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Meeting:  JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION
Date:  December 12, 1991
Day:  Thursday
Time:  7:15 a.m.
Place:  Metro, Conference Room 440

*1. MEETING REPORT OF OCTOBER 10, 1991 - APPROVAL REQUESTED.

*2. ORDINANCE NO. 91-433 - ADOPTING REVISIONS TO THE REGIONAL TRANSPORTATION PLAN - APPROVAL REQUESTED - Andy Cotugno.

*3. RESOLUTION NO. 91-1526 - ENDORSING COMMENTS AND RECOMMENDATIONS REGARDING ODOT'S NOVEMBER, 1991 DRAFT OREGON TRANSPORTATION PLAN POLICY ELEMENT - APPROVAL REQUESTED - Mike Hoglund.

4. OVERVIEW OF RESULTS OF SURFACE TRANSPORTATION ACT - INFORMATIONAL - John Rist, ODOT; Dick Feeney, Tri-Met.

*Material enclosed.

PLEASE NOTE: Overflow parking is available at the City Center parking locations on the attached map and may be validated at the meeting. Parking on Metro premises in any space other than those marked "Visitors" will result in towing of vehicle.

NEXT JPACT MEETING:  JANUARY 9, 1992, 7:15 AM
DATE OF MEETING: October 10, 1991

GROUP/SUBJECT: Joint Policy Advisory Committee on Transportation (JPACT)

PERSONS ATTENDING: Members: Chair David Knowles, Richard Devlin and George Van Bergen, Metro; Gary Hansen, (alt.), Multnomah County; Earl Blumenauer, City of Portland; Clifford Clark (alt.), Cities of Washington County; John Kowalczyk (alt.), DEQ; Ron Hart, City of Vancouver; Don Adams (alt.), ODOT; Ed Lindquist, Clackamas County; Tom Walsh, Tri-Met; Marjorie Schmunk, Cities of Multnomah County; Les White (alt.), C-TRAN; Bob Liddell, Cities of Clackamas County; and Gerry Smith, WSDOT

Guests: Craig Lomnicki (JPACT alt.), City of Milwaukie; Bebe Rucker, Port of Portland; Kim Chin, C-TRAN; Grace Crunican, City of Portland; Leean Ann MacColl, League of Women Voters; Rod Sandoz, Clackamas County; Keith Ahola, WSDOT; Dave Williams, Ted Spence, and Dave Bishop, ODOT; Gil Mallery, Clark County IRC; Bruce Warner, Washington County; and Howard Harris, DEQ

Andrew Cotugno and Lois Kaplan, Metro

SUMMARY:

The meeting was called to order and a quorum declared by Chair David Knowles. Gerry Smith, District Administrator of WSDOT, was introduced as the newest JPACT member, replacing Gary Demich. Also welcomed was Commissioner Hansen, alternate from Multnomah County.

MEETING REPORT

The September 19 JPACT Meeting Report was approved as written.

REVIEW OF AIR QUALITY CONFORMITY ANALYSIS FOR THE TRANSPORTATION IMPROVEMENT PROGRAM AND REGIONAL TRANSPORTATION PLAN

Andy Cotugno explained that the region was required to demonstrate that the overall amount of vehicle emissions produced by the transportation system for a Transportation Improvement Program would be less than the current level and that it would be less than a No-Build TIP condition.
Andy noted that it has been 10 years since vehicle emission data was available, that the charts do not reflect the stricter requirements of the Clean Air Act as adopted by Congress last year, but that it should serve as an indicator. A discussion followed on turnover of the bus fleet with factors relating to growth and travel affecting the outcome in meeting the air quality standards. Andy emphasized that we need to show that we will be able to meet the standard over time.

The air quality conformity analysis was submitted to FHWA and UMTA with the Transportation Improvement Program. Andy described the differences between the Build and No-Build conditions. During discussion, it was noted that the vehicle travel per day and how it is affected differs little between the two conditions. Andy also pointed out that this does not reflect the Goal 12 Rule so there will be new actions to be implemented. In addition, this does reflect inauguration of vehicle inspection in the Clark County area.

John Kowalczyk informed the Committee that the new Clean Air Act will include provisions for oxygenated fuels. All the non-attainment areas are mandated to get the fuels but on a competitive basis. He felt we would receive some during the critical months but that the need in the states of Washington and California would dictate the allocation.

**REVIEW OF DRAFT OREGON TRANSPORTATION POLICY ELEMENT**

Andy Cotugno indicated that the Oregon Transportation Commission is approaching an important milestone, and explained the general process ODOT has followed in developing the two-element Oregon Transportation Plan. The OTP consists of a policy document and a system element. A draft policy document will be available for public review this month and is based on the recommendations of a number of advisory committees. The system element, the second phase of the OTP, will define the highway, freight and transportation systems and will be the task of a consultant.

Andy referenced the September 5 and September 11 letters to Dave Bishop expressing regional concerns in development of the OTP. The first concern is to ensure that urban mobility is a dominant policy interest, that it has emphasis in the OTP, and that it is recognized by the state. The second concern is whether the plan after adoption should be mode neutral or emphasize a mode. Also, should it have a policy, regulatory, or financial emphasis toward that mode or be market driven? During discussion, it was noted that the Transportation Rule has mode emphasis.
The third concern is the issue of who does what -- concerning the role of JPACT relative to the Oregon Transportation Plan. If it has an urban element, then it should have an urban plan and it should be developed at the JPACT level. ODOT is an important partner in developing that plan. Andy stressed the importance of recognizing what the state adopts and whether we will be able to meet those standards at the regional and local level.

Chair Knowles hoped that JPACT would formally communicate those issues to the Oregon Transportation Commission. Andy Cotugno concurred in the need and suggested that it be submitted through the review process.

Dave Bishop thanked Andy Cotugno for his input at the Klamath Falls OTC meeting. He felt it was one of the most involved policy discussions held by the OTC members. Following the next OTC worksession, the draft will be discussed at public review sessions.

Dave referenced the livability characteristics and policies on page 19 of the OTP as they relate to urban mobility. He felt we are moving in the right direction in recognizing that the state needs to work in cooperation with the MPOs and their input becomes part of the OTP. He reported that the OTC has determined that the remainder of the policy development and system element would be overseen by a Steering Committee. It will be their task to review the policy document for release to the public. That committee will have the responsibility of providing guidance to the Senate and House Interim Committees and to continue working with TPAC and JPACT.

Dave Bishop explained that the OTC's decision was to give preference to mode neutrality in its policies and decisions. The mindset was that if there are tax policies or incentives or a costing system operating that favors one mode over another, the state should do what it can to offer fair competition. The schedule for public meetings in the Portland area is set for December 9-13.

Les White questioned how consistency will be achieved with the state's Rule 12 in a mode-neutral plan. Dave Bishop responded that the Freight Committee recommended the mode-neutrality stance and the state's intent is to be more mode neutral except in areas where other directions have been given by the state. Factors that have a bearing on how we cost out the system or some costs that have been ignored will be considered. There may also be a greater shift in reducing single-occupancy vehicles.
Also discussed was the issue of whether buses are considered a "part of the transportation system" or a "user of the transportation system." It was noted that, from a policy standpoint, if VMT reduction is a goal/requirement and paid parking is a means to achieve that goal, use of state funds to assist employers to implement vanpool/carpool programs and to accommodate that VMT requirement should be considered. Dave Bishop felt it could be incorporated in the Finance Section.

Chair Knowles expressed concern that JPACT was not represented on the OTP Steering Committee although he noted that Tom Walsh was representing special interest districts as a transit provider and is a member of JPACT. Tom indicated that JPACT's interests would be strongly represented on the Steering Committee. He asked whether Goal 2 raises urban mobility to goal status. Tom agreed to share his assignment on the Steering Committee with David Knowles.

Andy Cotugno noted that the 13 goals listed on Page 2 of the draft OTP document would most likely be consolidated to a lesser number and cited comfort in the direction the state was headed for urban mobility.

Commissioner Blumenauer spoke of the unique relationship the state has with the Metro area and the partnership it has fostered. He questioned whether that relationship would be affected by this effort or whether their efforts are being shifted away from this region. Dave Bishop reassured the committee that the state's effort is to preserve that working relationship and that an effort to clarify the state's priority to urban mobility has been defined in print. He also noted that another part of the OTP, relating to implementation and regional advisory groups, came out of the Rural Accessibility Committee but is a general policy now and reinforces the fact that the Metro region will be emphasized in the planning process in order to be consistent with state objectives at the local level. Andy Cotugno indicated that we need to monitor that relationship and to ensure that it is headed in the right direction and cited the importance of how it gets operationalized. A discussion followed on whether or not the regional office is going to be empowered with the OTC's orders.

Don Adams reassured the Committee that the state does not wish to jeopardize its working relationship with JPACT by the Oregon Transportation Plan. Andy Cotugno proposed that a resolution be drafted for JPACT consideration at its November 14 meeting with issues to be emphasized as noted at this meeting. He asked for additional input from Committee members.
Dave Bishop indicated that, following release of the third draft of the OTP by the Oregon Transportation Commission, copies will be distributed to JPACT and released for public comment.

Dave Bishop reported that four sets of meetings would be held in Portland. The state plans to meet with local officials, media and planners. The meetings are scheduled as follows:

1. December 9, 1991 - Gresham City Hall
   1331 NW Eastman Parkway, Gresham - Rooms A and B
   9:00 a.m. - 4:00 p.m.
   7:30 p.m. - 9:30 p.m.

2. December 10, 1991 - Metro Center
   Conference Room 440
   3:00 p.m. - 5:30 p.m.

3. December 11, 1991 - Twality Junior High
   14650 SW 97th Avenue, Tigard - Cafeteria
   7:30 p.m. - 9:30 p.m.

4. December 12, 1991 - Clackamas County
   Transportation & Development
   902 Abernethy, Oregon City - Room A
   1:30 p.m. - 7:30 p.m.
   7:00 p.m. - 9:30 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned.

REPORT WRITTEN BY: Lois Kaplan
Dick Engstrom
JPACT Members
DATE: December 11, 1991

TO: JPACT

FROM: Andrew C. Cotugno, Transportation Director

RE: TPAC Citizen Member Vacancies

The term for current citizen members of TPAC will expire in January. Six citizens sit on TPAC.

We are beginning recruitment to fill these positions. If you know people who would be willing to serve a two-year or three-year term on TPAC, please have them submit their application by the January 10th deadline.

Should you wish, we will provide TPAC background information; i.e., bylaws, minutes from past meetings, etc. The committee meets the last Friday of each month at 8:30 a.m. at Metro.

After interviewing potential candidates, a recommendation for appointment will be submitted to the Council for confirmation.

ACC/KT/bc
Attachment
Policy Alternatives Committees (PACs) are made up of public officials, technicians, special interest group representatives and members of the public. The purpose of Metro’s PAC is to evaluate and advise the Metro Council on policy and program alternatives related to its specific assignment.

Please print or type:

Name ____________________________________________________________

Residence address ____________________________________________________ Res. phone ____________________________

City ___________________________ County ___________________________ Zip ____________________________

Business address ____________________________________________________ Bus. phone ____________________________

Occupation _______________________________________________________

Committees/areas of interest
Check one of more indicating priority choice by number.

____ Budget       ____ Air Quality       ____ Solid Waste       ____ Transportation

Related activities
List education, employment and volunteer activities relevant to your area of interest. You may substitute a recently prepared resume.

<table>
<thead>
<tr>
<th>Dates</th>
<th>Activity</th>
<th>Relevant skills or knowledge</th>
</tr>
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</table>

Interest in applying

LENGTH OF TERM YOU WOULD PREFER: ____ 2 years, ____ 3 years
CONSIDERATION OF ORDINANCE NO. 91-433 FOR THE PURPOSE OF ADOPTING REVISIONS TO THE REGIONAL TRANSPORTATION PLAN

Date: October 22, 1991

Presented by: Andrew Cotugno

PROPOSED ACTION

This ordinance would amend the Portland metropolitan area Regional Transportation Plan (RTP) to include necessary revisions developed in conjunction with the region's cities, counties and transportation service districts. These updates are relatively minor and are consistent with current RTP policies or are consistent with federal, state and regional actions adopted subsequent to the RTP adoption. These revisions are necessary in order to properly position projects for federal funding and to eliminate inconsistency with the recently adopted policies.

TPAC has reviewed the RTP revisions and recommends approval of Ordinance No. 91-433.

FACTUAL BACKGROUND AND ANALYSIS

After extensive public review and comment, the RTP was adopted by the Metro Council in 1982 and updated in 1983 and in 1989. The current plan gives the Portland metropolitan area a much needed direction for meeting our transportation needs over the next two decades. The plan provides for a balanced mix of highway, transit and demand management measures for addressing the transportation needs of the growing metropolitan area.

This current revision provides updates to project descriptions that are not currently consistent with recently adopted policy and adds project descriptions for recently adopted projects that are not currently included in the RTP.

The overall policy context of the RTP has changed as a result of federal, state and regional actions. The Clean Air Act Amendments of 1990, the state LCDC Goal 12 Transportation Rule and the Regional Growth Goals and Objectives (RUGGO) have all been adopted subsequent to the RTP adoption in 1989. These three documents include policies which must be reflected to varying degrees and on varying timelines within the RTP. The common threads throughout each of these policies are a reduction in single occupant vehicle trips through increased reliance on transit and transportation demand management (TDM) techniques. The Transportation Rule and RUGGO also suggest changes in land use policy to encourage development patterns in which short shopping and personal errand trips can more easily be made by walking and biking.
The policy and project-related actions which are addressed in this RTP revision include:

Clean Air Act Amendments of 1990 -- Chapter 1, Regional Transportation Policy, includes revised goals and objectives which acknowledge that the RTP must conform to the Clean Air Act Amendments of 1990. Other general references to regional air quality policy include reference to the amendments.

LCDC Goal 12 - Transportation Rule -- Chapter 1, Regional Transportation Policy, and Chapter 2, Land Use, Growth and Travel Demand, have been revised to include recognition of the Goal 12 Transportation Rule which requires state, regional and local development of Transportation System Plans (TSPs). The RTP will function as the regional TSP and, as such, it must be consistent with the Oregon Transportation Plan (the state TSP) for statewide needs.

Chapter 8, Implementation, includes the Transportation Rule as an Outstanding Issue. This section discusses the Region 2040 planning process and future RTP updates which will explore the transportation/land use relationship through the analysis of alternative land use and transportation scenarios.

Regional Urban Growth Goals and Objectives -- Chapter 2, Land Use, Growth and Travel Demand, has been revised to incorporate a description of the relationship of the RTP with local comprehensive plans and RUGGO. In short, the local plans must be consistent with the RTP and the RTP must become consistent with RUGGO which are, in turn, consistent with the statewide planning goals.

The implementation chapter, Chapter 8, has also been revised in order to recognize that the RTP revisions must demonstrate consistency with RUGGO. Other chapters include general reference to RUGGO consistent with the references in these two chapters.

Americans with Disabilities Act -- This act, passed by Congress in 1991, includes requirements that transit districts move toward an entirely accessible bus fleet. Tri-Met is currently developing a revision of the Special Needs Transportation Plan which incorporates the ADA requirements. Metro must approve Tri-Met's plan and find that it is in conformance with the RTP.

In Chapter 1, the reference to the Special Needs Transportation Plan is updated to be consistent with the new ADA.

In Chapter 8, under Handicapped Transit Service, the new ADA is acknowledged and the relationship between the Tri-Met Special Needs Plan and the RTP is clarified.

Tualatin-Hillsboro Corridor (Western Bypass Study) -- The Western Bypass was adopted as a contingent recommendation subject to an analysis of land use issues and its consistency with state land use planning goals. ODOT has initiated a study to resolve the
outstanding land use and transportation issues in this corridor. This ODOT study will examine various corridors and mode opportunities such as light rail transit, highway, and improved bus service.

Metro Council adopted Resolution No. 91-1425 on May 9, 1991. This resolution authorized entering into an intergovernmental agreement which defined the study process and recognized that the study would identify strategies which incorporate all feasible modes of transportation.

In the Summary Chapter, the detailed description of the proposed project has been replaced with text describing the new study process which allows for a broad range of transportation alternatives to be considered in the corridor.

In Chapter 5, Recommended Transportation Improvements to the Year 2005, the language referring to the Western Bypass has been changed to indicate that the proposed bypass is but one alternative being considered in the ODOT study.

In Chapter 8, Implementation, the Western Bypass Study is listed as an Outstanding Issue due to the unresolved alignment and land use issues. The text has been changed to more accurately reflect the current ODOT study process.

Westside Corridor Project -- On April 11, 1991, the Metro Council adopted Resolution No. 91-1424 which endorsed the recommendation of the Long Tunnel with a Zoo Station to 185th Avenue as the Preferred Alternative for the Westside Corridor Project. The Hillsboro Corridor Project is currently in the midst of Preliminary Engineering for the extension of the Westside LRT from 185th to downtown Hillsboro. This RTP revision will amend the RTP to recognize the Locally Preferred Alternative to 185th Avenue and the extension from 185th and Baseline to central Hillsboro.

In the Summary Chapter, language is revised to reflect the current funding situation for the Westside Corridor Project.

In Chapter 4, Policy Implications and the System Concept, the transitway policy is revised to acknowledge the Locally Preferred Alternative decision and the current status of the Hillsboro Corridor Project.

Chapter 5, Recommended Transportation Improvements to the Year 2005, has been revised to include both the Locally Preferred Alternative of the Westside Project to 185th Avenue and the Hillsboro Corridor Project from 185th to Central Hillsboro as committed projects.

In Chapter 6, Evaluation of the Adopted Plan, Sylvan has been deleted as a location for an LRT transit center.

Chapter 8, Implementation, the Transitway Implementation section has been revised to include the Locally Preferred Alternative
decision and the Hillsboro Corridor Project status. The Westside Corridor Project has been deleted as an Outstanding Issue.

Regional LRT Priorities -- On June 13, 1991, the Metro Council adopted Resolution No. 91-1456 which established a strategy for completing High Capacity Transit (HCT) studies to Clackamas County/East Portland and to Clark County, Washington. The resolution calls for a Pre-Alternatives Analysis level study of HCT options between the Portland CBD and Clackamas Town Center via Milwaukie or via I-205; and for a Pre-AA study of HCT options between the Portland CBD and several alternative terminus locations in Clark County.

The Summary Chapter has been revised to include the Pre-AA status in both the southern and northern corridors. References to LRT funding strategies and issues have been updated.

In Chapter 4, Policy Implications and the System Concept, the revised HCT study priorities in the southern and northern corridors are discussed in detail.

Chapter 5, Recommended Transportation Improvements to the year 2005, includes a southern corridor HCT project as a 10-Year Priority Project. This revision clarifies the study process in the corridor.

Chapter 8, Implementation, under Transitway Implementation, is amended to explain the priorities for HCT studies and implementation.

