# Issues Raised by H. R. 19504, "Federal-Aid Highway Act of 1970", and DOT's Proposed Action

The items which follow are keyed to the attached "Comparison of Administration, House, and Senate Highway Bills". In arriving at a decision as to what action to take on the House floor with respect to the various provisions, DOT thinking has been influenced by two basic considerations. They are these. First, because H.R. 19504 was reported out of the House Public Works Committee with the full support of the Republican membership, the chances for success of (an attack on the House floor on any single provision are not good. Second, we must expect a good deal of trading in conference and, where we believe the chances for a trade are good, we should not (weaken the Senate conferees by raising an issue on the House floor and getting overwhelming support from the House for the position taken in the House bill. In many cases, therefore, the tactical choice is not whether to oppose or seek to amend a particular provision but whether to raise an issue on the House floor or in the House-Senate conference.

#### 1. <u>Interstate Authorization</u>

We support the Administration authorization level, but do not feel that we can successfully oppose the higher House authorizations on the floor. The main Administration effort should be held for the Conference Committee, possibly with some floor speeches in the House objecting to the higher authorization levels.

# 2. Extension of Time for Completion of Interstate

Support the Administration position and treat in the context of item 1 above.

# 3. Authorizations for FY 1972 and FY 1973

Support the Administration position. This, too, is related to item 1. The degree and nature of our opposition on the floor to increased authorizations and source of funding (trust fund or general fund) has to be carefully determined, given the generally solid Republican support for the bill.

#### 4. <u>Urban System</u>

Given the solid, bipartisan committee support for the establishment of an urban system, it will be fruitless to expect to defeat

the House provision. As a practical matter, we can only work toward a compromise measure in conference. Again, however, the degree and nature of Administration opposition has to be carefully worked out.

# 5. Limitation on the Power of the Executive

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On the first part of the section, which concerns the power of the executive to withhold appropriated funds, we would oppose on principle. But since this was in the 1968 Act and is a "sense of Congress" expression, the Administration can live with it.

We would oppose the second part, which seeks to limit the use of highway trust funds, and attempt to have the bill amended either by the Committee or on the floor. It should be noted that this subsection contradicts section 203(b) which authorizes funding alcohol demonstration projects out of the trust fund. If possible, we should try for a full deletion in conference.

# 6 Federal-State Share

We would oppose any change before the 1972-73 report, and include this provision in any "preemption of options" speeches to be made on the floor or by Administration spokesmen.

# 7 Emergency Relief

Support the provision with a floor amendment to limit the amount of emergency relief funds which may be used for bridges in imminent danger of collapse.

# 8. TOPICS

The Administration bill made no change in the TOPICS program other than to include fringe parking within it (fringe parking is presently on a demonstration basis and expires June 30, 1971). The Senate bill would make the existing temporary fringe parking provision permanent law. The House bill includes fringe parking within the proposed new urban system. The TOPICS program as such is continued intact in the House bill but merged in the new urban system in the Senate bill. The Department would seek to maintain TOPICS as a separate program and to include fringe parking within it. The tactics have to be worked out in conjunction with the tactics on the urban system (item 4 above).

# 9. Equal Opportunity Training

We will work in conference to get the Senate provision, with an amendment permitting DOT to work "with" rather than "through" the Department of Labor.

# 10. Public Transportation

We will not oppose on the House floor but work in conference to adopt the Senate provision, i.e., defining "construction" to permit funding projects in support of public transportation. We will also work to have the restrictions in the House bill dropped.

# 11. Virgin Islands Projects

We will seek floor amendment to finance out of the trust fund and to include Guam at \$2 million and American Samoa at \$500,000 per year. This is the position taken before the Senate.

# 12. FHWA Reorganization

We will support the reorganization with minor amendments.

# 13. National Highway Institute

We will support this provision.

#### 14. Markland Dam

We will not oppose this provision.

