supp.  
III, § 2 *et seq.*  
Liability of railway involved in project.

Determination of benefits.

Discharge of liability.

Basis of determination.

Recovery.

Court proceedings.

Advancement to State of Federal share of cost.

Improper diversion of road user revenues.  
48 Stat. 995.  
23 U. S. C. § 55.  
Accounting.

- Disposition of unexpended balances.
- Deductions for advances not repaid.
- National System of Interstate Highways. Designation, extent, location, etc.
- Selection of routes.
- 42 Stat. 212.  
23 U. S. C. §§ 1-25.
- Surveys, etc., of projects for future construction.
- 42 Stat. 212.  
23 U. S. C. § 1;  
Supp. III, § 2 *et seq.*  
42 Stat. 212, 218;  
*infra.*  
23 U. S. C. §§ 3, 23.
- Appropriation authorized.
- 23 U. S. C. § 23.  
Forest highways.
- Roads and trails.
- Forest highways in Alaska, etc.
- Park roads and trails.
- 16 U. S. C. §§ 8a-8d.
- performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this Act. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced: *Provided*, That any advance made to any State under the provisions of this section and not repaid shall be deducted from any apportionment allocated to such State under the provisions of this Act for the year next succeeding the year in which such advance is made, and no agreement made in accordance with the provisions of section 2 of this Act shall be valid for any pro rata share of the cost of construction in excess of such apportionment less such advance.
- SEC. 7. There shall be designated within the continental United States a National System of Interstate Highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the National System of Interstate Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the National System of Interstate Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.
- SEC. 8. With the approval of the Federal Works Administrator, not to exceed 1½ per centum of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith.
- SEC. 9. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$25,000,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years; and (2) for forest development roads and trails the sum of \$12,500,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years: *Provided*, That the apportionment for forest highways in Alaska shall be for each year \$1,500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that year.
- SEC. 10. (a) For the construction, reconstruction, improvement, and maintenance of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$12,750,000, to become available at the rate of \$4,250,000 a year for each of the three successive post-war fiscal years.

(b) For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$30,000,000, to become available at the rate of \$10,000,000 a year for each of the three successive post-war fiscal years.

Access parkways to national parks, etc.

Appropriation authorized.

(c) For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$6,000,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years: *Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction shall be under the general supervision of the Public Roads Administration.

Indian reservation roads and bridges.

25 U. S. C. § 318a.

Approval by Public Roads Administration.

SEC. 11. Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport (if such airport has been constructed or extended after the date of enactment of this Act), or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport (if such airport has been constructed or extended after the date of enactment of this Act), unless, prior to such extension or construction, as the case may be, the State highway department and the Public Roads Administration have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

Access roads to airports.

SEC. 12. On any highway or street hereafter constructed with Federal aid in any State, 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 Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

Location, etc., of signs, markings, and traffic signals. Approval.

SEC. 13. If any section, subsection, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

Saving clause.

SEC. 14. This Act may be cited as the "Federal-Aid Highway Act of 1944".

Short title.

Approved December 20, 1944.

[CHAPTER 627]

AN ACT

Authorizing appropriations for the United States Navy for additional ordnance manufacturing and production facilities, and for other purposes.

December 20, 1944  
[S. 2194]  
[Public Law 522]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, \$50,000,000 for necessary tools, equip-

Navy. Ordnance manufacturing facilities. Appropriation authorized.