Southeast Corridor Study -- The Metro Council, on October 26, 1989 adopted Resolution No. 89-1108 which adopted the findings and recommendations of the first phase of the Southeast Corridor Study. The study recommended implementation of the Southeast Corridor Transportation Improvement Plan, which included a series of improvements in the Johnson Creek Boulevard/King-Harrison area.

In Chapter 5, the Southeast Corridor Transportation Improvement Plan is included as a 10-Year Priority.

In Chapter 8, the Johnson Creek Boulevard portion of the Southeast Corridor study is eliminated as an Outstanding Issue.

Sunrise Corridor -- ODOT's Preliminary Engineering effort in the Sunrise Corridor has identified an expanded set of highway alternatives between the Rock Creek (Carver) Junction and U.S. 26.

In Chapter 5, the description of the Sunrise Corridor Improvements east of the Rock Creek Junction have been broadened to include all of the alignment alternatives currently being examined by ODOT as part of their study.

Beaverton East-West Arterial -- The East-West arterial is designed to function as an arterial bypass of Canyon Road/T.V.
Highway through central Beaverton. This project was included in Chapter 5 of the 1989 update in very general terms which recognized the need for some improvements in the corridor. The text in Chapter 5 has been updated to include the specifics of the project as developed through the City of Beaverton's study process.

The remaining project level revisions included in Exhibit A are primarily minor project status updates and general housekeeping changes.

TPAC reviewed (but did not adopt) the draft RTP revisions at their November 1, 1991 meeting. TPAC members subsequently submitted comments on the revisions to Metro staff. A summary of these comments and the staff response are included as Attachment 1. Metro legal staff also prepared a memo describing the staff response to TPAC comments on Chapter 8 Implementation issues, this memo is included as Attachment 2.

TPAC again considered the RTP revisions (incorporating their new comments) at their meeting on November 27, 1991. This package of RTP revisions was adopted with amendments which are summarized in Attachment 3. Exhibit A has been revised to include these amendments.

An interim RTP update is scheduled for this fiscal year and is included in the Unified Work Program. This process will update the population, employment and travel forecasts to the year 2010; evaluate 20-year needs, costs and projected revenues; and develop in detail the policy direction required to address the Transportation Rule, air quality legislation and RUGGO.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 91-433.

91-433.ORD
12-4-91
JC:1mk
SUMMARY OF TPAC COMMENTS ON RTP REVISION

The TPAC comments on the RTP revision have been placed into three categories based upon staff's interpretation of the issues involved:

Category 1 - Minor editing, wordsmithing and obvious omissions
(All of these recommendations have been incorporated into the revised Exhibit A.)

a. Several minor edits recommended by Molly O'Reilly relating to the discussion of RUGGO and the Western Bypass.

b. Minor edits recommended by Clackamas County on the discussion of the HCT study process and LRT funding.

c. Add 207th Avenue between Sandy and Glisan -- inadvertently omitted from original revision.

d. Add Birdsdale Bypass/Corridor Study as an Outstanding Issue -- per Gresham's request.

e. Washington County questioned the Raleigh Hills Transit Center and recommended changing the Tanasbourne Transit Center to 185th Avenue and Baseline Road. (Based on TPAC's recommendation, the RTP will reflect that the Tanasbourne Transit Center will continue to function until the completion of the Westside LRT at which time the transit center function will be relocated to the 185th and Baseline LRT station.)

Category 2 - More significant edits and policy questions with a staff recommendation

a. Molly O'Reilly recommended a more detailed discussion of the specifics of the Transportation Rule and RUGGO (e.g., VMT reduction and RUGGO (Goal 13) within the context of the Summary Chapter. (Staff recommends against including this much detail within the Summary at this time. A detailed discussion of the Transportation Rule and RUGGO is included under Outstanding Issues in Chapter 8.)

b. Molly O'Reilly, Greg Oldham and ODOT have all recommended less specific wording in reference to the Tualatin-Hillsboro Corridor (Western Bypass Study). (Staff recommends using wording proposed by ODOT which eliminates many of the specific project references; such wording is included in the revised Exhibit A.)
c. Molly O'Reilly recommended minor revisions to the text of Chapter 8 — Outstanding Issues — relating to the Transportation Rule and the 2010 RTP Update. (Staff has developed wording which will address the issues raised but will not include a discussion of the Clean Air Act Amendments of 1990 in the context of an Outstanding Issue because the RTP has already been found to conform with the CAAA based on the interim conformity guidelines.)

d. Greg Oldham questioned the need for the Beaverton east-west arterial and ODOT questioned the financing of the proposed project. (These comments did not address issues directly related to this RTP revision.)

e. City of Portland recommended retaining Sylvan as an LRT Transit Center in Chapter 6. (Given the context of this section of Chapter 6, staff recommended not to include Sylvan as a major LRT Transit Center. This section refers to economic development opportunities at major LRT transit centers and, as currently structured, it will discuss only the major LRT Transit Centers at Peterkort (Sunset Transit Center), Beaverton Transit Center and Tanasbourne/185th and Baseline. The individual Westside LRT stations are not detailed anywhere in the RTP and, as such, the RTP does not take a position on individual station locations but leaves that to the project development process.)

Category 3 — Broader issues including significant questions relating to Chapter 8. TPAC should be prepared to provide direction/comment where a staff position is not included.

a. Molly O'Reilly and Greg Oldham both expressed serious reservations regarding the revisions prepared for the Chapter 8 Implementation discussion. They both questioned the propriety of including these revisions within the context of a minor housekeeping revision. (Metro Legal Counsel, which drafted the Chapter 8 Implementation revisions, has formulated a staff response to these questions and it is attached.) Note: ODOT also expressed confusion as to the intent of the revision to Page 8-2, paragraph 2, shown on page 10 of Exhibit A.

b. Ray Polani raised three major issues in his comments on the RTP revision. The three comments and the staff response to each are as follows:

- The RTP, at this time, should thoroughly incorporate all aspects of the major changes in policy direction embodied in the Goal 12 Transportation Rule, RUGGO and the Clean Air Act Amendments of 1990.

  Staff Response: This minor RTP revision is being completed in a relatively short timeframe. The UWP includes a work
element in FY 1992 for the development of an "Interim RTP Update" which will revise the travel forecasts and begin to analyze the impacts of changes in regional transportation policy. The Transportation Rule recognizes the amount of work necessary to fully incorporate these policy changes at a regional level and it gives MPOs until 1994 to include these policy elements in the RTP.

- Citizens for Better Transit call for an immediate freeze on any and all highway capacity-enhancing projects included in the RTP.

Staff Response: It is not appropriate to place a freeze on highway projects which increase capacity at this time. A delay in addressing the highway congestion problems in the region will not benefit the cause of mobility, either transit or auto. Again, a major review of the region's highway strategy will be conducted as part of Rule 12 planning activities in subsequent updates. However, further consideration must be given to developing an appropriate approach to addressing the development of all major projects during this transitional period.

- Support for referring a constitutional amendment to Oregon voters which would free up all auto-related taxes for use on generic transportation projects with the choice of mode to be determined by Alternatives Analysis.

Staff Response: Metro and JPACT have generally supported flexibility in transportation funding at all levels, federal, state and local. The issue of an overall RTP funding strategy is more appropriate within the context of the "Interim RTP Update" scheduled for later in this fiscal year. Action independent of that effort is up to TPAC's discretion.
Date: November 15, 1991

To: Andy Cotugno, Transportation Director

From: Larry Shaw, Senior Assistant Counsel

Regarding: REGIONAL TRANSPORTATION PLAN (RTP) REVISION - CHAPTER 8

Introduction

Some TPAC members and your staff have asked for additional explanation of the amendments to Chapter 8. Specifically this is a response to the strong objections from TPAC members Oldham and O'Reilly.

Purposes of Chapter 8 Amendments

Most of the amendments in Chapter 8 are intended as clarifications of current text of Metro's consistent approach that all functional plan provisions are recommendations unless a substantive requirement is indicated. This approach was taken from the RTP Chapter 8 dispute resolution process and made universal in Goal I of RUGGO.

Further, the distinction between "consistency" and "compliance" is not one invented for the purpose of these amendments. Metro's approach to drafting RUGGO and its land use findings for RUGGO use the term "consistency," found in ORS 268.380(1). Consistency is a more general standard of review against the statewide goals than the "compliance" review for comprehensive plans in ORS ch 197.

The reasoning for this approach becomes apparent when attempting to write findings of statewide goal compliance for very general policy goals and objectives like the regional goals and objectives in RUGGO. Regional goals and objectives were added to the statewide land use system after the statewide goals were adopted and the use of comprehensive planning at the city and county level had been selected. Regional goals are supplementary to that process. So, a more general consistency with statewide goals is all that is required of regional goals and objectives, by statute. The reason for this is that once a regional objective and a functional plan to implement that objective are adopted, the specific means of implementing the objective and the functional plan provision must be incorporated into a local comprehensive plan. Metro's authority to "enforce" its functional plan provisions in ORS 268.390(4) does not include the ability to take direct action on a land use proposal. Metro only has the authority to "require" a change in the comprehensive plan. Therefore, at
the time of amendment of a comprehensive plan by city, county action, or the time of Metro action to "require" such a change is the time for specific "compliance" review for the statewide goals. Metro's consistent position has been that there is no land use action by Metro under current law until such a "requirement" for a change in the comprehensive plan is ordered in a functional plan or by Metro Council action after the dispute resolution process outlined in RUGGO Goal I.

The amendments to Chapter 8, then, reflect the adopted RUGGO, initial response to the statewide transportation rule, and the litigation that has occurred over the 1989 RTP itself. In STOP v. Metro, for example, Metro's approach of recommending action to local government in an RTP provision was held not to be a final land use decision by the Court of Appeals. Therefore, the suggestions in this draft are housekeeping changes based primarily on RUGGO and case law since 1989.

Specific Proposed Amendments

O'Reilly No. 6: What is described as "bureaucratic nonsense" is in fact an important recitation of the principle in Goal I of RUGGO that all RTP provisions are recommendations unless clearly designated as a requirement. This has been Metro's interpretation of Chapter 8 and the position taken in Goal I of adopted RUGGO. To omit this clear statement of how Metro intends to exercise its authority under ORS 268.390(4) nearly adds ammunition for those who might argue that RTP provisions, regardless of the incompleteness of the study on which they are based, should be mandatory requirements of local government prior to completion of further studies.

O'Reilly No. 7-8/Oldham No. 5: This amendment got vociferous response claiming a misrepresentation of the law and a deliberate fudging (Oldham) and confusing the public (O'Reilly). It seems that these comments are based on a disagreement with both the approach in Goal I of RUGGO that all functional plan provisions are recommendations unless clearly stated to be requirements and Metro's legal position that a recommendation, as opposed to a requirement, is not a final land use decision. The amendments at 8-13, -15 go beyond that general position of Metro and applies the principles in the new LCDC rule, as well.

Again, the lack of the use of "consistent terminology" by utilizing "consistency" and "compliance" as distinct and different terms reflects the legal position that Metro has taken in its adoption of RUGGOs explained above. The RTP provisions that are recommendations not "requirements" are to be consistent with statewide planning goals. Local government comprehensive plan provisions, including PFP provisions, must be in "compliance" with statewide goals per ORS ch 197. The RTP is "consistent" with statewide goals per ORS 268.380(1). The RTP, a functional plan, is to be consistent with RUGGO. RTP
recommendations once converted to the form included in each comprehensive plan must be in "compliance" with statewide goals like all amendments to comprehensive plans.

Ms. O’Reilly’s desire to have findings of statewide goal compliance earlier and at the regional level may be possible for certain parts of the RTP in the next update. However, so long as the RTP is both the MPO federal transportation plan and a functional plan under state law, the federal requirement for an MPO plan to demonstrate a complete system may always necessitate the inclusion of projects that are still in an early study stage not yet a final land use decision under state law with complete statewide goal compliance findings.

**Conclusion**

There may be some better wording suggestions to clarify the Chapter 8 amendments made to bring the RTP up-to-date after RUGGO and case law. However, the wholesale elimination of the amendments to Chapter 8 could lead to a determination that the RTP is not consistent with Goal I of RUGGO.

cc: Rich Carson
    John Cullerton
    Richard Brandman
TPAC adopted the RTP revisions on November 27, 1991 with the following amendments. The amendments have been incorporated into Exhibit A and are referenced by the page number.

1. Clarify the status of the Tanasbourne Transit Center with regard to the Westside LRT station at 185th Avenue and Baseline Road. (Page 12)

2. Add "s" to corridor and mode in the second paragraph on Page 2 in order to clarify that more than one corridor or mode may be recommended by the Western Bypass Study. (Page 2)

3. Clarify that the proposed termini for the NE 207th Avenue arterial is NE Sandy Boulevard and NE Glisan Street. (Page 7)

4. Clarify that the proposed LRT alignment between Milwaukie Transit Center and Clackamas Town Center via Highway 224 is considered a Pre-Alternatives Analysis option and is not considered a "future extension." (Page 6)

5. Add wording describing in more detail the requirements of the Goal 12 Transportation Rule. (Pages 4 and 20)

6. Add "transportation" to the description of the Western Bypass Study discussion which references "an interactive land use/transportation strategy." (Pages 1 and 19)

7. Add as an "Outstanding Issue" that the region must be in conformance with the Clean Air Act Amendments of 1990. (Page 21)

8. Retain original RTP language which stated that the region must be prepared to accept increased reliance on local funding sources for transit. (Page 12)

9. Clarify that future high capacity transit (HCT) corridor studies will utilize the results of the Regional HCT Study to help determine which alternatives are appropriate to carry into Alternatives Analysis. (Page 14)

10. Clarify that the HCT alternatives to be considered for I-205 between Gateway and Clark County will not include LRT within the next 20 years but may be considered beyond 20 years. (Page 18)
11. Reword the first paragraph on Page 18 in order to clarify the relationship of RTP projects and the state planning goals. (Page 15)

12. Adopt the revisions included in Addendum 1 (which have been incorporated into Exhibit A) relating to the Tualatin-Hillsboro Corridor and the Bi-State Study. (Pages 9, 10, 17, 18 and 19)

The following amendments were requested and considered but were not approved by TPAC:

- Remove 112th Avenue improvements from the Regional Transportation Plan.

- Prepare an RTP which thoroughly addresses the state's Transportation Rule 12, Regional Urban Growth Goals and Objectives (RUGGO), and Clean Air Act Amendments (CAAA) at this time.

- Freeze all funding for highway projects which result in increased capacity due to likely VMT increases which would violate the state's Transportation Rule 12.
WHEREAS, The federal Clean Air Act Amendments of 1990, the state LCDC Goal 12 Transportation Rule and the Regional Urban Growth Goals and Objectives have been adopted subsequent to the Regional Transportation Plan update in March of 1989; and

WHEREAS, This RTP is a transition document, major updates will be conducted to comply with the Clean Air Act Amendments of 1990, Regional Urban Growth Goals and Objectives, and the Goal 12 Transportation Rule; and

WHEREAS, Project descriptions need to be updated to reflect policy changes; and

WHEREAS, The Regional Transportation Plan update of 1989 calls for regular Plan updates; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. The 1991 revision of the Metropolitan Service District Regional Transportation Plan, a functional plan, copies of which are on file with the Clerk of the Council, is hereby adopted.

2. The 1991 RTP revision amends the Regional Transportation Plan as adopted in 1982 and updated in 1983 and in 1989. The proposed amendments are attached hereto as Exhibit A.

3. In support of the Plan revisions, the Findings attached hereto as Exhibit B are hereby adopted.
4. Metro Council directs staff to evaluate a high transit scenario as part of the next update of the RTP in order to address vehicle-miles-traveled (VMT) reduction goals as required by the Goal 12 Transportation Rule (OAR 660-12-000), the federal Clean Air Act Amendments of 1990 and by the Regional Urban Growth Goals and Objectives.

ADOPTED by the Council of the Metropolitan Service District this _____ day of ________, 1991.

Tanya Collier, Presiding Officer
EXHIBIT A

Proposed Amendments to the March 9, 1989 Regional Transportation Plan

Exhibit A provides a line-by-line description of the deletions (lined-out material) and additions (underlined material) included in the 1991 RTP revision.

Summary Chapter

Page S-1, paragraph 2, amend as follows:

After extensive public review and comment, the RTP was adopted by the Metro Council in 1982 and last updated in 1983. The plan, incorporating the 1989 update and the current (1989) update revision, give the Portland metropolitan region a much needed direction for meeting our transportation needs over the next two decades...

Page S-1, following paragraph 4, add a new paragraph as follows:

With the 1991 revision, the RTP recognizes and begins to incorporate the policy direction laid out by the LCDC Goal 12 Transportation Rule, federal Clean Air Act Amendments of 1990, and the Regional Urban Growth Goals and Objectives (RUGGO). A full examination of alternative transportation and land use scenarios called for in the Transportation Rule will coincide with and follow the Region 2040 plan, which is an outgrowth of the RUGGO process.

Page S-6, paragraph 2, amend as follows:

Tualatin-Hillsboro Corridor -- Consider constructing a new four-lane limited access facility from I-5 to Tualatin Valley Highway and a five-lane arterial from Tualatin Valley Highway to U.S. 26 as one of several corridors and mode opportunities, such as light rail transit, highway and bus service, to be analyzed through ODOT's Western Bypass study. Alternatives to be studied will include transit and transit/highway combinations with and without a new highway facility and an interactive land use/transportation strategy (If the 1000 Friends of Oregon LUTRAQ Study produces a viable land use/transportation strategy, it would be folded into the Western Bypass Study). A corridor-level Environmental Impact Statement (EIS) will be prepared to evaluate the effectiveness of alternative modes and corridors to meet project goals and objectives and to consider their environmental impacts. Through this effort, one alternative will be selected and advanced to a second phase of study.

The second phase will include a design EIS or Environmental Assessment (EA) to identify specific alignments within the
selected corridor(s) for the selected mode(s). This effort will examine a range of alignments for analysis in the EIS, and conclude with selection of the alternative that best meets study goals and objectives.

Page S-6, paragraph 5, amend as follows:

Mt. Hood Parkway I-84/U.S.26 Connector

2. Light Rail Transit (Figure S-2)

Priority 1: Westside Light Rail -- Begin the preliminary engineering final design work and pursue finalize discretionary funding for the project through the federal Urban Mass Transportation Administration (UMTA).

Page S-8, paragraph 1 and 2, amend as follows:

I-205/Milwaukie HCT and I-5 North/I-205 North HCT Studies -- Conduct Pre-Alternatives Analysis level studies geared toward selecting priority corridors for advancement to full alternatives analysis. An action plan will be developed for the corridors not selected as the priority corridors for alternatives analysis.

I-205 Light Rail -- Begin preliminary engineering work using funds from bus lanes withdrawn from the Interstate system.

Milwaukie Light Rail -- Begin preliminary engineering as soon as allowable after Westside light rail. Pursue funding from UMTA after receiving funding for the Westside light rail.