# 15. Replacement Housing

We will support this provision.

# 16. Alaska Highway

We will support this provision, recognizing that Canada has no interest in participating financially.

# 17. Future Federal-Aid Highway Program

We can accommodate this report within the Transportation Needs
Study due in 1972 so need not oppose it. It is recognized, however,
that a basic issue is involved in announcing in 1972 any proposals
regarding the future direction of transportation or highway programs.

# 18. Highway Beautification Authorizations

It is highly unlikely that we could accomplish anything by opposing the House provision on the floor. On the other hand, a floor defeat of an Administration-sponsored amendment would strengthen the hand of the House conferees. For this reason, we will not oppose the House provision, but will work to restore the Administration position in conference.

# 19. Highway Beautification Commission

Assuming success on item 18 in the House-Senate conference, we would not oppose a Commission. This is probably the only way to put the issue finally to rest in the House.

#### 20. Elimination of Segments

We would not oppose on the House floor but work for an improved provision in the conference.

### 21. Demonstration Projects

We support this provision.

# 22. (Economic Growth Center Development of Highways

We believe this proposal, at best, vague and impossible to administer. A general strategy has to be devised (based on current Administration thinking regarding a growth policy and program) for dealing with this provision and the regional planning provisions in the Senate bill.

# 23. District of Columbia

We will remain neutral in the House debate.

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# Toll Roads

We can ignore this provision since it is only a "sense of Congress" · directive to the States.

# Highway Project Priorities

We will ignore this provision in the House and urge the House provision in the conference.

# 26 Highway Safety Act of 1970

. We would urge support of the Administration's bill and attempt to make 3 changes on the floor or by Committee amendment:

- Delete the prohibition against issuing new standards after December 31, 1970.
- 2. Obtain a provision allowing section 403 funds to be available during the year of appropriation and two years thereafter.
- 3. Eliminate the provision which legislatively splits the 3-1/2 and 12-1/2 standards between the FHWA and the NHSB.

27. Bridge Replacement To beal, Rey & down low awayh

We do not believe this provision can be beaten in the House and should work for an acceptable compromise in conference.

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Elimination of Grade Crossings state can spend

28. Elimination of Grade Crossings

We will oppose the provision concerning elimination of grade crossings until we have completed a study now underway. We would support the demonstration project in the Washington-Boston corridor but seek elimination of the Greenwood, S.C. project in conference.

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## 1. Interstate Authorization (H. Section 102 - S. Section 2)

Fiscal Year	Adı	ministration Bill	S. 4418	H.R. 19504	
		(billions)	(billions)	(billions)	
			s de la companya de		
1974		\$ 4.00	\$ 4.00	\$ 4.00	
1975	*	3.75	4.00	4.00	
1976		3.50	4.00	4.00	
1977				4.00	
1978			<u></u>	T <u>rai3.550</u> ort	ation
To	tal	\$ 11.25	\$ 12.00	\$ 19.50	

The Senate bill establishes a minimum Interstate apportionment of 1/2 percent for each State.

# 2. Extension of Time for Completion of Interstate (H. Section 104 - S. Section 4)

The Administration and Senate bills would extend the time for completion of the Interstate System two years through 1976. The House bill would extend it four years through 1978.

The Administration and Senate bills call for a cost estimate 10 days subsequent to January 2, 1973; the House bill calls for the cost estimate 10 days subsequent to January 2, 1972. The House bill also calls for cost estimates in 1974 and 1976.