Page S-11, paragraphs 3 and 4, amend to read:

Funding for 50 to 75 percent of the Westside and Milwaukie light rail and up to 50 percent for the next priority corridor can be sought has been committed from UMTA through a national competitive process. A strategy incorporating federal, state and local funds must be developed for corridors beyond the Westside. However, local matching funds must be obtained first.

A unique opportunity exists to fund the initial stages of work toward an I-205 light rail line. Through the Federal-Aid Interstate program, $16.6 million is was originally available for bus lane construction. However, with the approval of FHWA and UMTA, this money can and would be shifted to is available for light rail construction.

Introduction Chapter

Page I-1, amend the second bullet under A. THE CONTEXT OF THE
PLAN as follows:

... serves as a regional framework for the coordination of the transportation and land use elements of local comprehensive plans consistent with the Regional Urban Growth Goals and Objectives (RUGGO);

Page I-3, add a paragraph following the final paragraph of Section B which will read as follows:

The amendments contained in the 1991 RTP revision have been found to be consistent with the Regional Urban Growth Goals and Objectives. Future updates will reflect consistency with the Region 2040 Planning Process, the LCDC Goal 12 Transportation Rule, the Clean Air Act Amendments of 1990, and the new Surface Transportation Act. Future RTP updates will have to reflect RUGGO and local comprehensive plans may have to change to meet RUGGO.

Page I-7, final paragraph under Federal Planning Requirements, amend as follows:

In addition to the requirements of FHWA and UMTA, the Clean Air Act Amendments of 1990 (carried out administered by the Environmental Protection Agency (EPA)) requires each urbanized area to meet federal standards for clean air.

Page I-7, under State Planning Requirements, add a new paragraph as follows:

With the adoption of the Goal 12 Transportation Rule, Metro must adopt a Transportation System Plan (TSP) which is consistent with the State TSP. In the case of the State, the TSP is the Oregon Transportation Plan (OTP) and, in the case of Metro, the TSP is the RTP. Metro is working with ODOT to ensure consistency between the OTP and the RTP (see also Chapter 8).

Chapter 1

Page 1-3, add as final paragraph under Section B. History

1991 LCDC adopts the Goal 12 Transportation Rule requiring a reduction in the reliance on single occupant vehicles and requiring local actions which encourage the development and use of reasonable alternatives such as transit and ridesharing. The Transportation Rule also requires the development of Transportation System Plans to be completed consistent with the state requirements within four years for the RTP and within five years for local jurisdictions. The plans must include methods to achieve reductions in per capita vehicle miles traveled, increases in peak-hour auto
occupancy rates and examinations of alternative land use scenarios to address transportation needs.

1991 Metro Council adopts the Regional Urban Growth Goals and Objectives which provide a set of land use planning goals and objectives, which are consistent with statewide planning goals, for purposes of planning coordination in the region.

Page 1-7, under 3. Objective: To maintain the region's air quality. Amend paragraph 3 as follows:

The Annual Element of the region's Transportation Improvement Program (TIP) should must be consistent with the State Implementation Plan (SIP) for air quality and must conform with the Clean Air Act Amendments of 1990.

Page 1-15, under 6. Elderly and Handicapped Service, delete the second bullet as follows:

6. Elderly and Handicapped Service — Based on the Special Needs Transportation Plan adopted by Tri-Met, the transit system will:

ete Continue to provide accessible service at all LRT stations.
	e. Continue to specify lifts on all new buses until at least 50 percent of the bus fleet is accessible.

ete Continue to work with local jurisdictions to make as many transit stops as possible accessible.
	e. Continue to provide door-to-door demand responsive service to individuals who are unable to use Tri-Met buses due to physical or mental disabilities.

6. Service to the Disabled -- Based on the Americans With Disabilities Act of 1990 (ADA), Tri-Met will offer services which address the special needs of the disabled population:

ete Continue to develop complementary paratransit services which comply with the ADA.
	e Continue to specify lifts on all new transit vehicles until 100 percent of the fleet is accessible.
	e Continue to work with local jurisdictions to make transit stops accessible.
	e Continue to develop other facilities and services which are accessible to the disabled as required by the ADA.
Chapter 2

Page 2-1 under A. *Overview*, amend the second paragraph as follows:

The regional land use pattern defined by the local jurisdictional comprehensive plans developed under the LCDC Statewide Planning Goals that will determine in large part the location of future development in the region. (These land use patterns, upon which the RTP travel forecasts are based, will be subject to change based upon the policies included in the LCDC Goal 12 Transportation Rule. These changes in residential distribution and density will be incorporated into the travel forecasts in future RTP updates);

Chapter 4

Page 4-1, amend paragraph 4 as follows:

The region has taken a strong policy position to promote orderly urban development. Metro adopted the Regional Urban Growth Goals and Objectives (RUGGO) and administers a the regional Urban Growth Boundary (UGB). RUGGO provides a policy framework for Metro's functional plans and, through these adopted functional plans, for land use planning in the region consistent with the statewide planning goals. The UGB clearly identifies the extent of the area in which urban development will occur in the Oregon portion of the region over the next 20 years....

Page 4-20 through 4-22, Transitways, amend as follows:

In the Western Corridor, the Sunset LRT with a long tunnel and a zoo station has been selected as the preferred alternative to connect downtown Portland and Beaverton Hillsboro. The LRT corridor west of Beaverton would will follow the 185th east/west alignment Burlington Northern ROW to 185th Avenue. The extension to Central Hillsboro will follow the BN ROW into Hillsboro or an alternative alignment identified through the Alternatives Analysis process. The Sunset Westside LRT is the top regional priority for LRT implementation (see Chapter 8).

In the Southern Corridor, an LRT line connecting downtown Portland to Milwaukie via the Portland Traction Company or McCoughlin alignments is called for in this Plan. Southeastern Sector, two alternative transitway corridors will be examined in a preliminary alternatives analysis to be conducted by Metro. The study will examine alternative high capacity transit (HCT) alternatives between downtown Portland and Clackamas Town Center (CTC) via Milwaukie and
in the I-205 Corridor between Portland International Airport (PIA) and CTC. As a result of this study, one corridor will be recommended for advancement to the Alternatives Analysis phase and an action plan and recommendation on the other corridor will be developed.

The alternatives to be considered in the Milwaukie corridor include a Portland Traction Company (PTC) alignment, McLoughlin alignment and a Johns Landing/Sellwood Bridge alignment. Alternatives in the Highway 224 corridor include a Railroad/Harmony alignment and a Highway 224 alignment. The I-205 alternative includes a major portion of existing reserved ROW although there are alternative access options in the vicinity of both termini.

In the Northern Corridor a locally funded Preliminary Alternatives Analysis will examine HCT options connecting Vancouver with the Portland CBD. Alternative alignments which will be analyzed include I-5 and Interstate Ave. Possible connections across the I-205 bridge into east Clark County will also be examined in this study.

Beyond these four corridors, the long-term (beyond 2005) regional transitway system includes two additional LRT corridors:

- In the Northern Corridor, an LRT line connecting downtown Portland and Vancouver via either I-5 or Interstate Ave.

- In the Southwestern Corridor, an LRT line connecting downtown Portland with Tigard via Barbur Boulevard, or I-5.

Possible extensions and future branches of the identified LRT corridors include those to Hillsboro (via Sunset or 185th extension), Oregon City (via McLoughlin or I-205 extension), Lake Oswego (via the Jefferson Street Branch) and Tualatin (via Milwaukie extension through Lake Oswego, Barbur extension, or Highway 217 circumferential extension through Tigard).

The adopted RTP also recommends acquiring the abandoned SPRR right-of-way connecting downtown Portland and Lake Oswego to protect the resource and allow future consideration of this alignment for rail transit in the Macadam/Lake Oswego radial corridor.

Add a bullet at the end of Section c. Land Use Decisions as follows:

- Other land use actions consistent with the Regional Urban Growth Goals and Objectives or resulting from the Region 2040 planning process.
Chapter 5

Page 5-2, amend as follows:

**City of Portland Downtown Carpool Parking Program**: A cooperative program between Tri-Met and the City of Portland whereby carpools of three or more can purchase monthly parking permits for $25/month and receive unlimited parking at any of 1,400 six-hour long-term meters in downtown Portland. The City of Portland has also designated approximately 200 parking meters in Portland as "carpool only" before 9:00 a.m. on weekdays.

Page 5-9, under "improve transit service in the sector by:"
Amend the 10-Year Priority Projects as follows:

- consider pursuing the implementation of LRT and other HCT alternatives in the I-205 Corridor from Portland International Airport (PIA) to Clackamas Town Center (CTC) via Gateway (Figure 5-3). The decision to proceed to construction of LRT, however, is subject to: 1) an assessment of impacts associated with the project and selection of a preferred alternative and alignment; and 2) the development of a funding strategy for the project. The results of the I-205/Milwaukie Preliminary Alternatives Analysis which will recommend one of the two corridors to proceed to full alternatives analysis and will develop an action plan for the other corridor.

Page 5-10, under "improve connectivity and access in East County by:"
Amend the 10-Year Priority Projects as follows:

- Constructing all or part of the Mt. Hood Parkway, a new principal arterial connection between I-84 and U.S. 26 (134)

- Constructing all or part of a new NE 207th Avenue arterial between Sandy Boulevard and Glisan.

Page 5-12, move "- Widening Graham Road structure (165)" from 10-Year Priority to Committed Project.

Page 5-16, under "10-Year Priority Projects," amend as follows:

consider pursuing the implementation of LRT and other HCT alternatives in the McLoughlin Milwaukie Corridor from downtown Portland to Milwaukie (Figure 5-3). The decision to proceed to construction, however, is subject to: 1) a final assessment of impacts associated with the facility and a selection of a preferred alternative and alignment; and 2) the development of a funding strategy for the project. The results of the I-205/Milwaukie Preliminary Alternatives Analysis which will recommend one of the two corridors to proceed to full alternatives analysis and will develop an action plan for the other corridor.
Alternatives Analysis which will recommend one of the two corridors to proceed to full alternatives analysis and will develop an action plan for the other corridor.

Page 5-17, under "remove traffic from local streets by:" Amend as follows:

implementing improvements recommended as a result of examination of identified in the Southeast Corridor Transportation Improvement Plan for resolving east/west traffic problems east of McLoughlin (Metro's Southeast Corridor Study).

Page 5-17, under "increase east/west access in the sector by:" Delete as follows:

10-Year Priority Project

--improving Thiessen Road (215 between Oatfield Road and Johnson Road

Page 5-18, under "10-Year Priority Projects," amend as follows:

constructing a Sunnybrook Road arterial from 92nd to 108th or Valley View Road at Sunnyside Road (108)

Page 5-19, under "improve the Highway 212 portion of the Sunrise Corridor from Rock Creek Junction to U.S. 26 by:" Amend as follows:

10-Year Priority Projects

constructing a climbing lane on Highway 212 east of Rock Creek Junction (130)

widening Highway 212 from Rock Creek Junction to Chitwood (131)

widening Highway 212 through Damascus (132) and Boring (133)

completing other operations and safety improvements in this section

10-20-Year Projects

widening and realignment of Highway 212 from Royer to School Road (310-311) and from Lani Lane to U.S. 26 (312)

improving the intersection of Highway 212 with U.S. 26 (313)
Widening and realigning Highway 212 from Rock Creek Junction through Damascus and Boring to the interchange at Highway 26; or construct an expressway on a new alignment between Rock Creek Junction and Highway 26 at the existing Highway 212 interchange.

Page 5-24, 1st paragraph, amend as follows:

consider constructing the first phase of the limited access facility in the Tualatin-Hillsboro corridor from I-5 to Highway 99W including the interchanges at I-205 and Boones Ferry Road (123) and a three-lane widening of Boones Ferry Road to I-5/Stafford (122) or other alternatives as identified in the ODOT Western Bypass Study.

Page 5-24, under 10-20 Year Projects amend as follows:

- widening Boones Ferry Road to five lanes between the proposed bypass facility and I-5/Stafford (122) (The proposed bypass is contingent upon the recommendations of ODOT's Western Bypass Study. If a decision is made to not build the bypass facility then the need for this improvement will be re-evaluated)

- adding a southbound climbing lane on I-5 from Hood Avenue to Terwilliger (304)

- constructing interchanges on the proposed bypass facility at Highway 99W and Tualatin-Sherwood/Edy Roads (The proposed bypass is contingent upon the recommendations of ODOT's Western Bypass Study. If a decision is made to not build the bypass facility, then the need for these improvements will be re-evaluated)

Page 5-25, top of the page, amend as follows:

- conducting Preliminary Engineering on the second phase of the Tualatin-Hillsboro corridor facility from Highway-99W to the Sunset Highway (124)

- Consider constructing facility improvements in the Tualatin-Hillsboro corridor from Highway 99W to Tualatin Valley Highway and from Tualatin Valley Highway to Sunset Highway, or other highway, transit or land use alternatives as identified in ODOT's Western Bypass Study.

10-20 Year Projects

constructing the second (Highway-99W to Tualatin Valley Highway — 124) and third (Tualatin Valley Highway to Sunset -125) phases of the bypass facility in the Tualatin Hillsboro corridor. Actual construction of Phase II of the
Western Bypass is subject to: 1) a determination that the facility is consistent with local comprehensive plans and state land use policies; and 2) a detailed assessment of the impacts associated with such a facility provided through the Environmental Impact Statement (EIS) process. If at the conclusion of either of these processes, a decision is made to not build this portion of the Western Bypass, a planning study will be initiated to address the circumferential travel problem in some other manner.

- as warranted, constructing the second phase of a Highway 217 widening to include six lanes from the Sunset Highway to the Hall Boulevard Overcrossing (117, 119)

Page 5-27, under 10-Year Priority Projects, amend as follows:

- constructing an interchange at I-5/I-205 and the proposed bypass facility (103). (The proposed bypass is contingent upon the recommendations of ODOT's Western Bypass Study. If a decision is made to not build the bypass facility then the need for this improvement will be re-evaluated)

Page 5-30, under "reduce congestion in the circumferential corridors by:" amend as follows:

- conducting Preliminary Engineering on the second (Highway 99W to Tualatin Valley Highway—124) and third (Tualatin Valley Highway to Sunset—125) phases of the Tualatin-Hillsboro corridor bypass facility

Consider constructing facility improvements in the Tualatin-Hillsboro corridor from Highway 99W to Tualatin Valley Highway and from Tualatin Valley Highway to Sunset Highway, or other highway, transit or land use alternatives as identified in ODOT's Western Bypass Study.

10-20 Year Projects

- constructing the second (Highway 99W to Tualatin Valley—Highway—124) and third (Tualatin Valley Highway to Sunset—125) phases of the bypass facility in the Tualatin-Hillsboro corridor. Actual construction of Phase II of the Western Bypass is subject to: 1) a determination that the facility is consistent with local comprehensive plans and state land use policies; and 2) a detailed assessment of the impacts associated with such a facility provided through the Environmental Impact Statement (EIS) process. If at the conclusion of either of these processes, a decision is made to not build this portion of the Western Bypass, a planning study will be initiated to address the circumferential travel problem in some other manner.
as traffic demand warrants, upgrading the intersections to interchanges on the bypass facility

as warranted, constructing the second phase of a Highway 217 widening to include six lanes from the Sunset Highway to the Hall Boulevard Overcrossing (117, 119)

Page 5-31, under 10-Year Priority Projects, amend as follows:

constructing some portion of a to-be-designed improvement the East-West Arterial from Murray Blvd to S.W. 110th as a bypass to Tualatin Valley Highway and parallel facilities in the central Beaverton area (137) with the construction timed to accommodate and facilitate the construction of the Westside LRT

Page 5-33, amend as follows:

proceed with preliminary-engineering construction on the region's next priority LRT corridor -- the Sunset Westside LRT (Figure 5-3) -- to provide the major transit trunk service connecting downtown Portland with central Washington County, and Beaverton (to 105th) and Hillsboro. The decision to proceed to construction, however, is subject to: 1) an analysis of the facility in relation to updated population and employment forecasts and changes in travel patterns; 2) a final assessment of impacts associated with the facility; 3) an evaluation of the operation of the Banfield LRT; and 4) the development of a funding strategy for the project

Chapter 6

Page 6-1, paragraph 2, last sentence, amend as follows:

...with transit's share of the peak-hour travel market increasing from 6 percent in 1985 to 9 percent by the year 2005.

Page 6-16, paragraph 4, amend as follows:

improvements to I-84 and the Gresham Mt. Hood Parkway in Gresham...

Page 6-17, third bullet under Southwestern Corridor, amend as follows:

the new Tualatin-Hillsboro Corridor facility and improvements to Highway 217 resulting from the Western Bypass Study will provide increased access between rapidly growing portions of Washington County.
Page 6-17, fourth item under "Western Sector," amend to read as follows:

major LRT investments in the corridor and transit stations in the Peterkort, Beaverton, Sylvan, Raleigh Hills and Tanasbourne (The Tanasbourne Transit Center will be relocated to 185th and Baseline upon completion of the Westside LRT to 185th Avenue) areas...

Page 6-17, fifth bullet under Western Sector, amend as follows:

the new-facility improvements in the Tualatin-Hillsboro corridor and improvements to Highway-217 resulting from the Western Bypass Study will provide greater north/south mobility connecting developing areas in the Southwestern and Western Sectors.

Page 6-18, under "Downtown Portland Sector." amend as follows:

...2) increased transit capacity (Banfield LRT, Sunset Westside LRT, McLoughlin Milwaukie LRT, Vancouver LRT, Mall LRT, transit mall extension);... 

Chapter 7

Page 7-18, last paragraph under 2. Evaluation, amend as follows:

The region has taken positive steps toward the implementation of the transit elements of this plan through the successful region-wide vote in November 1990 approving a $125 million bond measure to provide half of the 25 percent local match for the Westside LRT and to provide funding for planning, engineering and ROW acquisition for an East Portland/Clackamas County LRT project. In addition, the State Legislature approved state funding to cover the remaining one-half of the 25 percent Westside local match.

If the region intends is to pursue implementation of the recommended transportation plan, it is apparent that several steps efforts must be taken to increase transit funding. First, the region must continue to aggressively seek congressional action to assure the continuance of federal capital grants, argue against the phasing out of federal operating assistance and ensure a continuance of state matching funds for federal capital grants. Secondly, the region, must be prepared to accept an increased reliance on local funding sources in order to construct and operate the recommended transit system. Failure to secure the necessary funding to expand the transit system would require a reexamination of the RTP to expand the recommended highway system or a reexamination of land use plans to reduce planned levels of development.
Chapter 8

Page 8-2, paragraph 2, sentences 1 and 2 are amended to read:

While all RTP provisions are recommendations unless clearly designated as a requirement of local government comprehensive plans, all local comprehensive plans and future amendments to local plans should be consistent with all adopted RTP policies and guidelines for highway and transit system improvements and demand management programs as described in detail in as explained in Section C. For inconsistencies, local governments or Metro may initiate the dispute resolution process in Section F prior to action by Metro to require an amendment to a local comprehensive plan.

Page 8-8 under Transitway Implementation, amend as follows:

...The next priority for transitway construction is the Westside Corridor, where the Sunset Westside LRT (long tunnel with Zoo station) alignment has been selected as the preferred alternative to connect downtown Portland and Beaverton (to 185th) Hillsboro. The decision to proceed to construction of the Sunset LRT, however, will not be made until after the preparation of an FEIS on the project and an evaluation of the operation of the Banfield LRT. JPACT has identified A Preliminary Alternative Analysis study will result in a decision between the Milwaukie LRT or I-205 LRT as the next priority after Sunset Westside for UMTA Section 3 or other regional, state or federal funding, and I-205 LRT for development-concurrent with the Westside LRT with non-Section 3 funds. A similar Pre-AA study will be conducted for high capacity transit alternatives designed to serve Clark County, Washington in either the I-5 North corridor or in the I-205 corridor. Implementation of a transitway in the remaining radial corridors (and potential extensions and branches) will be pursued in a phased manner, as follows: The purpose and scope of the Preliminary Alternatives Analysis and the full Alternatives Analysis studies are described in the following:

Phase-I Preliminary Alternative Analysis studies will be initiated to identify the next priority corridor which warrants consideration of a transitway investment and identify a set of alternatives to be examined in more detail which set of promising alternatives in a corridor warrant further consideration. The Phase-I Pre-AA study will consider the short and long-term ridership potential, capital and operating costs, existing or planned transit-supportive land uses and right-of-way availability.
**Phase II** The full Alternatives Analysis will be initiated to examine alternatives in detail and select the one that is most cost-effective. The Phase II study will conclude with an Environmental Impact Statement presenting costs, benefits and impacts of the alternatives, and identifying leading to the identification of the preferred alternative for implementation.

The implementation of high capacity transitway alternatives in additional corridors will utilize the results of a Regional HCT Study which will identify promising HCT alternatives within the study corridors for advancement to Alternatives Analysis.

Page 8-9, Section 8. Handicapped Transit Service is amended as follows:

Tri-Met is responsible for providing handicapped transit accessibility including coordination of special transit services provided by social service agencies. In addition, Tri-Met conducts the detailed special handicapped transit planning necessary to identify required service improvements and adopt a plan for meeting federal requirements for handicapped accessibility consistent with the Americans with Disabilities Act of 1991 (ADA). Metro must endorse Tri-Met's plan for handicapped accessibility (Appendix B), Metro must certify that Tri-Met's Paratransit Plan conforms to the RTP and include expected uses of federal funding in the TIP. In addition to Tri-Met's handicapped service, private, nonprofit agencies provide handicapped services and may apply for federal funding for equipment (through the UMTA Section 16(b)(2) program). Use of this equipment must be consistent with Tri-Met's plan, be included in Metro's TIP and be endorsed by the ODOT - Transit Division to be funded. (Note: The currently adopted plan for handicapped accessibility may be revised due to changes in federal regulations).

Page 8-12, E.2.a. is amended to add a new second paragraph as follows:

OAR 660, Division 12, requires development of MPO Transportation System Plans (TSP) by 1995 for development of local TSPs which include public facilities plan provisions for transportation facilities.

Page 8-13, E.2.a., paragraph 4, is amended to read as follows:

In addition, OAR 660-18-022(1) allows local governments to make determinations that the statewide goals do not apply to a particular land use decision. Such a decision is considered a land use decision and is itself appealable.
and, as such, must still demonstrate compliance with any applicable comprehensive plan policies and with RTP requirements.

Page 8-13, E.2.b., paragraph 2, is amended to read as follows:

Complete goal findings for some projects, however, will require detailed impact information not typically available until preparation of an Environmental Impact Statement (EIS). In these cases, jurisdictions should adopt as full a set of findings as can be made upon the information available at the time the project is included in the PFP regarding the need, mode, and general location, and to identify at the time the PFP is adopted whether the need for additional project level goal findings will be made when at the time the EIS is prepared shall be identified. In addition the what issues these findings will address, and what form and when this latter decision will be made shall be determined."

Page 8-13, E.2.b., paragraph 3, is amended to read as follows:

Local comprehensive plans and the RTP are intended to identify projects needed to serve development land uses identified in the acknowledged comprehensive plans over the long term.

Page 8-14, E.2.c., 2) is amended to read as follows:

At the time the projects are included in the PFPs, all RTP projects all projects recommended in the RTP to meet the long-term needs of the region, must satisfy all the applicable state planning goals regarding need, mode, and general location of the project requirements.

Page 8-15, E.2.c., 7) is amended to change "Section D" to "Section C."

Page 8-15, E.2.c., 8) is amended to read as follows:

In general, compliance consistency of the RTP with all applicable state planning goals is achieved through the procedures described in this chapter. These procedures assure that RTP policies comply directly with the goals, and that RTP projects are in turn consistent with RTP projects. These amendments to the RTP (November 1991) are consistent with Regional Growth Goals and Objectives which are, in turn, consistent with statewide goals, as well as with the Local comprehensive plans and local findings of goal compliance when needed shall generally establish statewide goal compliance for RTP projects. Exceptions to this occur when:
Page 8-15, 8-16, F.1 is amended to read as follows:

1. **RTP Policy, System Plan and Consistency Criteria**
   When Metro amends RTP policies (Chapter 1, 4 and 8), system plan elements (Figures 4-1, 4-4, 4-5 and 4-7) or compliance criteria (Chapter 8), it will evaluate and adopt findings regarding consistency with Regional Growth Goals and Objectives.

Page 8-16, F.1., paragraph 2, is amended to read:

In addition, in those cases where an RTP goal, policy or system plan element implies a particular improvement to such an extent that the goal, policy or system plan element would change as the result of a 'no build' project decision later in the process due to goal compliance issues, Metro will prepare findings to address an analysis of the broad regional interest in the statewide planning goals based on the information used in the RTP consistency review (Chapter 8, Section F.2.). Metro will identify as part of its goal-findings analysis related to the RTP amendment any and all goals it believes must be addressed by the local jurisdiction before a project decision to implement the system plan can be finalized. If the local jurisdiction determines that the project cannot comply with the statewide planning goals, the RTP will be amended as needed to eliminate reliance on such a project and initiate a cooperative analysis to develop an alternative solution.

Page 8-24, G, paragraph 1, is amended to read as follows:

Major outstanding issues to be resolved at a later date and which may be included as amendments to the Plan are as follows:

Page 8-24, G2, is deleted:

2. **Westside Corridor Project** -- The process to complete preliminary engineering, develop a final EIS and alignment selection, and prepare a financial plan are currently underway. The engineering of the Westside LRT is being undertaken in a manner designed to complement the Sunset Highway improvements recommended in this plan.

Page 8-24, G2, added as follows:

2. **Transportation Rule/Region 2040** -- The next major update of the RTP will reflect requirements of the Goal 12 Transportation Rule and follow the direction and guidelines established as part of the Region 2040 planning process. The Transportation Rule requires that regional and local planning bodies develop policies and implementation
measures which avoid a principal reliance on a single mode of transportation.

Both the Transportation Rule and the Region 2040 planning process will require the region to better understand the transportation/land use relationship as the region grows to the level allowed in local comprehensive plans. The RTP will be developed as the region's Transportation System Plan (TSP) as called out in the Transportation Rule. As such, it must be consistent with the state TSP (the Oregon Transportation Plan) and will guide local TSPs. As a TSP, the RTP will also be designed to meet state requirements for per capita VMT reductions, increased peak-hour auto occupancy rates, and will examine alternative land use scenarios to address transportation needs.

As part of the Region 2040 planning process, alternative land use and transportation scenarios will be evaluated consistent with RUGGO in an effort to formulate a vision for how and where the region should develop as it approaches build-out of the current comprehensive plans over the next 50 years. To evaluate those scenarios and develop the vision, Metro has begun a three to four-year study. The RTP will be updated as necessary consistent with results of the study and findings of consistency with RUGGO will be developed for the entire document.

Both the Region 2040 process and Rule 12 implementation will utilize updated employment, population, and travel forecasts.

Page 8-25, under 3. Bi-State Transportation Study, amend as follows:

--- In conjunction with the Bi-State Policy Advisory Committee, Metro may participate in a study designed to address the long-range land use plans and the associated concerns that have been raised regarding future capacity deficiencies across the Columbia River between Portland and Clark County, Washington. Metro and the Intergovernmental Resource Center of Clark County (IRC) initiated the Bi-State Transportation Study in the summer of 1990 to address the future capacity deficiencies across the Columbia River between Portland and Clark County, Washington based on anticipated growth to 2010 and an RTP level of improvements. The study is also examining the economic inter-relationships between the two sides of the river and is developing a methodology for evaluating the impact of major transportation investments in the corridor on land use. The study is scheduled for completion in late 1991.

A decision must be made on whether to proceed with further
evaluation of Bi-State alternatives which would include the alternative land use scenarios and the evaluation of urban form resulting from the Region 2040 Plan process.

4. I-205 LRT/Milwaukie LRT/Vancouver LRT — These, in addition to the Westside Corridor (discussed above), have been identified by JPACT as the region's priority corridors for the next 10 years. For the I-205 LRT, the region may withdraw the federal Interstate Funds for the I-205 Buslanes and initiate the preliminary engineering/EIS effort on the I-205 LRT (with the specific process subject to UMTA approval). The Milwaukie LRT will require an alternatives analysis (see also No. 5) and DEIS process and will consider alignments east and west of the Willamette River. This analysis will be coordinated with the river crossing aspects of the Southeast Corridor Study (see No. 5). Two Preliminary Alternatives Analysis studies will be conducted concurrently examining high capacity transit (HCT) alternatives in travel corridors serving north Clackamas County and serving south Clark County, Washington. The I-205/Milwaukie HCT study will select either the Portland CBD to Clackamas Town Center (CTC) via Milwaukie corridor or the I-205 corridor between the Portland International Airport (PIA) and CTC (connecting east Portland and north Clackamas County with Gateway and the Portland CBD via the Banfield LRT) for advancement to a full scale Alternatives Analysis. The study will also select a set of promising alternatives to be carried into the AA and develop an action plan for the corridor not selected for Alternatives Analysis.

The I-5/I-205 Portland-Vancouver HCT study will make a decision on the preferred corridor for HCT development to connect downtown Portland with Clark County. The alternatives are the I-5 corridor connecting the Portland CBD with central Vancouver and the I-205 corridor connecting east Clark County with Gateway (and the Portland CBD via the Banfield LRT). (The I-205 corridor north to Clark County will not be considered for LRT development within the next 20 years but may be considered for LRT development beyond twenty years.) This study will recommend a priority corridor to pursue through an Alternatives Analysis. The timing of the AA for the priority corridor to Clark County will be dependent on the overall funding strategy developed in conjunction with the I-205/Milwaukie study.

5. Build-Out Analysis — The local comprehensive plans are designed to accommodate more growth than will be realized by the year 2005 (the scope of the RTP). As such it is necessary for long-range planning purposes to identify the travel demand associated with the full build-out of the
local plans and examine the effects of this level of development on the transportation system beyond the year 2005.

6.5. Southeast Corridor Study -- The initial phase of the Southeast Corridor Study has been completed. The first phase examined a series of transportation alternatives for minimizing traffic impacts on Johnson Creek Boulevard and recommended an action plan. Several other outstanding transportation issues which exist in the Southeast Corridor extending from the I-5/I-405 loop to U.S. 26 in Boring include. Among the issues being addressed in this corridor are: a) an analysis of transportation alternatives to minimize excessive traffic impacts on Johnson Creek Boulevard; b) an evaluation of the adequacy of Willamette River crossing capacity needs; and c) the engineering and definition of improvements to Highways 224 and 212 in the Sunrise Corridor from McLoughlin Boulevard to U.S. 26 (including the alternative designs of expressway or freeway). Portions of the Sunrise Corridor improvement as currently defined may impact resources protected by Statewide Land Use Planning Goals (see also Land Use Issues).

Page 8-26, amend and renumber as follows:

7.6. Tualatin-Hillsboro Corridor -- The alignment for the proposed highway improvement in the Tualatin-Hillsboro Corridor must be determined through preliminary engineering and the EIS process. The Western Bypass was adopted as a contingent recommendation subject to the findings of a land use and environmental analysis. ODOT has begun a study of the Tualatin-Hillsboro Corridor evaluating the need for transportation improvements in the corridor and assessing the land use consequences of a range of reasonable alternatives. The ODOT Western Bypass Study will incorporate the results of the 1000 Friends of Oregon LUTRAO Study if that study produces a viable land use/transportation strategy. This process will need to address the nature and scope of the 216th/219th Corridor Improvement north of T.V. Highway (arterial or limited access facility) and land-use issues related to resources protected by Statewide Land Use Planning Goals (see also Land Use Issues).

8.7. I-84 to U.S. 26 Connector Mt. Hood Parkway

9. East Bank Freeway Relocation -- Options for relocating the I-5 Freeway on the east bank of the Willamette River are currently being examined. If a decision is reached to significantly alter the nature and scope of improvements to this section of the facility from those previously adopted
in the RTP, the RTP must be amended to delete the existing improvements and include the revised project. Relocating the freeway may impact resources protected by the Statewide Land Use Planning Goals (see also Land Use Issues).

10.8 T.V. Highway Corridor -- The adopted RTP recognizes the need for improvements in the T.V. Highway Corridor west of Highway 217. Two study efforts are currently underway in the corridor to determine the nature and scope of required improvements: the City of Beaverton's Central Beaverton Study (Highway 217-Murray) and ODOT's T.V. Highway Reconnaissance (Murray-Hillsboro). Some of the alternatives being evaluated in the Beaverton Study would necessitate a change to the RTP Principal Arterial System and would probably impact resources protected by Statewide Land Use Planning Goals (see also Land Use Issues). The east-west arterial north of T.V. Highway will construct a five-lane arterial between 110th and Murray Road. The route will parallel Center Street and then utilize the existing Milikan Way between Hocken and Murray Road. The major outstanding issue with this project is the proposed arterial's interface with Highway 217. The city and ODOT must decide whether a new interchange will be developed or whether the arterial will simply cross over Highway 217 with no direct access.

ODOT's T.V. Highway Reconnaissance Study will examine issues in the segment of T.V. Highway between Murray Blvd. and Hillsboro.

11.9. Land Use Issues

Page 8-27, under "Land Use Issues," amend as follows:

As a result, consistency with the Statewide Land Use Planning Goals must be demonstrated prior to a "build" decision and a final RTP decision. Metro and Washington County have ratified a working agreement and scope of work to provide the information necessary to address the land use issues associated with the proposed facility in the Tualatin-Hillsboro Corridor (as required by the adoption of the Southwest Corridor Study recommendations). Similar efforts may be required in the other two corridors.

In addition, several planning studies currently underway to address outstanding transportation issues are evaluating alternatives that would likely impact Goal-protected resources.

The Goal 12 Transportation Rule details the criteria for "Exceptions for Transportation Improvements on Rural Land." It requires that an exception adopted as part of a
transportation system plan (TSP) (i.e., the RTP and local comprehensive plans) shall, at a minimum, decide need, mode, function and general location for the proposed facility or improvement. The finding of need must show that the transportation need cannot be accommodated through alternative modes, TSM measures or improvements to existing facilities.

Studies are underway in each of these three corridors to determine whether the transportation needs in those corridors warrant a finding of exception to Goal 14.

12.10. Goods Movement

13.11. Five-Year Transit Development Plan

14.12. Demand Management Planning -- The rideshare advisory Subcommittee will examine the candidate demand management strategies identified in the Policy Framework and develop recommendations on which are the most promising to pursue. The FY 92 Unified Work Program identifies a number of air quality planning activities, including a regional demand management planning study. The study will evaluate and adopt demand management programs for inclusion in the RTP to, in part, reduce vehicle miles traveled, reduce automobile-related emissions, conserve energy, and generally assist other objectives related to congestion and mobility. Study recommendations will reflect both RTP and Oregon Transportation Plan demand management policies. The study process will coordinate with the Portland Area Demand Management Working Group.

15.13. Access Control Plans

16.14. Light Rail Analyses

Page 8-28, renumber and amend as follows:

17.15. Development Impacts

18.16. U.S. 26/I-405/I-5 Connection

19.17. Cornell and W. Burnside

20. Urban Growth Boundary (UGB) -- Periodic Review -- The modification of the UGB as a result of the periodic review process would require the development of a new series of population and employment projections to reflect such amendments.

18. Clean Air Act Amendments of 1990 -- The region must comply with the provisions of the CAAA which include a requirement
that the projects included in the Transportation Improvement Program (TIP) demonstrate conformity by reducing regional VMT when compared with a No-Build condition.

21.18. 2010 RTP Update -- After the completion of a regional 2010 population and employment forecast, the travel demand associated with this level of growth will be developed and used as the basis for a 2010 RTP Update. The Interim RTP update scheduled for next year will begin to address the changing policy issues brought about by the Goal 12 Transportation Rule, the Clean Air Act Amendments and RUGGO. This will involve updating the population and employment forecasts and analyzing a new series of travel forecasts for the year 2010. This interim update will provide the opportunity to address alternative transportation strategies consistent with RUGGO but will stop short of thoroughly addressing the analysis of alternative land use scenarios called for in the Transportation Rule. An RTP update will provide 2015 travel forecasts and will implement Region 2040 transportation and land use recommendations.

22. I-5 North/N. Kerby Avenue Off-Ramp -- Based on the results of the privately funded studies called for in Chapter 5 of the Plan, determine if sufficient justification exists for the project to pursue further planning and public involvement efforts (such as an EIS).

Page 8-29, delete and add as follows:

. Gladstone Bridge
. I-5 North/N. Kerby Avenue Off-Ramp
. Birdsdale Bypass/Corridor Study

JC:1mk
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Exhibit B

Findings of Consistency with Regional Urban Growth Goals and Objectives (RUGGO)

Since the adoption of RUGGO in Ordinance No. 91-418B on September 26, 1991, Metro has had new regional goals and objectives. Functional plans which implement new regional goals and objectives, like the Regional Transportation Plan (RTP), must now maintain consistency with the new regional goals and objectives. The following are findings of consistency with RUGGO for these RTP revisions.

Summary Chapter

S-1 recognition of state, federal and regional policy initiatives:

- all of these policy initiatives are consistent with Goal II.ii. which seeks to maintain and enhance livability by coordination of the development of public facilities.

- recognition of federal Clean Air Act amendments is consistent with Objectives 8 and 8.2 requiring development of new regional strategies to comply with the Clean Air Act.

- the policy initiatives recognized are consistent with Objective 13 because they include all of the elements of a regional transportation plan in Objective 13 i-v.