# 3. Authorizations for FY 1972 and FY 1973 (H. Sec. 105 - S. Sec. 6) Where Different

	Administration Bill (millions)	Senate Bill (millions)	House Bill (millions)
Primary, Secondary & Urban	\$2,200	\$2, 100	\$2,450
Forest Development	270	340	340
Forest Highways	66 (TF)	66 (TF)	66 (GF)
Public Land Development	8	18	10 .
Public Land Highways	32 (TF)	32 (TF)	32 (GF)
Park Roads	30	30	60
Parkways		40	112
Indian Reservation	30	30	60
Interstate Additional		<b></b>	110
TOPICS	400	(Merged in urban system)	400

## 4. Urban System (H. Section 106 - S. Section 7)

The House and Senate bills would establish an urban system. The House bill would fund the program at \$200 million for FY 1972 and FY 1973. The Senate bill would fund at \$375 million for FY 1972 and \$450 million for FY 1973. The Administration bill has no similar provision.

#### 5. Limitation on the Power of the Executive (H. Section 107)

The House bill attempts to limit the power of the executive to withhold obligated sums and to utilize Highway Trust Fund monies for other purposes.

#### 6. Federal-State Share (H. Section 108)

The House bill would raise the Federal share to 70 percent (where it is now less than 70 percent) effective with authorizations for FY 1973.

# 7. Emergency Relief (H. Section 109 - S. Section 13)

The House and Senate bills would allow for the replacement of bridges in imminent danger of collapse.

# 8. TOPICS (Section 106 - Administration Bill)

The Administration bill would make fringe parking facilities a part of the TOPICS program; the House bill has no similar provision.

# 9. Equal Opportunity Training (H. Section 110 - S. Section 27)

The House bill would authorize the use of Federal-aid funds for EEO training when on-the-job training is unavailable; the Senate has a somewhat broader provision.

# 0. Public Transportation (H. Section III - S. Sections 9(a)(1) and 25)

The House bill would in certain limited areas allow for the use of highway funds for capital, non-rolling stock costs of bus transit. It would authorize funds for exclusive bus lanes, highway traffic control devices, and fringe parking facilities (for which we already have authority) and add loading facilities including shelter (for which we do not now have authority). In essence, it would limit current authority. The Senate bill calls for a study of the modal mix with a report to the Congress by February 1, 1972.

# 11. Virgin Islands Projects (H. Section 112 - S. Section 28)

The House bill establishes a Virgin Islands Highway Program.

\$6 million is authorized over the next three fiscal years. The Senate bill establishes a similar program for Guam and American Samoa as well as the Virgin Islands. \$18 million is authorized.

# 12. FHWA Reorganization (H. Section 114)

The House bill reorganizes the FHWA creating the post of Deputy

Federal Highway Administrator and Assistant Federal Highway

Administrator. The Administrator would be compensated at Level II.

# 13. National Highway Institute (H. Section 115)

The House bill establishes a National Highway Institute to train highway employees.

# 14. Markland Dam (H. Section 116)

The House bill provides \$3,761,000 for construction of the Markland Dam on the Ohio River.

#### 5. Replacement Housing (H. Section 117 - S. Section 28)

The House and Senate bills allow for the construction and/or acquisition of replacement housing as part of the cost of construction.

### 16. Alaska Highway (H. Section 119 - S. Section 32)

The House and Senate bills direct the President to undertake ransportation negotiations with Canada vis-a-vis the Alaska Highway and report back to the Congress in one year.

#### 17. Future Federal-Aid Highway Program (H. Section 121)

The Secretary is required to submit along with the Highway Needs

Study of 1972 his recommendations for "a continuing Federal-aid highway program for the period 1976-1990".

#### 18. Highway Beautification Authorizations (H. Section 122 - S. Sections 16-18)

Fiscal Year	Administration Bill (millions)	Senate Bill (millions)	House Bill (millions)	
		Billboards		
1971 1972 1973	\$ 27 (TF) 20.5(TF) 50 (TF)	\$ 27 (TF) 20.5(TF) 50 (TF)	\$ 27 (GF) 20.5(GF)	
		Junkyards		
1971 1972 1973	\$ 3 (TF) 3 (TF) 5 (TF)	\$ 3 (TF) 3 (TF) 5 (TF)	\$ 2 (GF) 2 (GF)	

The House bill would also eliminate demonstration projects (Snarr Plan) and other substantive changes which we recommended and the Senate included.