S-6 Tualatin-Hillsboro Corridor revision to reflect alternatives under study by ODOT:

- outlining alternatives to be studied and the steps in the study and evaluation process is consistent with Goal I.ii. because it helps avoid creating duplicative processes, standards, or governmental roles and is consistent with Objective 1.2 as an additional means of public notification to ensure a high level of awareness on the part of affected citizens.

- study of alternatives, including transit and transit/highway combinations is consistent with Objective 13 considerations of reduced reliance on auto and a balanced regional transportation system, assuring adequate levels of mobility, energy efficiency, comparison of financial restraints, and environmental impacts.

S-6 Westside Light Rail amendments reflecting progress of the region’s longstanding top light rail transit (LRT) priority to final design and funding:
- updating the progress of the region's top LRT priority in the RTP is consistent with Objective 1.2 as an additional means of public notification to ensure a high level of awareness on the part of affected citizens.

- revision of the RTP to reflect Tri-Met's Preferred Alternative Decision is required by Oregon Laws 1991, Chapter 3.

- finalizing design and funding is consistent with Objectives 8 and 13 because this project has been recognized to be a primary step in maintaining air quality and a balanced regional transportation system that reduces reliance on auto by Oregon Laws 1991, Chapter 3.

S-8 LRT Corridor updates on I-205/Milwaukie and I-5 North/I-205 North:

- updating the progress of study of secondary LRT priorities in the RTP is consistent with Objective 1.2 as an additional means of public notification to ensure a high level of awareness on the part of affected citizens.

- proceeding with the study process required to qualify for federal funding for additional LRT corridors is consistent with Objectives 8 and 13 as projects to maintain air quality by reducing reliance on auto in a balanced regional transportation system.

S-11 revisions to reflect federal UMTA and state commitment to Westside LRT funding and its impact on other corridors:

- updating the progress of LRT funding is consistent with Objective 1.2 as an additional means of public notification to ensure a high level of awareness on the part of affected citizens.

- building the Westside LRT is consistent with Objectives 8 and 13 because this project has been recognized to be a primary step in maintaining air quality and a balanced regional transportation system that reduces reliance on auto by Oregon Laws 1991, Chapter 3.

Introduction Chapter

I-3:

- all of the policy initiatives cited are consistent with Goal II.i., which seeks to maintain and enhance livability by coordination of the development of public facilities.

Page 2 - Findings of Consistency with Regional Urban Growth Goals and Objectives (RUGGO)
recognition of federal Clean Air Act amendments is consistent with Objectives 8 and 8.2 requiring development of new regional strategies to comply with the Clean Air Act.

the policy initiatives recognized are consistent with Objective 13 because they include all of the comments of a regional transportation plan in Objective 13 iv.

I-7 restates recognition of the latest amendments to the Clean Air Act consistent with Objective 8.

I-7 State Planning Requirements recognizing future Transportation Rule relationships between state and regional Transportation System Plans (TSPs):

- coordination of state and regional TSPs is consistent with Goal II.ii. which seeks to maintain and enhance livability by coordination of the development of public facilities.

- Transportation Rule requirements to be included in the TSPs are consistent with Objectives 8 and 13 by their emphasis on maintaining air quality by reduction of auto reliance in a balance transportation system in which the regional transportation system recognizes the impact of state transportation needs.

Chapter 1

1-3 History amendments reflect 1991 adoption of the LCDC Transportation Rule and RUGGO.

1-7 revisions now require that the regional transportation program must be consistent with state and federal air quality requirements:

- this revision to mandatory compliance is consistent with Objective 8.1 which requires all strategies for managing air quality to be consistent with the state plan and federal law.

1-15 amends Elderly and Handicapped service to include special services required by the Americans with Disabilities Act consistent with Objective 13.ii. because the regional transportation system must be consistent with state and regional policies.
Chapter 2

2-1 explains the use of travel forecasts which is consistent with Objective 13.ii. because adequacy of the regional transportation system is based on consistency with local comprehensive plans and statewide policy.

Chapter 4

4-1 recognizes adoption of RUGGO as new regional goals and objectives that are the framework for the RTP and other functional plans which is consistent with the regional planning process in Goal I.i. and the relationship of functional plans and RUGGO in Objective 5.

4-20 to 4-22 reflects as 10-year transitway priorities (1) the alignment selected by Tri-Met for Westside LRT as the Preferred Alternative; (2) study of Portland-Clackamas Town Center (CTC) and Portland Airport to CTC; (3) Milwaukie Corridor alternatives; (4) Vancouver to downtown Portland, and (5) Portland-Tigard LRT:

- restating Westside LRT as required by Oregon Laws 1991, Chapter 3 and outlining priority alternatives to be studied is consistent with Goal II.ii. because it helps avoid duplicative processes and is consistent with Objective 1.2 as an additional means of public notification to ensure a high level of awareness on the part of affected citizens.

- identification of transitways as 10-year priorities to qualify for federal funding is consistent with a balanced regional transportation system with reduced reliance on auto required by Objective 13.

4-26 c. Land Use Decisions is revised to recommend local plan consideration of travel demand management in future land use actions:

- this is consistent with Goal II.ii. which encourages regional planning to coordinate development of public facilities with other aspects of land use planning.

Chapter 5

5-2 revision of the details of the explanation of Portland’s downtown carpool program.

5-9 revision of I-205 10-Year Priority Projects to reflect ongoing studies:
this is consistent with Objective 1.2 as an additional means of public notification to ensure a high level of awareness on the part of affected citizens.

5-10 revision of East County Access 10-Year Priority Projects to add a name to the described project.

5-12 move Graham Road widening from 10-Year Priority to Committed Project is consistent with Objective 13.ii. on adequate mobility.

5-16 describing the progress of Milwaukie Corridor HCT alternatives is consistent with Objective 13.i. and 13.3 because it seeks reduced reliance on auto and 13.v. because alternatives analysis seeks to minimize environmental impacts.

5-17 amends a package of street improvement recommendations reflecting completion of the Southeast Corridor study which is consistent with Objective 13.ii.

5-17 deleting a Thiessen Road improvement from 10-Year Priority Projects because Clackamas County chose a "no build" option. This is consistent with Objective 13.ii.

5-18 deleting a Valley View Road alternative because Clackamas County did not choose that option. This is consistent with Objective 13.ii.

5-19 deleting a series of specific 10-Year Priority Projects in favor of broader alternatives currently under study because further study was required by ODOT. This is consistent with Objective 13.ii.

5-24 reflects continued study of alternatives in the ODOT Western Bypass Study consistent with Objective 13.ii. requiring consistency with state and regional policies and plans.

5-30 adds recognition of alternatives analysis for phases of Tualatin-Hillsboro Corridor bypass facility consistent with Objective 13.v. requiring minimization of environmental impacts.

5-31 adds a recommended East-West Arterial bypass to coordinate with Westside LRT construction consistent with the local comprehensive plan (Objective 13.ii.) and increasing LRT efficiency (Objectives 13.i. and 13.3.2).

5-33 recommends proceeding with Westside LRT consistent with Objectives 8 and 13 because this project is a primary step in maintaining air quality and a balanced regional transportation system per Oregon Laws 1991, Chapter 3.
Chapter 6

6-1 is a clarification of the definition of the analysis of transit share which is consistent with Objectives 13.i. and 13.3 to seek increased use of transit.

6-16 merely reflects a name change of project in the RTP.

6-17 reflects the final transit stations for the Westside LRT which is consistent with local comprehensive plans and state policy in Oregon Laws 1991, Chapter 3 (Objective 13.ii.).

Chapter 7

7-18 amends an evaluation to state developments in funding LRT consistent with Objective 13.iv. recognizing financial restraints, Objectives 13.i. and 13.ii. on state policy consistency, and a balanced transportation system.

Chapter 8

8-2 restates the distinction between recommendations and requirements as used in functional planning consistent with Goal I, Objectives 3 and 5. The distinction is stated in Objective 3.i., a restatement of ORS 268.390(4). The use of recommendations in functional plans unless a requirement is stated is consistent with Objective 3.2 which separates requirements from recommendations.

The treatment of inconsistencies between the RTP and local plans in the Chapter 8 dispute resolution process is consistent with Goal I, Objective 5.3 dispute resolution process because it restates that process.

8-8 reflects the progress of the Westside LRT consistent with state policy in Oregon Laws 1991, Chapter 3 (Objective 13.ii.) and reduction of reliance on auto by increased utilization of transit (Objectives 13.i. and 13.3.2).

8-9 adds consistency with Americans with Disabilities Act requirements consistent with Objective 13.ii. because that is consistent with state and regional policy.

8-12 recognizes LCDC's Transportation Rule consistent with Objective 13.ii. because the regional transportation system must be consistent with state policies.

8-13, paragraph 2 reflects the LCDC Transportation Rule separation of need, mode, and general location into the system level decision consistent with Objective 13.ii. because it is consistent with that new state policy.
8-13, paragraph 3 merely states the source of travel needs more clearly, consistent with Objective 13.ii. because adequate levels of mobility are to be determined from local comprehensive plans.

8-14 recognizes the distinction between functional plan recommendations and requirements consistent with Goal I, Objectives 3 and 5 (see 8-2 above). Also, the recognition of the LCDC Transportation Rule separation of a systems level decision is consistent with Objective 13.ii. because it is consistent with that new state policy.

8-15 clarifies that the RTP, like all functional plans are consistent with statewide goals by RUGGO consistency. This is consistent with Objective 3.2 because functional plans generally are not required to do direct statewide goal findings and Objective 5.3 because functional plan provisions generally are recommendations that may be amended in the dispute resolution process prior to final implementation by local comprehensive plan amendment where compliance with statewide goals must be demonstrated.

8-15, 8-16, F.1 restates the last sentence of Objective 5.2 that new functional plan provisions shall include findings of consistency with RUGGO.

8-16, F.1, paragraph 2 changes reflect Goal I, Objectives 3.2 and 5.2 that functional plan recommendations do not require statewide goal findings, but do require analysis and findings of consistency with RUGGO.

8-24, G, paragraph 1 eliminates language that presumes or requires that any possible resolution of outstanding issues necessarily results in a functional plan amendment.

8-24, G, 2. about past interim progress on the Westside LRT is deleted in favor of previous amendments describing current status.

8-24, G, new 2 describes the LCDC Transportation Rule and Region 2040 as outstanding issues for the next update which further integrate land use and transportation planning consistent with the Objective 13.ii. requirement that the regional transportation plan be consistent with state policy. This issue replaces Outstanding Issue 5 at 8-25.

8-25, 3. updates the Bi-State Transportation Study as a continuing Outstanding Issue consistent with Objective 13.i. requiring a balanced regional transportation system.

8-25, 4. updates I/205, Milwaukie LRT corridors and adds Vancouver for further studies of high capacity transit alternatives which is consistent with Objectives 13.i. and 13.3.2 because LRT reduces reliance on auto and any development of additional LRT corridors would increase the use of transit.
8-25, new 5. updates the Southeast Corridor Study, including the Johnson Creek Boulevard phase, identifying outstanding transportation issues for study in that corridor consistent with Objectives 13.ii. and 13.v. which require development of a regional transportation system with adequate mobility based on local comprehensive plans with environmental impacts minimized.

8-26, new 6. restates the status of Tualatin-Hillsboro Corridor studies by ODOT which is consistent with Objective 13.ii. to provide adequate levels of mobility consistent with local comprehensive plans and state policies by reviewing alternative means of meeting projected travel demand in that corridor.

8-26, new 8. updates T.V. Highway Corridor Outstanding Issue of the East-West Arterial which is consistent with Objective 13.ii. to provide adequate levels of mobility consistent with the local comprehensive plan and consistent with Objective 13.3.2 to increase use of transit because of the enhancement of Westside LRT by this proposed arterial.

8-27, new 9. replaces the description of a general approach to land use contingencies with a description of the specific goal exceptions process if improvements under study impact resource lands. This approach of following the Transportation Rule process is consistent with Objective 13.ii. because it follows state policy in the development of the regional transportation plan as required by that Objective.

8-27, new 12. updates Demand Management Outstanding Issues, identifying a new study to reduce Vehicle Miles Travelled, reduce auto emissions, and conserve energy. These activities are consistent with Objectives 13.i., 13.iii., and 13.2.1.

8-28, new 18. updates the 2010 RTP forecast Outstanding Issue, incorporating the LCDC Transportation Rule, Clean Air Act amendments, and RUGGO. This is consistent with Objective 13.ii. which requires the regional transportation plan to follow state and regional policies.
STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1526 FOR THE PURPOSE OF ENDORSING COMMENTS AND RECOMMENDATIONS REGARDING ODOT'S NOVEMBER, 1991 DRAFT OREGON TRANSPORTATION PLAN POLICY ELEMENT

Date: December 3, 1991
Presented by: Andrew Cotugno

PROPOSED ACTION

Adopt Resolution No. 91-1526 endorsing comments and recommendations regarding the Oregon Department of Transportation's (ODOT's) November, 1991 Draft Oregon Transportation Plan (OTP) for consideration by the Oregon Transportation Commission (OTC). This resolution responds to JPACT directives regarding the draft report. The resolution will be forwarded for ODOT/OTC review at public meetings scheduled for December, 1991 (see schedule below).

TPAC has reviewed the November, 1991 Draft of ODOT's Oregon Transportation Plan Policy Element and recommends approval of Resolution No. 91-1526.

FACTUAL BACKGROUND AND ANALYSIS

OTP Background and Purpose

The Oregon Transportation Plan responds to Oregon statutes directing the OTC "to develop and maintain a state transportation policy and a comprehensive, long-range plan for a multimodal transportation system for the state which encompasses economic efficiency, orderly economic development, safety, and environmental quality..." (ORS 184.618). "Multi-modal" includes aviation, highways, mass transit, pipelines, ports, rails, waterways and other means of transportation.

As stated in its Executive Summary, the purpose of the OTP is to guide the development of a transportation system that contributes to a livable and prosperous state by providing access to all areas of the state for Oregon's citizens and visitors and access to local, state, national and international markets and resources in order to support Oregon business and industry. The practical purpose of the plan is to establish a policy framework for transportation planning and investment decisions for the state over the next 20 to 40 years.

The Policy Element is the first of two major OTP documents. It identifies transportation-related policy directives for land use, economic development and efficiency, environmental responsibility, technology and safety. It also develops urban, intercity, rural, freight and safety system policies and implementation policies.
The second OTP document is the System Element for which initial work is now beginning. Together as the OTP, the two elements will comprise the state's overall transportation strategy. As such, implementing documents such as the Oregon Highway Plan, the Six-Year Transportation Improvement Program and individual corridor plans will have to be consistent with the OTP framework and guidelines. Similarly, as discussed below, the OTP must be consistent with federal legislation and state planning requirements.

Portland Metropolitan Area Comments

The comments contained in Resolution No. 91-1526 highlight the general areas of JPACT concern related to the September, 1991 Draft OTP Policy Element and subsequent TPAC review of the November, 1991 draft. Metro has previously submitted to OTP staff detailed comments and recommendations regarding the draft report on behalf of JPACT. Those comments reflected the issues identified by a TPAC subcommittee which has worked with OTP staff in the development of urban and Regional Transportation Plan (RTP) related OTP policies. In addition, a number of other transportation agencies and local governments in the region have previously commented on the draft Policy Element.

1. Urban Mobility Recognition. JPACT applauds the recognition within the draft Policy Element of the importance of adequate intraregional urban mobility. Specifically, JPACT supports Policy 1A -- Balance -- and supporting Action 1A.1 intended to design systems and facilities that accommodate multiple modes and cost-effective choices within corridors.

However, the current policy framework identifies urban mobility as a "policy" and "action" rather than being given equal treatment with other interests as a goal. In its present form, the document should establish urban mobility as a state interest comparable to intercity/interstate/international travel and rural access. Urban mobility is critical for both a viable state economy and for the region's ability to meet State Planning Goals. In particular, urban mobility is related to the maintenance of an Urban Growth Boundary and the protection of natural resources outside that boundary, including farm and forestlands.

2. Integration of Urban Mobility and Intercity Objectives. JPACT supports a concept which integrates urban mobility and intercity objectives in urban areas given the complex nature of the demands placed upon the urban transportation system. The integration of both objectives will require a strong ODOT/regional partnership at both the technical and policy levels and clear delineation of responsibilities between the state, regional and local plans.

JPACT has indicated strong support for the implementation approach currently outlined in the draft Policy Element which
would have the OTP define the minimum expectations within urban areas and adopt the regional plan (for the MPO areas) as the urban element of the state plans, if the minimum state expectations are met. Specifically, JPACT supports the approach outlined in Policy 2B — Urban Accessibility — and supporting Action 2B.1 calling for state cooperation with metropolitan planning organizations in the development of integrated transportation plans for urban areas; Policy 2C — Relationship of Interurban and Urban Mobility — and supporting Actions 2C.1 and 2C.2 calling for a state-supported arterial system to complement the regional and interurban facilities; and Policy 4I and supporting Actions 4I.1, 4I.2, and 4I.3 outlining the intergovernmental relationships between the state and the metro areas.

As described, through this approach the regional plans would be expected to integrate the system within the urban area identified by ODOT for intercity, interstate and international travel with the system developed by the region to meet the state's intraregional urban mobility objectives. This approach will ensure that both the state's and the region's interests are met through an integrated urban plan.

The alternative approach of having ODOT develop the plan and require conformity by the regional plan would produce a process whereby ODOT defines the system needed to serve intraurban travel. Because of the multiplicity of jurisdictions within an urban area (ODOT, cities, counties, transit district), planning for intraregional urban mobility requires a regional approach rather than a state prescriptive approach.

3. Mode Neutrality. The draft Policy Element is mode neutral. While JPACT recognizes the importance of identifying the most cost-effective and efficient transportation solutions regardless of mode, external requirements will likely dictate mode preferences for urban transportation problems. Emission reductions associated with the Clean Air Act Amendments of 1990, per capita vehicle-miles-traveled reduction requirements associated with the State Transportation Rule 12 (Actions 1A.2 and 4I.3), and the proposed bicycle and pedestrian policy (2.D) and Action 1C.4 contained in the draft Policy Element give priority to modes other than the single-occupant auto. The OTP must be consistent with these regulations. Further, non-single occupant auto mode preferences will help balance the urban transportation system which for the past 40 years has accommodated the automobile.

In sum, the OTP should clearly define a policy framework for favoring an urban passenger movement mode choice which may not be the most cost-effective "transportation" solution but is the one that addresses recent changes in state and federal legislation and is the least disruptive on the built and natural environment.
4. Financing Techniques and Funding Programs. JPACT recommends that available financing and regulatory techniques be targeted in the direction to implement the mode preference. The recommendation is supported through the OTP endorsement of State Transportation Rule 12 which, through goals for reducing per capita vehicle miles traveled and for increasing auto occupancy rates, recognizes the historical inefficiencies of the single occupant auto.

The OTP also recommends efficiency through Policy 1A and supporting Actions 1B.1 and 1B.2. The OTP describes an efficient system as being "(1) fast and economic for the user; (2) users are faced with full costs when making transportation decisions; and (3) transportation investment decisions are based on full benefits and costs including social and environmental impacts." An efficient system, together with Rule 12 requirements, may necessitate mode preference choices in some instances. As such, JPACT supports the OTP Implementation Goal (4) and finance policies (4A through 4F). JPACT further recommends development of a state funding program to implement the OTP which addresses each element of the statewide transportation system and has sufficient flexibility to ensure that transportation decisions are not biased by financing mechanisms.

In discussions of the OTP before both TPAC and JPACT, a desire to maintain the current working relationship between the state and the region was expressed. That relationship begins with a clear understanding of metro area transportation problems by the state, regional, and local governments. That understanding then leads to the development of a single integrated systems plan for the region (the RTP). To maintain that relationship, ODOT Region I must be an equal partner within the region. ODOT Region I must be empowered to be the state transportation body to work with the Portland region to identify state needs for this area and work with the other governments to develop and maintain a single integrated plan as opposed to a hierarchy of state, regional and local plans. The desire to maintain that relationship is expressed in Resolve No. 2 of the resolution.

Resolve No. 4 of Resolution No. 91-1526 reflects comments initiated by DEQ through TPAC discussion at its November 27 meeting. DEQ is concerned that the proposed draft Action 1D.2 is potentially misleading since neither the Department nor the Environmental Quality Commission is considering adopting more stringent tailpipe emission standards than mandated by the new Clean Air Act. Conversely, DEQ notes that there may be good reason for not moving in such a direction. Their recommendation is that any decision to move to more stringent standards be deferred to the deliberations of the Governor's Task Force on motor vehicle emissions in the Portland area. The Task Force was initiated through the 1991 Oregon Legislature and is to report back to the 1993 Legislature. The language as recommended in Resolve No. 4 recognizes the new Clean Air Act in general while being consistent with the broad policy direction of the OTP.
JPACT will further review the latest draft of the Policy Element and Resolution No. 91-1526 on December 12. The Metro Council Transportation and Planning Committee will review the resolution on December 10, with full Council review scheduled for December 19. The OTC will release a Public Review Draft of the Policy Element in early December. Public meetings on that draft will then be held with four meetings scheduled in the Portland area as follows:

December 9, 1:30 p.m. and 7:30 p.m.  
Gresham City Hall (Rooms A and B)

December 10, 3:00 p.m.  
Metro (Conference Room 440)

December 11, 7:30 p.m.  
Twality Junior High Cafeteria - Tigard

December 12, 1:30 p.m. and 7:30 p.m.  
Clackamas County Offices (Conference Room A)  
902 Abernethy Road - Oregon City

Resolution No. 91-1526 will provide the basis of JPACT-related comments at those meetings. All comments received at the public meeting will then be summarized and forwarded to the OTP Policy Advisory Committees and the OTP Steering Committee, which includes the OTC. Formal OTC hearings and adoption of the Policy Element are currently being planned for next summer to correspond with the completion of the OTP System Element. Additional JPACT-related comments and testimony are likely at that time.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1526.
WHEREAS, The state and the region have established a cooperative arrangement to address the transportation needs of the Portland metropolitan area; and

WHEREAS, The Oregon Department of Transportation has released the Draft Oregon Transportation Plan (OTP) Policy Element intended to identify areas of statewide transportation concern and to guide transportation planning and investment decisions; and

WHEREAS, The OTP policies will define the state's interest in the Portland metropolitan area transportation system and directly influence the regional transportation planning and implementation procedures and capabilities; and

WHEREAS, The OTP and the Regional Transportation Plan (RTP) will be subject to a number of external requirements as contained in the Clean Air Act Amendments of 1990, the State Transportation Rule 12 and Metro's Regional Urban Growth Goals and Objectives which, in part, are designed to reduce reliance on the single-occupant vehicle; and

WHEREAS, The OTP will be the subject of public meetings in December, 1991; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts
the following recommendations:

1. That the Metro Council and JPACT support an OTP Policy Element that includes:
   a. State recognition of adequate urban mobility as a critical state need.
   b. State support for non-single occupant auto mode preferences over mode neutral choices for urban passenger transportation in the Portland metropolitan area and state support for financing and regulatory techniques which target the mode preference and are based on a full and total cost equation.
   c. State implementation of a funding program to implement the OTP which addresses each element of the statewide transportation system and has sufficient flexibility to ensure transportation decisions are not biased by financing mechanisms.
   d. State recognition of a need to integrate urban mobility objectives with intercity objectives into a single metropolitan area transportation plan.

2. That the Metro Council, JPACT and TPAC be further involved in the final and specific development of urban-related OTP goals and policies as they are refined.

3. That the working relationship that has been developed between the region and the state and within the region be maintained as a result of the OTP process.

4. That Action 1D.2 of the November, 1991 Draft Policy Element be redrafted to read as follows: "Cooperate with the Department of Environmental Quality in carrying out the
transportation-related requirements of the new Clean Air Act consistent with the long-term air quality goals of the Oregon Benchmarks."

ADOPTED by the Council of the Metropolitan Service District this ___ day of ________, 1991.

Tanya Collier, Presiding Officer

MH:1mk
91-1526.RES
12-3-91
To make comments and obtain additional copies of this plan, contact:

Dave Bishop, Transportation Plan Manager
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Strategic Planning Section
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FAX: (503) 373-7194
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OREGON TRANSPORTATION PLAN
POLICY ELEMENT

EXECUTIVE SUMMARY

THE VISION

Travelers on the Oregon Trail came by foot, horseback and covered wagon, and sometimes by raft and canoe. Since those early pioneer days, transportation has played a vital role in Oregon’s growth and development. From the first pioneers to traverse the Oregon Trail, to the early river boat service on the 7 and Columbia Rivers, to the ports, railroads and highway system that link the state to the nation and the world, a strong, efficient transportation system has been crucial to the state’s development.

Oregonians envision a transportation system that allows for the movement of people and goods in a way that promotes economic prosperity and livability for all Oregonians. It is a balanced system, using all modes of transportation including transit, rail, auto, truck, air, water, pipeline, bicycle and pedestrian. It is a safe and convenient system which allows choice among modes.

In this system all forms of transportation operate efficiently to enhance Oregon’s comparative economic advantage. The flow of goods and services strengthens local and regional economies throughout the state. Increased connections between modes and services facilitate access to markets and to intercity, interstate and international transportation. Intermodal freight hubs allow efficient transfer of goods between trucks, rail cars, airplanes, barges and ships.

Transportation systems support statewide land use goals, and regional and local land use plans. As transportation facilities support the development of compact urban areas, land use patterns will allow more people to use public transit or to bicycle or to walk safely and conveniently. Transportation facilities in rural areas allow mobility and accessibility among rural areas, to urban places, and to recreational destinations. Oregon's natural beauty is enhanced by the preservation of scenic transportation corridors.

Quality of life is enhanced as commuters increasingly use transit, carpools, bicycles, and other alternatives to the single occupancy vehicle. The number of vehicle miles traveled per capita declines in metropolitan areas, and congestion is reduced. Energy is conserved; air quality is improved; and negative environmental impacts are minimized.
Basic transportation infrastructure is maintained and preserved. Infrastructure construction, operation, maintenance and preservation are sufficiently funded by a stable but flexible financial system that balances efficiency and equity. New technologies enhance transportation options. State agencies, regional and local governments, the private sector and citizens work together to implement the Oregon Transportation Plan.
THE GOALS

The purpose of the Oregon Transportation Plan is to promote economic prosperity and livability for all Oregonians by guiding the development of a safe, convenient and efficient transportation system.

Oregon has a transportation system that has been crucial to the state's development. But today we are at a crossroads in transportation, a crossroads that presents opportunities and challenges and once again requires vision on the part of the state, its citizens and its industry as the state grows, changes and diversifies.

Over the next 40 years Oregon's population is projected to reach 4 million. The state's economy will continue to diversify so that high value manufacturing and services will be important industries along with wood products and agriculture. Air quality and energy conservation will be important concerns as the use of inefficient motor vehicles and congestion increases. New forms of land development will be required to avoid the type of urban sprawl that has destroyed the livability of many American cities and limited opportunities for public transit, bicycling and walking.

While new technology can help to make travel more efficient, we need to move in new directions too. The Oregon Transportation Commission and members of five policy advisory committees have been discussing possible directions. The more than 70 committee members, including local elected officials, transportation industry representatives, members of the general public and state agency representatives, have been considering urban mobility, rural access, freight productivity, safety and finance issues. The results of their discussions are the vision, goals, policies and actions recommended in this draft Transportation Policy Element. They reflect the committees' concerns with the characteristics of the transportation system, livability, economic development and implementation of the new transportation directions.

GOAL 1 - SYSTEM CHARACTERISTICS

To enhance Oregon's comparative economic advantage and quality of life by the provision of a transportation system with the following characteristics:

- Balance
- Efficiency
- Accessibility
- Environmental Responsibility
- Connectivity among Places
- Connectivity among Modes
- Safety
- Financial Stability
The transportation system must be designed and developed so that people have transportation choices in going from place to place. In urban areas people should be able to choose to commute, for example, by carpool, public transit or bicycle as well as by auto. Freight shippers need competitive services to hold down rates and encourage innovation.

The system must be efficient. Transportation agencies need to make decisions about whether to add lanes to freeways or to build light rail lines based on their full costs, including the costs to the environment and the community. User charges, such as gas taxes and vehicle registration fees, must reflect the cost of reducing air pollution in addition to road construction and maintenance.

Transportation services must be accessible to all potential users, including the young, the elderly and the disabled. Public transportation and transportation for special groups, like the elderly, must be coordinated to provide more effective service.

The system must be environmentally responsible. Vehicle emission standards and efforts to reduce the vehicle miles traveled per capita will improve air quality and reduce energy consumption. Routing plans will improve the transportation safety of hazardous materials.

Statewide transportation corridors must provide access for people and goods to all areas of the state, nation and the world. Travelers must be able to transfer easily from public transit to rail or plane. Freight must be easily shifted from truck to rail to ship or plane to take advantage of the most efficient mode.

Safety standards must target roadway design and education for drivers of all types of vehicles. Increased law enforcement is needed to reduce accidents related to excessive speed, alcohol and drug use.

The transportation system must have financial stability. Investments in highways and other transportation infrastructure must be protected, and transportation services must be reliable.

**GOAL 2 - LIVABILITY**

To develop a multimodal transportation system that provides access to the entire state, supports acknowledged comprehensive land use plans, is sensitive to regional differences, and supports livability in urban and rural areas.

Oregon's transportation system must support statewide land use goals and regional, city and county land use plans. Transportation facilities and services should support development of compact urban areas. Land use developments need to be designed so that people can live, work and shop in the same area. Walkways and bikeways should make walking and bicycling safe and
convenient, and give access to public transit. Access controls on intercity routes should be used to reduce congestion.

In rural communities the state must define and assure appropriate minimum levels of transportation service to provide access to all parts of the state. Bus services need to be stimulated, and rural highways and bicycle routes need to be improved to provide safe travel. Since rural areas of Oregon vary greatly in their needs, transportation solutions may be tailored to specific areas.

Scenic vistas and aesthetic values that support our environmental quality and economic development must be included in the design and improvement of transportation corridors.

GOAL 3 - ECONOMIC DEVELOPMENT

To promote the expansion and diversity of Oregon's economy through the efficient and effective movement of goods, services and passengers in a safe, energy efficient and environmentally sound manner.

To foster economic development, people and goods must travel by the most efficient means possible. One mode must be connected with others through intermodal hubs which allow goods to move from truck to rail to ship or plane. Hubs that link truck and rail may also substitute for inefficient rail branch lines that are abandoned.

Adequate facilities for rail service, air freight and marine ports must be maintained. Ports will be encouraged to work together to increase Oregon's competitiveness in international trade. Since the ports on the Columbia River share the river system, the state wants to maintain strong working relationships with Washington and Idaho Columbia River communities.

Air connections must link all parts of Oregon to all parts of the nation and the world. Passenger terminals must be developed to allow efficient and convenient movement of people between modes.

GOAL 4 - IMPLEMENTATION

To implement the Transportation Plan by creating a stable but flexible financing system, by using good management practices, by supporting transportation research and technology, and by working cooperatively with regional and local governments, the private sector and citizens.

Transportation financing must be both stable and flexible. Those who use and benefit from the transportation system should pay the full costs. The finance system must provide equity among alternative transportation modes, state, regional and local jurisdictions, all regions of the state and individuals and businesses.
These principles will guide development of a specific financial system when the more detailed analysis of the Transportation Plan is complete. This analysis, or Multimodal System Element, will outline the transportation network for the state; it will specify an implementation strategy, develop planning and performance measures for more detailed plans, and estimate the developmental costs of the state transportation system.

Implementation policies recognize that the highway system must be managed so that steps are taken to ease the demands on the system before new facilities are constructed. This can be done by reducing peak period travel and improving the traffic flow through such means as ramp metering and bus bypass lanes. In the future, congestion pricing or toll systems may be an important element of urban freeway management.

The state will support the development of innovative management practices, new technologies and other techniques that help to carry out the implementation of the Transportation Plan. Partnerships with universities and private industry will promote transportation research.

Further refinement and implementation of the Transportation Plan will depend on the cooperation of regional and local governments, the private sector and the citizens of Oregon. The Land Conservation and Development Commission Transportation Planning Rule requires regional and local governments to be consistent with the state transportation plan, but the state will also adopt regional transportation plans when they meet established criteria. The result should be a coordinated and complementary transportation system.

The Transportation Plan depends on the full involvement of the citizens and the private sector in Oregon. Many of the policies and actions will require private investment. Most depend on public consensus for change. All are now open for public comment and discussion.
OREGON TRANSPORTATION PLAN
POLICY ELEMENT

INTRODUCTION

The purpose of the Oregon Transportation Plan is to promote economic prosperity and livability for all Oregonians by guiding the development of a safe, convenient and efficient transportation system.

Oregon has long relied upon its transportation system. From the first pioneers to traverse the Oregon Trail, to the early river boat service on the Willamette and Columbia Rivers, to the ports, railroads and highway system that link the state to the nation and the world, a strong, efficient transportation system has been crucial to the state's development.

Today Oregon's local roads and urban transit systems are relatively efficient and uncongested by comparison to many other areas of the nation. A well-developed highway system provides efficient access to many areas of the state for residents, businesses and visitors. Competitive transcontinental rail service and an interstate highway system provide access to all parts of North America, while Oregon's ports and airports provide access to the nation and the world. This transportation system has served Oregon's economic objectives and has helped to contribute to the state's quality environment and lifestyle.

Today Oregonians are facing a crossroads with respect to our transportation systems. The Interstate Highway System has been completed. Transportation deregulation, begun in the 1970s, has removed most of the economic regulation from rail, trucking and aviation. The 1991 federal transportation legislation will provide initiatives in both highways and public transit.

Opportunities exist to improve the serviceability of our urban and rural transportation systems, to link transportation and land use planning more effectively, and to develop new land use patterns that enhance quality of life for almost 4 million people who are projected to live in Oregon in 2030. Opportunities exist to further develop our rail, ports, highways and aviation systems, to expand markets for Oregon products, to link all parts of the state more effectively, and to improve the efficiency with which goods and people move between Oregon and the nation and the world.

In addition to opportunities, Oregon faces serious threats to its quality of life and economic future if we do not continue to develop and improve our transportation systems. Just the projected population growth of almost one million people by 2012 will further congest the highway system. Even now, auto emissions endanger air quality in metropolitan areas, but commuters often
have little choice for transportation except to use private automobiles. Many rural areas have inadequate air, rail or intercity bus services. State and local funds for transportation facilities and service improvements are inadequate.

The basis of the Oregon Transportation Plan is that we can solve these problems and realize a new vision for transportation. The purpose of this policy document is to describe that vision and the goals and policies that the state must implement to achieve it.

**Public Review Process and Calendar**

The Oregon Transportation Plan has two major parts: the Policy Element and the Multimodal System Element. Five policy advisory committees involving over 70 citizens participated in developing the goals and policies in this Draft Policy Element. The committees had the assistance of several consultants and the active participation of the Oregon Transportation Commission. Accordingly, the goals and policies represent a broad cross section of ideas and expertise. In most cases they also represent a consensus of those who participated in the process. In some areas, the reader may find them inadequate, controversial, or deserving of additional emphasis. For that reason, the Oregon Transportation Commission is seeking ideas and comments on this document from interested citizens.

Public meetings on this Draft Policy Element are being held throughout Oregon in November and December. During the first part of 1992, the comments and suggestions made during this process will be reviewed by the five policy advisory committees and by the Transportation Commission and changes will be made to this draft. At the same time, preparation will be underway on the Multimodal System Element which will show how the goals and policies can be implemented. Public meetings on the System Element are scheduled for late spring and early summer in 1992. The Transportation Commission expects to hold public hearings on the Policy Element and System Element in August and September 1992. (See Figure 1.)

**Organization of the Draft**

The Policy Element of the Oregon Transportation Plan has three parts: First, a discussion of the vision for transportation that resulted in the policies contained in the document. Second, the goals, policies and actions proposed to achieve the vision of the plan. Third, an outline of the planning program which will lead to specific plans, programs and policies to be implemented beginning with the 1993 Legislative Session.
FIGURE 1
OREGON TRANSPORTATION PLAN PROCESS

November 1990
Transportation Commission begins process

April-July 1991
Advisory Committees develop policies

September-October 1991
Commission reviews Policy Draft

November-December 1991
Public reviews Policy Draft

February 1992
Advisory Committees review public comments

Spring 1992
OTP Steering Committee reviews Policy Element

October-March 1992
Consultant prepares Multimodal System Element

OTP Steering Committee evaluates Multimodal System Element

May-June 1992
Public reviews Multimodal System Element

August-September 1992
Transportation Commission holds hearings on Policy Element and Multimodal System Element
What kind of future do we want to build as a state and how can transportation contribute to that future?

The Oregon Transportation Plan envisions a transportation system that moves people and goods in a way that provides for livability and economic prosperity for all Oregonians. The system provides Oregonians and visitors with access to goods, services, jobs and recreation, while providing Oregon industry access to national and international resources and markets. To most effectively meet the state's needs, the transportation system takes advantage of the inherent efficiencies of each transportation mode and encourages interconnection between modes.

Transportation is a part of the vision for Oregon articulated in the Land Conservation and Development Commission's (LCDC) Statewide Planning Goals and Guidelines and in the Oregon Benchmarks. The statewide planning goals reflect the concerns of hundreds of citizens who participated in numerous public meetings held throughout the state in the 1970s and who have participated in updating them since then. The Oregon Benchmarks were developed by the Oregon Progress Board in 1990 after a series of public meetings and were adopted as state objectives by the 1991 Legislature.