## 19. Highway Beautification Commission (H. Section 123)

The House bill establishes a 13-member Highway Beautification

Commission. The House and Senate would appoint 8 members, the

President 4, and the members would elect a chairman. The Commission

would study, review, compile data concerning, and recommend changes

in the laws and regulations in the area. It would file a report in one

year and then expire in an additional six months.

#### 20. Elimination of Segments (H. Section 124 - S. Section 8)

The House bill would require the Secretary to remove on

December 31, 1973, segments from the Interstate for which a State

has not established a viable schedule for the expenditure of funds. The

Senate bill would require a schedule by January 1973 and plans by

July 1, 1975. The segment would not be removed from the Interstate

System, but could not be funded with Interstate Federal-aid funds.

#### 21. Demonstration Projects (H. Section 126)

The House bill authorizes the use of R&D funds for demonstration projects. This is an important provision as it legitimizes such things as joint development projects.

#### 22. Economic Growth Center Development Highways (H. Section 127)

The House bill would establish a demonstration program for growth center development highways. The Governor of a State would recommend

areas which show the potential for growth would be served by a major highway. The Secretary would pay 100 percent of the design phase of the program, and up to 70 percent of the construction cost. \$200 million is authorized for the fiscal years 1972 and 1973.

### 23. District of Columbia (H. Section 129 - S. Section 34)

The House bill requires the District to begin work within 30 days on the East Leg of the Inner Loop and the North Central and Northeast Freeways. The South Leg of the Inner Loop is dropped. The District and the Secretary would report to the Congress on the North Leg of the Inner Loop within 12 months. The Senate bill repeals the requirement of section 23 of the Act of 1968 that the District build its highway system.

#### 24. Toll Roads (H. Section 130 - S. Section 14)

The House bill contains an expression of Congress urging States to simplify collection of tolls on toll roads on the Interstate System. The Senate bill, in an unrelated move, would allow Federal participation in the upgrading of toll roads on the Interstate System under certain circumstances.

#### 25. Highway Project Priorities (H. Section 133 - S. Section 10)

The House bill would have the highway department "consider" projects providing airport access; the Senate would give actual priority to the projects. The Senate would also give priority to highways aiding rural areas (such as We st Virginia).

# 26. Highway Safety Act of 1970 (Title II of House Bill)

The House bill would rename the NHSB, the National Highway

Traffic Safety Administration. It also calls for a Deputy Administrator,

and legislatively splits the standards between the FHWA and NHSB.

The bill would allow States to use money from ongoing safety

programs (old money) to match Federal funds, and forbids the

Secretary to issue new standards after December 31, 1970.

The safety authorizations are as follows:

Fiscal Year	Administration Bill Senate Bill House Bill
	(millions) (millions)
	Highway Safety Grants (Sec. 402)
1972	Relied on Prior \$ 75 (TF) NHSB \$ 75 (GF) Appropriations FHWA 15 (GF)&  15 (TF)
1973	" 100 (TF) NHSB 100 (GF) FHWA 15 (GF)& 15 (TF)
	Prior year appropriations would be rescinded.
	Highway Safety Research (NHSB) (Sec. 403)
1972 1973	\$ 70 (TF) \$ 70 (TF) \$ 30 (GF) 115 (TF) 115 (TF) 45 (GF)
	Highway Safety Research (FHWA) (Sec. 403)
1972 1973	\$ 10 (GF) 10 (GF)
	Highway Safety Demonstrations
1971-74	\$ 281.8 (TF)  High Hazard Location Elimination
1972 1973	\$ 200 200

The House bill would also authorize a demonstration program for alcohol and law enforcement. The program would continue through FY 1974. \$281.8 million would be authorized.

The bill also requires a State highway safety agency in each State.