The statewide planning goals directly relating to transportation envision a safe, convenient and economic transportation system that maintains and improves air and water quality, satisfies recreational needs, conserves energy, protects estuaries, protects natural and scenic resources, and provides adequate opportunities throughout the state for a variety of economic activities. It requires planning and developing a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The Benchmarks envision Oregon as a place with an exceptional people, an outstanding quality of life and a diverse, robust economy. Oregon's natural environment is clean, beautiful and accessible. Oregon's communities are attractive, workable, affordable, safe and enriching places to live and work. The state is moving toward a diversified economy which generates productive jobs and higher incomes for all Oregonians.

In working toward this vision of livable communities, economic prosperity and the transportation system that will serve them, we must consider where we are going and what are the implications for transportation.
Population and Transportation Projections - Preparing for Changing Needs

Oregon's population will grow faster than the nation's for most of the next 40 years. According to ODOT's forecasts, Oregon's population is projected to increase from 2.8 million in 1990 to 3.8 million in 2012 and to almost 4.0 million in 2030. Most of this growth will take place in the Willamette Valley, where population densities will approach those of more urban states. Much of the state's growth will take place in suburban areas.

At the same time, the declining population growth in Eastern Oregon will be reversed, and Eastern and Southern Oregon will have healthy, more diverse economies. Growth pockets on the coast and in Central and Southern Oregon will likely lead growth outside of the Willamette Valley.

Transportation Implications - Increased demands for transportation services will be most prevalent in the Willamette Valley and the Portland metropolitan area in particular. Congestion will become an increasing problem, especially in the Portland metropolitan area. Links to rural areas must be maintained and enhanced in order to serve both those areas and the economy of regions outside of the Willamette Valley.

Nationally, personal transportation use—the number of private vehicle trips, vehicle miles traveled (VMT) and vehicles owned per household—has increased faster than population. If present VMT growth trends continue unchanged, VMT will double over the next 20 years. However, several factors could diminish this rapid growth: The boom in additional workers, especially the addition of women to the work force, is over. The possession of driver's licenses among adults is at saturation levels. The population is aging, and people over 45 traditionally drive less. Oregon's coordinated land use and transportation planning processes will have a positive impact on urban form and travel needs and patterns. In the Portland, Salem, Eugene and Medford metropolitan areas, the LCDC Transportation Planning Rule requires a 20 percent reduction in VMT per capita within the next 30 years.

Economic Development - Expanding Access to a World Economy

During the next 40 years, the Oregon economy will continue to diversify. While the natural resource-based industries (particularly wood products and agriculture) will continue to be important, our economy will move toward a transition of greater reliance upon a more diversified mix of manufacturing industries and services. Agriculture and wood products will look far different than they do today, as higher value products are introduced. Tourism will continue to play an important economic role in many areas of the state.

One aspect of the Oregon economy that will not change is its dependence on distant markets to sell its products. The state's specialized wood and agricultural products are marketed throughout the world. These two
industries will continue to foster close ties with the Pacific Rim nations. In the areas of professional services and tourism, Oregon could be a major beneficiary of open European markets.

**Transportation Implications** - All Oregon businesses need access to markets for buying and selling goods, but the connections of all modes to the international economy will be a significant requirement of this vision of Oregon's economic future. The commodities that travel to other states and nations will be of higher value. Thus, they may need a different type of service and infrastructure from today's railway and ports systems, which have been dominated by bulk commodities, agricultural and forest products. Air and intermodal freight services will become increasingly important. Local delivery of goods will still rely on trucks and the highway system, but rail, port and airport systems will become increasingly important because of their ability to link to distant markets.

To achieve a more diversified economy, the Benchmark objectives adopted by the 1991 Legislature direct us (1) to greatly increase the access of direct air and marine transportation to cities and ports nationwide and worldwide, (2) to maintain and improve our roads and bridges, and (3) to increase the availability of intercity transportation on highways, airports and public ground transportation.

**The Environment - Protecting Oregon's Quality of Life**

Oregonians will continue to prize the beauty of the landscape and the quality of the environment. We respect the natural systems that make up the environment and are dedicated to their preservation. We enjoy the state's natural and scenic resources including its waterways, recreational areas and historic sites. We want our communities to be attractive, secure places, accessible to the natural and cultural attractions of the state.

But, in spite of efforts to reduce air pollution, a number of areas in Oregon do not meet federal air quality standards. While auto emission devices have decreased pollution levels, the increased use of automobiles and increased congestion in recent years are reversing the decline in carbon monoxide and ozone levels.

Concentrations in the atmosphere of certain gases, including carbon dioxide, are warming the Earth's surface, possibly resulting in changes to the climate. In Oregon, transportation contributes about 54 percent of the state's carbon dioxide emissions. The oil-dependent transportation system also makes our economy vulnerable to disruptions in the oil market.
Protection of water quality, wetlands, estuaries and endangered species is becoming increasingly difficult as the population grows and competition among land uses increases. Handling and disposal of hazardous materials is also growing more complex.

**Transportation Implications** - Transportation services and facilities will have to comply with an increasing number of federal and state statutes and regulations to protect environmental quality.

The 1990 Clean Air Act requires that areas in violation of federal air quality standards meet stringent emission reduction targets and prove that transportation plans and programs contribute to the attainment of air quality standards. The reduction of auto emissions, particularly in metropolitan areas, will require one or more of the following: reduction of travel, increased use of more fuel efficient modes, use of more fuel efficient vehicles, and substitution of petroleum with less polluting fuels.

The Benchmark objectives adopted by the 1991 Legislature also call for air quality to be increased, the use of single occupancy vehicles reduced, and the use of transit increased. The objectives would greatly increase the number of commuters who travel to work by means other than single occupancy vehicles, but maintain or reduce commuting time in urban areas.

The LCDC Transportation Rule likewise calls for Oregonians to increasingly use transit and other transportation alternatives as vehicle miles of travel per capita in metropolitan areas is reduced by 20 percent in the next 30 years.

The Clean Water Act, the Endangered Species Act and other federal legislation and regulations protecting wetlands, historic sites, parks and recreational areas and game refuges will continue to be major factors in transportation planning and project development. State protection of estuaries will also continue to be important.

**Land Use - Changing Development Patterns**

Land use policy will continue to be the primary tool used by Oregonians to guide development of the state while protecting its resources and livability and developing its economy.

Although urban growth boundaries have discouraged urban development in rural areas, metropolitan areas have developed at a level of density and in patterns that often discourage the use of public transit, bicycles and pedestrian walkways. Low density development has resulted in the kind of sprawl that creates congestion and air pollution. Transportation facilities often have not supported local land use plans and vice versa.
To create more livable communities and to encourage the use of transportation alternatives to the single occupancy vehicle, land use policies are changing to support:

• Downtown cores that maintain healthy central hubs for commerce within an urban region.

• Increased density for efficient use of urban land balanced by open space areas and better residential site design for privacy and safety.

• Improved circulation systems for pedestrians, bicycles and transit that allow for their exclusive use in some areas and provide safety where they come into contact with autos.

• Mixed use developments where housing, daycare, schools, commercial areas and employment can be close together to minimize travel.

• Filling in development in existing urban areas to incorporate higher density and mixed use developments.

The vision is for compact cities surrounded by farm land and open space. Even the so-called suburbs will have small city atmospheres with many more people living in the same suburb in which they work.

In rural communities of the state, land use planning will become a tool to promote development through the logical planning and extension of public infrastructure and services necessary to support new industry and development. Scenic attractions will enhance the tourist industry.

Transportation Implications - For transportation, this view of land use has two significant implications. First, transportation policy should favor more compact, mixed use, pedestrian friendly developments, both because they make transportation more efficient and because they accomplish a more desirable pattern of development. Designing land use and transportation patterns where conflicts among pedestrians, bicycles, automobiles and transit are minimized will also make the system safer. Second, facilities must be designed in such a way as to support locally adopted comprehensive plans.

In rural areas, enhanced levels of transportation and connections between modes will improve access and economic development. Concern for scenic vistas and access to outdoor recreation sites will enhance the tourist industry and the travel experiences of Oregonians and visitors to the state.
Technology - Innovations for Use Today and Tomorrow

During most of the next 40 years, transportation facilities and equipment will look surprisingly similar to the way they do today. However, on closer inspection there will be some interesting differences.

Telecommunications, data processing, and electronic control systems may have a tremendous impact on transportation in two ways. First, many jobs may be performed at home or in small local offices away from major office complexes. The ability to perform most non-manual functions from remote locations will give rise to small electronically sophisticated offices which will replace large centralized offices. This may affect transportation by reducing commuting distances for many people and by adding to the economic stability of some rural and suburban communities. However, those who work at home may make more day-time trips to run errands and provide transportation for children.

Advanced electronics also will improve the efficiency and comfort of every type of transportation system. Automobiles may operate in self-guided modes on freeways, or "smart highways," while onboard computers do everything from adjusting engine performance to recommending travel routes based on information about road conditions and congestion.

Another aspect of transportation technology that is expected to continue far into the next century is the gain in efficiency. This may be achieved without dramatic reduction in the size of passenger vehicles due to new lighter materials, improvements to fuels and ignition systems, and more efficient operation through the use of smart highways and better traffic control. Traffic management devices will be able to restrict vehicle use during peak periods and charge drivers according to the time and distance of their use. These same factors will improve the operation of other modes as well.

These gains in efficiency will also improve the prospect for high speed rail, although their use will continue to be limited to very high density corridors.

Technology will also help improve traffic safety. Vehicle improvements that prevent crashes and injury in crashes, such as airbags, anti-roll devices and speed governors, are possible now. In the future, monitors similar to airline "black boxes" will be able to record and transmit vehicle operation patterns to police or others for review of driver behavior, particularly behavior related to speed or alcohol and drug use.

The drive for greater productivity and fuel efficiency will not only improve performance of surface transportation vehicles, but may result in dramatic increases in the size and speed of aircraft and ocean vessels. These will add to the efficiency of international trade and travel but will require changes in port and airport infrastructure.
**Transportation Implications** - There does not appear to be anything on the horizon that will make a fundamental change in the way we use our transportation systems. In fact, many of the most prominent innovations being considered will have the effect of making existing modes of transportation, including highway travel, much more efficient and reduce many of the detrimental side effects. A second implication of these technologies is that many of the most significant innovations will be introduced by the private sector. Government will have to work with the private sector to provide public infrastructure that captures the benefits of these innovations. It is the public that owns the airports, highways and ports but the private sector that operates the transportation equipment and services which use the facilities.
GOALS AND POLICIES
FOR OREGON TRANSPORTATION
IN THE 21ST CENTURY

GOAL 1:
CHARACTERISTICS
OF THE SYSTEM

To enhance Oregon's quality of life and comparative economic advantage by the provision of a transportation system with the following characteristics:

- Balance
- Efficiency
- Accessibility
- Environmental Responsibility
- Connectivity among Places
- Connectivity among Modes
- Safety
- Financial Stability

The vision for Oregon's future calls for the setting of new priorities in transportation planning, financing, and development. To clearly chart new directions for the 21st Century, Oregonians must first determine what the basic characteristics of the transportation system should be. The desire to improve the quality of life and economy suggests that the transportation system should provide a variety of modal choices balanced by the knowledge that some modes are by nature more efficient for a particular purpose than others. Goods should be able to move by truck, rail, barge, or airplane, but bulk goods going long distances may move more efficiently on one mode than on others. The system should serve its users efficiently and, at the same time, be environmentally responsible. The system should be safe to use, be accessible to all groups of society, and connect places and various modes together in an integrated network. Finally, to be effective, the transportation system should be financed in an equitable and stable manner.
Although the goal is to provide an overall transportation system that displays all of these characteristics, decisions on specific facilities and services will require balancing some characteristics with others.

**POLICY 1A - Balance**

It is the policy of the State of Oregon to provide a balanced transportation system. A balanced transportation system is one that provides appropriate transportation options and takes advantage of the inherent efficiencies of each mode.

**ACTION 1A.1**

Design systems and facilities that accommodate multiple modes within corridors where appropriate, and encourage their integrated use in order to provide users with cost-effective choices of travel within corridors.

**ACTION 1A.2**

Reduce reliance on the single occupancy automobile, particularly in urban areas, as required in the LCDC Transportation Planning Rule.

**POLICY 1B - Efficiency**

It is the policy of the State of Oregon to assure provision of an efficient transportation system. The system is efficient when (1) it is fast and economic for the user; (2) users are faced with full-costs when making transportation decisions; and (3) transportation investment decisions are based on full benefits and costs including social and environmental impacts.

**ACTION 1B.1**

Use cost/benefit analysis on a total system basis. Employ economic, social and environmental impacts as a part of the transportation planning and project design process. This should be done on a total system basis rather than optimizing the cost effectiveness of one mode at the expense of another.
ACTION 1B.2

Develop pricing programs that charge road users commensurately with the total costs of operations and improvements. Such programs might include:

- Automobile emissions charges based on vehicle miles traveled (VMT) and relative vehicle emissions.
- Road access pricing for major traffic generators.
- Employee parking charges in urban areas.
- User charges.

ACTION 1B.3

Use demand management techniques to reduce vehicle miles traveled in single occupancy vehicles, especially during peak hours of highway use. These measures include ridesharing, vanpooling and telecommuting and projects that promote efficient urban design.

ACTION 1B.4

Preserve corridors for future transportation development. Consider obtaining, developing and using those abandoned rail rights-of-way that are in the public interest for transportation system improvements. Consider using abandoned rail corridors for bicycle and walking trails and for utility and communication corridors as interim uses.

POLICY 1C - Accessibility

It is the policy of the State of Oregon to provide a transportation system that is accessible to all potential users, including the transportation disadvantaged, measured by availability of modal choices, ease of use, relative cost, proximity to service and frequency of service.

ACTION 1C.1

Cooperatively define acceptable levels of accessibility through the establishment of standards in transportation system plans for minimum levels of service and system design for passengers and freight for all modes.
ACTION 1C.2

Assure multimodal accessibility to employment, shopping and other commerce, medical care, housing and leisure, including adequate public transit access for the transportation disadvantaged.

ACTION 1C.3

Implement the accessible transportation requirements established by the Americans with Disabilities Act of 1990.

ACTION 1C.4

Develop public transit, bicycle, and pedestrian systems in urban and rural areas through direct financial support of their planning, capital investment and operating costs.

ACTION 1C.5

Assure that the services of private and public transportation providers are coordinated. Integrate public and special purpose transportation services.

POLICY 1D - Environmental Responsibility

It is the policy of the State of Oregon to provide a transportation system that is environmentally responsible.

ACTION 1D.1

Minimize transportation-related energy consumption through improved vehicle efficiencies, use of clean burning motor fuels, and increased use of fuel efficient modes which may include railroads, transit, carpools, vanpools, bicycles and walking.

ACTION 1D.2

Cooperate with the Oregon Department of Environmental Quality in adopting tailpipe emission standards at the most stringent level allowed by federal law.

ACTION 1D.3

Positively affect both the natural and built environments in the design, construction and operation of the transportation system. However, where adverse impacts cannot be avoided, minimize or mitigate their effects on the environments.
**ACTION 1D.4**

Assure the safe, efficient transport of hazardous materials within Oregon.

- Work with federal agencies, the Public Utility Commission, the Oregon Department of Energy, and local governments to assure consistent laws and regulations for the transport of hazardous materials, including the development of standards for containment and crash-proofing such transport and the development of requirements for the visible signing of contents of carriers.


- Require that local, regional, and state transportation systems plans provide for safe routing of hazardous materials consistent with federal guidelines, and provide for public involvement in the process.

- Develop hazardous materials accident and spill management skills to deal with potential accidents.

**POLICY 1E - Connectivity among Places**

It is the policy of the State of Oregon to identify and develop a statewide transportation system of corridors and facilities that ensures access to all areas of the state, nation and the world.

**ACTION 1E.1**

Identify travel demand for people, goods and services among Oregon cities and provide for multimodal corridors to facilitate such travel.

**ACTION 1E.2**

Identify significant out-of-state corridors or areas where Oregonians need access and encourage their development.

**ACTION 1E.3**

Consider transportation issues that extend beyond state borders in the state systems plan.
ACTION 1E.4

Develop and promote service in statewide transportation corridors by the most appropriate mode including intercity bus, rail, airplane, passenger vehicle and truck.

ACTION 1E.5

Complete the Access Oregon Highways Program.

ACTION 1E.6

Protect the integrity of statewide transportation corridors and facilities from encroachment by such means as controlling access to state highways, minimizing rail crossings and controlling incompatible land use around airports.

POLICY 1F - Connectivity among Modes

It is the policy of the State of Oregon to provide a transportation system with connectivity among modes within and between urban areas, with ease of transfer among modes and between local and state transportation systems.

ACTION 1F.1

Develop a system and promote the use of intermodal passenger hubs and freight hubs throughout the state in order to expedite intermodal transfers.

ACTION 1F.2

Require that local and regional land use plans consider location of transportation hubs and terminals and connectivity among modes.

ACTION 1F.3

Encourage development of intermodal passenger and freight facilities to encourage effective shifts among modes as well as in routes.

POLICY 1G - Safety

It is the policy of the State of Oregon to improve the safety of the transportation system for operators, passengers, pedestrians, recipients of goods and property owners.
**ACTION 1G.1**

In a Safety Action Plan for all modes of transportation, develop standards that address facility design, driver education, and coordination and enhancement of enforcement activities.

**ACTION 1G.2**

Reduce the injury and fatality rates among operators, passengers, bicyclists and pedestrians from motor vehicle crashes in Oregon.

- Improve enforcement of safety laws and regulations especially those relating to violations of speed, alcohol and drug, and safety seat belt laws.

- Continue to require mandatory use of helmets for motorcycle drivers and passengers.

- Coordinate state agencies to devote more and better targeted resources to traffic enforcement, especially on routes with high injury and fatality rates.

**ACTION 1G.3**

Coordinate work with other groups to reduce alcohol- and drug-related accidents in the operation of airplanes, boats and motor vehicles.

**ACTION 1G.4**

Promote the highest safety standards for trucks and truck operators.

- Use mobile truck inspection stations in random, off-route locations, and stronger sanctions for consistent violators.

- Increase public education concerning truck-automobile interactions on highways.

- Promote highway lanes dedicated to the exclusive use of trucks or cars.

- Work with national organizations such as the National Highway Traffic Safety Administration, the Transportation Research Board, the American Association of State Transportation Officials and the Commercial Vehicle Safety Alliance to accurately determine the safety implications of alternative truck sizes, weights and configurations.
ACTION 1G.5

Implement a pedestrian and bicycle safety program which emphasizes the proper, safe interaction between motor vehicles and pedestrians and bicyclists.

ACTION 1G.6

Design transportation facilities, services and improvements with consideration for the safety of the users.

ACTION 1G.7

Give priority to human comfort in the transportation system. Users should feel safe, comfortable and well served as they travel.

POLICY 1H - Financial Stability

It is the policy of the State of Oregon to ensure a transportation system with financial stability. Funding programs should not bias transportation decision making.