An additional \$400 million is authorized for FY 1972 and FY 1973 to allow the FHWA to eliminate high hazard locations on the primary or secondary systems.

The Senate bill would only authorize an apportionment formula with a 1/3 percent minimum apportionment to each State.

#### 27. Bridge Replacement (H. Section 206 - S. Section 26)

The House bill requires (unless the Secretary exempts) States to spend between 5 and 10 percent of primary and secondary funds on bridge replacement. The Federal Government would pay 90 percent of the cost of replacement. The Senate bill is more ambitious, and would authorize an additional \$450 million for FY 1971, 1972, and 1973. The Federal share would only be 75 percent, however.

#### 28. Elimination of Grade Crossings (H. Sections 207 and 208)

The House bill requires that at least 5 percent of primary and secondary funds would be used to eliminate grade crossings and sets up a demonstration program. The Secretary would also report back to the Congress by January 10, 1971, on his recommendations for a full program.

A total of \$31 million would be authorized to carry out the demonstration program.

# 29. Economic, Social, Environmental, and Other Impacts (S. Section 9)

The Senate bill amends the term "construction" to include costs of reducing adverse impacts caused by a project. The term "highway" is amended to, in some way, extend relocation assistance to those outside the right-of-way who are injured by the highway.

The Secretary may not approve plans which do not specifically minimize soil erosion. He would also be required to issue by July 1, 1972, guidelines for avoiding and minimizing the adverse impact of the project. Two years after the guidelines are issued, all plans must be accompanied by a comprehensive analysis of the impact and how it is to be avoided or minimized.

Noise level standards and project acknowledgment of them would be required by July 1, 1972. Air quality standards under the Clean Air Act would also have to be met in some vague way.

#### 30. Cost Reduction (S. Section II)

The Senate bill would authorize the Secretary to require value engineering on a project.

#### 31. Participatory Democracy (S. Sections 12 and 20)

The Senate bill would enlarge the public hearing requirements for projects and put the hearing procedure and certification under the control of the Governor. Responsible public officials would have to be consulted and their views considered in urban areas of 50,000 or more.

# 2. Marine Highways (S. Section 16)

The Senate bill authorizes Federal participation in Marine Highways (ferries and wharfs).

#### 33. Fringe Parking (S. Section 24)

The Senate bill would continue the demonstration fringe parking projects as a permanent program.

Transportation

#### 34. Interstate Additions (S. Section 26)

The Senate bill allows the addition of segments of the primary system to the Interstate System if the State brings them to Interstate standards within 12 years.

#### 35. Replacement Housing Interest (S. Section 28)

The Senate bill provides for compensation for displaced persons whose home financing costs go up.

# 36. Alaskan Assistance (S. Section 35)

The Senate bill extends the Alaskan assistance program of the 1966

Act to FY 1973 and increases the authorization level to \$20 million per

year.

# 37. Regional Planning (S. Sections 21-22)

The Senate adopted on the floor two amendments dealing with regional transportation planning. They are to a certain extent contradictory, and the Senate hoped they would be merged in conference.

The Cooper amendment (section 21(b)) calls for the Secretary to designate areas or corridors which have reached critical transportation overload and which are between major production centers. Once designated, these areas would receive special attention from regional transportation planning bodies which are to be established.

The Magnuson amendment (section 22) would have the Secretary establish a number of major transportation regions and these regions would be encouraged (with money) to establish regional commissions.

The commissions would have a broad mandate to coordinate transportation planning, and the program would be funded out of the highway trust fund with \$100 million for FY 1971 and \$100 million for FY 1972.

# SUMMARY OF FUNDIN UNDER HIGHWAY BILLS

HOUSE BILL

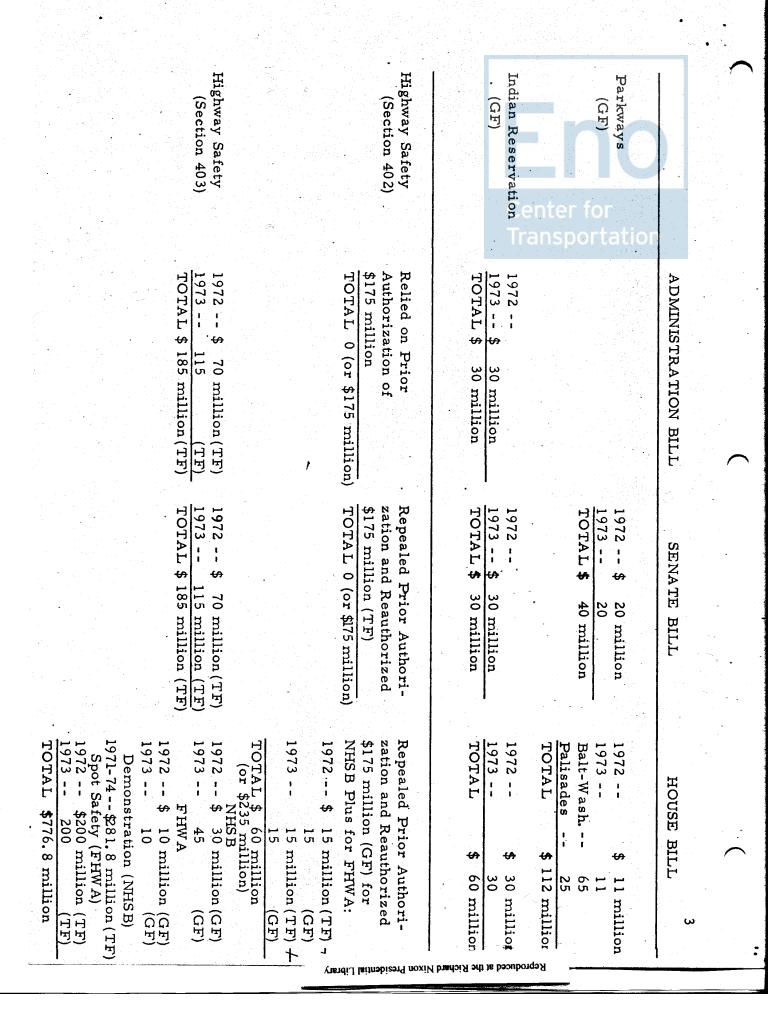
Interstate 1974 -- \$ 4.00 billion ADMINISTRATION BILL 1974 SENATE BILL

Interstate Additional	1975 3.75 1976 3.50 1977 1978 TOTAL \$ 11.25 billion	1975 4.00 1976 4.00 1977 4.00 1978 1978 TOTAL \$ 12.00 billion	1974 \$ 4.00 billion 1975 4.00 1976 4.00 1977 4.00 1978 3.50 TOTAL \$ 19.50 billion 1972 \$ 55 million 1973 55 TOTAL \$ 110 million
Primary	1972 \$ 495 million 1973 495	1972 \$ 577.5 million 1973 577.5	1972 \$ 495 million 1973 495
Secondary	1972 330 1973 330	1972 367.5 1973 367.5	1972 330 1973 330
<b>Jrban</b>	1972 275 1973 275 TOTAL \$ 2. 2 billion	1972 105.0 1973 105.0 TOTAL \$ 2.10 billion	1972 275 1973 275 TOTAL \$ 2.2 billion
Primary and Secondary Special Rural Fund	1972 \$ 125 million 1973 125 TOTAL \$ 250 million		1972 \$ 125 million 1973 125 TOTAL \$ 250 million

Park Roads (GF)	(GF)  Public Lands  Development (GF)	Public Lands	Forest Highways	TOPICS	Urban System (New)	
1972 1973 \$ 30 million TOTAL \$ 30 million	1973 \$ 100 million  1973 \$ 3 million  1972 \$ 3 million  1973 5  TOTAL \$ 8 million	\$ 16 16 AL \$ 32	1972 \$ 33 million (TF) 1973 33 (TF) TOTAL \$ 66 million (TF)	1972 \$ 200 million 1973 200 TOTAL \$ 400 million		ADMINISTRATION BILL
1972 1973 \$ 30 million TOTAL \$ 30 million	1972 \$1.0 million 1973 170 TOTAL \$340 million 1972 \$ 8 million 1973 10 TOTAL \$ 18 million	P : :	1972 \$ 33 million (TF) 1973 33 (TF) TOTAL \$ 66 million (TF)		1972 \$ 375 million 1973 450 TOTAL \$ 825 million (includes \$400 million for TOPICS)	SENATE BILL
1972 \$ 30 million 1973 30 TOTAL \$ 60 million	1972 \$170 million 1973 170 TOTAL \$340 million 1972 \$ 5 million 1973 \$ 5 TOTAL \$ 10 million		1972 \$ 33 million (GF) 1973 33 (GF) TOTAL \$ 66 million (GF)	1972 \$ 200 million 1973 200 TOTAL \$ 400 million up party systems possible.	1972 \$ 200 million 1973 200 TOTAL \$ 400 million	HOUSE BILL

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Administrative Expenses	Landscaping	Junkyards Cer	Highway Beautification (Billboards)	) n
1971 \$ 1.5 million (TF) 1972 1.5 (TF) 1973 3 (TF) TOTAL \$ 6 million (TF)	1972 \$ 1.5 million (TF) 1973 10 TOTAL \$ 11.5 million (TF)	1971 \$ 3 million (TF) 1972 3 (TF) 1973 5 (TF) TOTAL \$ 11 million (TF)	1971 \$ 27 million (TF) 1972 20.5 (TF) 1973 50 (TF) TOTAL \$ 97.5 million (TF)	ADMINISTRATION BILL
1971 \$ 1.5 million (TF) 1972 1.5 (TF) 1973 3 (TF) TOTAL \$ 6 million (TF)	1972 \$ 1.5 million (TF) 1973 10 (TF) TOTAL \$ 11.5 million (TF)	1971 \$ 3 million (TF) 1972 3 (TF) 1973 5 (TF) TOTAL \$ 11 million (TF)	1971 \$ 27 million (TF) 1972 20.5 (TF) 1973 50 (TF) TOTAL \$ 97.5 million (TF)	SENATE BILL
1971 \$ 1.5 million(GF) 1972 1.5 (GF) 1973 TOTAL \$ 3 million(GF)		1971 \$ 2 million (GF) 1972 2 (GF) 1973 2 (GF) TOTAL \$ 4 million (GF)	1971 \$ 27 million (GF) 1972 20.5 (GF) 1973 TOTAL \$ 47.5 million (GF)	HOUSE BILL

Commission

\$ 800 thousand

	Territorial Highways Darien Highway	Growth Development Highways	Alaska Aid	Planning  Markland Dam (23 USC 320(d))	Grade Crossings	Bridge Replacements		
TOTAL \$ 14.947 billion	\$ 100 million						ADMINISTRATION BILL	
TOTAL \$ 16.600 billion	1971 \$ 6 million 1972 6 1973 6 TOTAL \$ 18 million \$ 100 million		1972 \$ 20 million 1973 20 TOTAL \$ 40 million	1972 100 (TF) TOTAL \$ 200 million	<del>A</del>	1971 \$ 150 million 1972 150 1973 150 TOTAL \$ 450 million	SENATE BILL	
TOTAL \$ 24.773 billion	φ <del>φ</del>	1972 \$ 100 million 1973 100 TOTAL \$ 200 million	FIDLER	\$ 3. 761 millim 167 salvenial	\$ 9 million (TF)  22 (GF)  \$ 31 million  purposed at the pronounce of the		HOUSE BILL	