ACTION 1H.1

Provide balanced funding for transportation facilities and services and seek legislative and voter approval where necessary.

ACTION 1H.2

Assure a transportation system which optimizes the total cost of the system for the approved level of service including cost of improvements and cost for operation and maintenance systems.

ACTION 1H.3

Give priority to funding those transportation needs identified in state, regional and local transportation system plans.
GOAL 2: LIVABILITY

To develop a multimodal transportation system that provides access to the entire state, supports acknowledged comprehensive land use plans, is sensitive to regional differences, and supports livability in urban and rural areas.

LAND USE

Oregon's population is projected to grow by 1.2 million people over the next 40 years. In other terms, 1.2 million people is the equivalent of 12 cities the size of Salem, or 60 cities the size of Bend.

In order to accommodate this population growth and still protect our livability, Oregonians will increasingly use land use policy as the primary tool to guide development of the state. Since transportation systems and facilities heavily influence land development patterns, future transportation plans prepared by all levels of government will be designed to support adopted comprehensive land use plans that comply with statewide land use goals.

Past land use development has tended to separate residential areas from employment and commercial centers requiring people to drive almost everywhere they go. The result has been increased congestion and air pollution in the metropolitan areas and diminished livability. Transportation systems development will need to support concepts of mixed use land development, compact cities, and connections among various transportation modes to make walking, bicycling and the use of public transit easier.

The State Agency Coordination Agreement between the Department of Transportation (ODOT) and the Land Conservation and Development Commission (LCDC) ensures that acknowledged land use plans and transportation plans are compatible. The Transportation Planning Rule (660-12), prepared by ODOT and LCDC, encourages reduced use of the automobile and requires cities and counties to plan for the use of other modes of transportation including public transit and bicycle and pedestrian routes. In
the Portland, Salem, Eugene and Medford metropolitan areas, the rule requires a 20 percent reduction of vehicles miles traveled per capita in the next 30 years.

POLICY 2A

It shall be the policy of the State of Oregon to develop state transportation plans and policies that implement Oregon's Statewide Planning Goals, as adopted by the Land Conservation and Development Commission.

ACTION 2A.1

Support local land use planning with system plans that implement this policy, with the objective of providing the needed level of mobility while minimizing automobile miles traveled and number of automobile trips taken per capita.

ACTION 2A.2

Coordinate state transportation planning with local and regional land use plans as described in the certified ODOT/LCDC State Agency Coordination Agreement.

ACTION 2A.3

Provide technical assistance to local and regional governments in the implementation of Oregon Administrative Rule 660-12 that sets forth the requirements for transportation planning within the state.
URBAN MOBILITY

The transportation network that links Oregon cities and regions and provides access to areas outside of Oregon is the backbone of the transportation system. The present transportation system that links Oregon cities has drastically changed the life of Oregonians during the past several decades. However, these systems have also influenced travel within urban areas. The capacity provided by the interstate system, for example, encourages urban residents to travel long distances within urban areas. By providing high speed travel between urban destinations, the present freeway system further encourages sprawl development. Attempting to maintain high speeds on interurban routes in urban areas over time through capacity improvements facilitates a continuation of this process. We must find ways to provide for urban and interurban travel, but still support the development of compact urban areas.

The Urban Mobility policies are applicable to both metropolitan areas and cities with urban growth boundaries. The Rural Accessibility policies are also applicable to small cities located away from metropolitan areas and other central cities as well as to unincorporated areas and communities.

POLICY 2B - Urban Accessibility

It is the policy of the State of Oregon to provide balanced, multimodal accessibility to existing and new development to achieve the state goal of compact, highly livable urban areas.

ACTION 2B.1

Cooperate with metropolitan planning organizations to develop an integrated transportation plan for urban areas that meets the needs for urban mobility, and intercity, interstate and international travel within and near each urban area.

ACTION 2B.2

Give preference to projects and assistance grants that support compact or infill development.

ACTION 2B.3

Increase the availability of transit, including light rail, and of other alternatives to the single occupancy vehicle.
POLICY 2C - Relationship of Interurban and Urban Mobility

It is the policy of the State of Oregon to provide interurban mobility through and near urban areas in a manner which minimizes adverse effects on land use and urban travel patterns.

**ACTION 2C.1**

Plan and design interurban routes in urban areas to preserve their utility for interurban travel. Appropriate means might include ramp metering, limited interchanges, high occupancy vehicle lanes, access control, separated express lanes for through traffic and entrance pricing.

**ACTION 2C.2**

Promote improvements and preservation of parallel arterials and other modes so that local trips have alternatives to the use of intercity routes.

POLICY 2D - Facilities for Pedestrians and Bicyclists

It is the policy of the State of Oregon to promote safe, comfortable travel for pedestrians and bicyclists along travel corridors and within existing communities and new developments.

**ACTION 2D.1**

Make walkways and bikeways an integral part of the circulation pattern within and between communities to enhance safe interactions between motor vehicles and pedestrians and bicyclists, using techniques such as:

- Retrofitting buses, light rail and commuter vans with racks to accommodate bicycles.

- Installing convenient, secure, weather-protected bicycle parking and storage racks at major transit stops and at commuter destinations.

- Renovating major streets and highways with bike lanes and designing intersections to encourage the use of bicycles for commuting and local travel.

- Installing well-lighted shelters for people waiting for transit.
RURAL ACCESSIBILITY

Autos, trucks, airplanes, trains and buses are the dominant modes of transportation in rural Oregon. Highways and roads provide the only access to many rural places, and connections between rural and urban areas are primarily by highway as well. Highway capacity in rural areas is strained not so much by the volume of traffic, as by the interaction of trucks, buses, recreational vehicles, autos and bicycles, each traveling at varying speeds often for different purposes.

Improvements to rural highways, similar to the Access Oregon Highways program, are needed in order to provide corridors where different sized vehicles, traveling at different speeds, and for different purposes can move safely and efficiently. Additional passing lanes, fewer curves, and improved signage can do much to improve such conditions. Alternative modes such as rail and air service must also be retained and expanded, especially along corridors where fast movement of goods and people is desirable and where distances are vast or corridors are already congested.

As Oregon’s economy adjusts to changes in timber- and agriculture-based industry, many rural communities struggle to retain existing institutions and provide basic transportation services for current residents. The increasing proportion in rural communities of retired persons and lower income people increases the need for available and affordable transportation services.

POLICY 2E - Minimum Levels of Service

It is the policy of the State of Oregon to define and assure minimum levels of service to connect all areas of the state.

ACTION 2E.1

Define appropriate minimum levels of service for all modes and for all potential users.

ACTION 2E.2

Encourage modal alternatives to the automobile and truck where feasible in rural areas.

ACTION 2E.3

Revise regulatory systems in order to stimulate the provision of transportation services by private companies in rural areas.
POLICY 2F - Rural Mobility

It is the policy of the State of Oregon to facilitate the movement of goods and services and to improve access in rural areas.

ACTION 2F.1

Improve rural highways, minimizing the interaction of passenger vehicles, bicycles, recreational vehicles and freight vehicles by providing passing lanes and paved shoulders, wherever practical.

ACTION 2F.2

Implement a statewide system of bikeways using current rights-of-way and creating new paths along rail beds, open spaces, and other public and private lands held by cooperating landowners.

POLICY 2G - Regional Differences

It is the policy of the State of Oregon to provide a rural transportation system consistent with, yet recognizing differences in, local and regional land use and economic development plans.

ACTION 2G.1

Delineate comprehensive sub-state transportation regions using the following criteria:

- Counties are the basic building blocks.
- Regions are established by local consensus.
- Regions are consistent to the extent possible with other sub-state functional regions.
- There is flexibility in regional boundaries where necessary to encourage multimodal corridor development.

ACTION 2G.2

Establish regional transportation advisory groups consistent with the sub-state regions, using existing groups if possible, to provide a conduit for transportation policy and programming between state and local government.
AESTHETIC VALUES

Aesthetic values in transportation involve scenic values, the quality of what we see as we travel. Scenic highways and transportation corridors are important to both Oregonians and out-of-state visitors. They can enhance tourist attractions and contribute to traveling safety. The Aesthetic Values policy recognizes the importance of scenic qualities so that when highways and other transportation corridors are designed and managed, scenic qualities are preserved and enhanced. It also recognizes that maintaining the transportation function of the facility must be balanced with protecting aesthetic values.

POLICY 2H

It is the policy of the State of Oregon to protect and enhance the aesthetic value of transportation corridors in order to support economic development and preserve quality of life.

ACTION 2H.1

Include aesthetic considerations in the design and improvement of corridors and rights-of-way for all modes.

ACTION 2H.2

Consider:

• Developing regional advisory boards on corridor aesthetics.
• Giving state awards for scenic enhancement.

ACTION 2H.3

Strengthen aesthetic land use controls outside of the rights-of-way involving:

• Utilities
• Billboards
• Scenic easements
• Urban design and rural development
• Directional signs for tourists
• Unique resources
GOAL 3:
ECONOMIC
DEVELOPMENT

To promote the expansion and diversity of Oregon's economy through the efficient and effective movement of goods, services and passengers in a safe, energy efficient and environmentally sound manner.

Oregon's economy is highly dependent on its transportation system for the circulation of goods, services and passengers. An efficient transportation system promotes new business and encourages existing business to flourish. Because of Oregon's location and the multiplicity of transportation services converging in Oregon, transportation is itself a significant part of the Oregon economy.

Federal and state governments have a long history of investing in transportation systems, from corduroy roads in colonial times to waterways and rail service during the western expansion, the interstate highway system beginning in the 1950's, and space exploration today. Government now invests in virtually every mode of freight and passenger transportation.

The goal of an efficient transportation system for goods, services and passengers is one of balance characterized by:

- Better understanding of the costs of each mode, so that relative efficiencies of each can be evaluated. It is important to develop the capability to understand the costs of each mode even if such issues as safety, environmental quality, time and human comfort have to be quantified.

- Public investment targeted at more efficient modes. Such investments could include technology transfer activities, capital facilities, and subsidies.

- More choices for the shipper according to the characteristics of the goods to be shipped.

Oregonians have great respect for the free market system, and they want private interests served by the transportation system. However, those interests have to be balanced with a commitment to the maintenance of a high quality of
life which itself contributes to Oregon's comparative advantage as a place to do business.

In the future, the state can contribute to economic development by facilitating the development of intermodal freight hubs. These hubs can encourage transfer of freight from one mode to another, utilizing the efficiencies of each leg of a freight trip. Examples of intermodal transfer facilities include marine ports where ships and barges load and unload to trucks, trains, and pipelines. Intramodal hubs are used by airlines where goods on feeder flights are brought to one terminal for transfer to longer distance flights.

POLICY 3A - Balanced and Efficient Freight System

It shall be the policy of the State of Oregon to promote a balanced freight transportation system which takes advantage of the inherent efficiencies of each mode.

ACTION 3A.1

Determine modal efficiencies by identifying present relative state and federal support for each of the various modes of freight transportation, including taxation, regulation, capital investment, and operating subsidy. Develop and maintain statistics on the characteristics of each mode as they affect the state.

ACTION 3A.2

Assure ODOT in-house expertise in the economics, management and potential of each available major freight mode: trucking, rail, water transportation, air and bus express.

ACTION 3A.3

Work with the Oregon Public Utility Commission to take the actions necessary to ensure that its policies or practices are not directly or indirectly favoring interstate shippers over Oregon intrastate shippers.

ACTION 3A.4

Work with local, state and federal governments to remove those barriers to efficient transportation operations which do not conflict with environmental or safety goals.

POLICY 3B - Linkages to Markets

It is the policy of the State of Oregon to assure effective transportation linkages
for goods and passengers to attract a larger share of international trade to the state.

**ACTION 3B.1**

Require that transportation system plans adopted by state, regional and local jurisdictions be sufficient to accommodate expected development within the respective jurisdiction.

**ACTION 3B.2**

Maintain, preserve and improve the highway system in order to provide Oregon with infrastructure for the efficient movement of goods by truck and bus.

**ACTION 3B.3**

Assist the retention of desirable rail service through existing railroad ownership or alternative private ownership.

**ACTION 3B.4**

Promote the growth of air freight business in the state.

**ACTION 3B.5**

Maintain and improve strategic regional air freight terminals and their links with surface transportation systems.

**ACTION 3B.6**

Encourage investment in facilities and marketing and provide match funding for federal projects in conjunction with ports to enhance their competitiveness in international trade and domestic commerce.

**ACTION 3B.7**

Maintain adequate container handling facilities at ports where they presently exist, and develop other cargo business such as break bulk, bulk and auto.

**ACTION 3B.8**

Work with port districts and federal agencies to enhance river and ocean transportation in an efficient and environmentally responsible manner. This could include deepening the Columbia or Coos Bay channels.
POLICY 3C - Expanding System Capacity through Cooperation

It is the policy of the State of Oregon to expand the capacity of Oregon's freight and passenger industry by facilitating increased cooperation among the providers of transportation facilities and services.

ACTION 3C.1

Promote shipper associations among rural producers of goods with similar characteristics and marketing requirements.

ACTION 3C.2

Strengthen working relationships with Washington and Idaho Columbia River communities in planning and marketing programs for Columbia River ports.

ACTION 3C.3

Consider the integration of the Oregon maritime ports so that the strengths and potential of each will be optimized while the combination of their efforts increases Oregon's role in international trade.

ACTION 3C.4

Ensure that Oregon's comparative economic advantages in providing air freight are well understood and communicated by national and international trade missions and other marketing efforts.

POLICY 3D - Intermodal Hubs

It is the policy of the State of Oregon to promote intermodal freight and passenger transportation hubs to enhance competitiveness, improve rural access, and promote efficient transportation.

ACTION 3D.1

Facilitate development and operation of optimally located transportation hubs and identify hub locations in transportation system plans.

ACTION 3D.2

Continue to support Portland's role as a major freight hub for goods transported by air, highway, rail, barge and ship.
GOAL 4: IMPLEMENTATION

To implement the Transportation Plan by creating a stable but flexible financing system, by innovative management, by supporting transportation research and technology, and by working cooperatively with regional and local governments, the private sector and citizens.

FINANCE

The current structure and level of transportation funding in Oregon is inadequate to meet the needs of either the individual publicly-funded modes of transportation or the system as a whole. This deficiency hampers the State's ability to meet transportation objectives in at least the following critical areas:

- Highways
- Local Streets
- Public Transit
- Ports
- Airports
- Rail Passenger
- Repair and Preservation
- Modernization/Increased Capacity

While considerable progress has been made in the recent past in increasing funding for state and local investments in transportation, in many cases this progress has merely maintained the previous level of underfunding and has not closed the gap. In order to meet the existing needs of the transportation system, not to mention the new emerging needs as the state undergoes growth and economic transition, a new funding structure will be needed.

Finance action statements will be proposed during the development of the draft Multimodal System Element of the Oregon Transportation Plan scheduled for public review in June 1992.
POLICY 4A - Adequate Funding

It is the policy of the State of Oregon to develop and maintain a transportation finance structure that provides adequate resources for demonstrated and proven transportation needs. This funding package should incorporate federal, state, local and private funding and should provide adequate funding for all transportation modes and jurisdictions.

POLICY 4B - Efficient and Effective Improvements

It is the policy of the State of Oregon to develop and maintain a transportation finance structure that promotes funding, by the state and local governments, of the most appropriate improvements in a given situation, and promotes the most efficient and effective operation of the Oregon transportation system.

POLICY 4C - Cost and Benefit Relationships

It is the policy of the State of Oregon to modernize and extend the user pays concept to reflect the full costs and benefits of uses of the transportation system and to reinforce the relationship between the user fees and uses of the related revenues.

POLICY 4D - Flexibility

It is the policy of the State of Oregon to change the structure of the transportation finance system to provide more flexibility in funding, investment and program options.

POLICY 4E - Achievement of State Goals

It is the policy of the State of Oregon to plan and manage the transportation finance structure to contribute to the accomplishment of the state's environmental, land use, and economic goals and objectives.

POLICY 4F - Equity

It is the policy of the State of Oregon to develop a transportation finance system which consciously attempts to provide equity among competing users, payers, beneficiaries, providers of the transportation system and regions of the state.
MANAGEMENT PRACTICES

Good management practices are essential to an effective and efficient transportation system. The Management Practices Policy and Actions reflect the fact that Oregon's basic transportation systems--its highway, railroad, airport and port systems--are largely in place. High priority is placed on preserving and maintaining these systems in order to protect the investments in them and avoid the higher costs of deferred maintenance.

The main purpose of some statewide highways and railways is to carry traffic long distances to large and small cities and major economic centers. When intense development occurs along the highway or railway and access to the development is not controlled, through traffic and local traffic needs conflict. Access management is one way to maintain the through function of the highway. Controlling the number of grade crossings is a way to protect the function of the railway.

Congestion is another management problem. An alternative to adding new facilities to a highway is to manage the timing or the kind of transportation demand. Demand management techniques spread traffic volumes and encourage motorists in particular to use public transit and other transportation alternatives or encourage them to use alternative routes or travel times. Similar good management techniques can be applied to relieve congestion at or among airports and marine ports.

Larger cities are developing new techniques for transportation management. Federal and state-funded training programs extend information about these techniques to small cities and private transportation providers and operators.

POLICY 4G

It is the policy of the State of Oregon to manage effectively existing transportation infrastructure and services before adding new facilities.

ACTION 4G.1

Place priority on preserving, maintaining and improving the highway system and other transportation infrastructure and services that are of statewide significance.
ACTION 4G.2

Manage such factors as the number, spacing, type and location of accesses, intersections and signals in order to operate the highway system and other transportation systems at reasonable levels of service and in a cost-effective manner.

ACTION 4G.3

Use demand management techniques that reduce peak period single occupant vehicle travel, that spread traffic volumes away from the peak period, and that improve traffic flow. Such techniques include HOV (high occupancy vehicle) lanes, carpools, parking management programs, peak period pricing, ramp metering, motorist information systems and incident management.

ACTION 4G.4

Provide management training and technology-sharing for public and private transportation providers and operators.
RESEARCH AND TECHNOLOGY TRANSFER

Although the infrastructure for the transportation system of the 21st Century is largely in place, the system must be managed more efficiently as it is managed more intensely. Innovative management practices, land use patterns, and new technologies need to be researched and evaluated. Oregon needs to create a research and evaluation agenda that will reveal workable techniques.

POLICY 4H

It is the policy of the State of Oregon to support the development of innovative management practices, technologies and regulatory techniques that will further implementation of the Oregon Transportation Plan.

ACTION 4H.1

Form a partnership with Oregon and/or Pacific Northwest universities and private industry to promote transportation research.

ACTION 4H.2

Broaden the Highway Division Research Section's responsibilities to include research for all modes and Department of Transportation divisions by making it an Intermodal Transportation Research Section.

ACTION 4H.3

Prepare and implement a transportation research agenda for the State of Oregon which includes analysis of the relative costs of implementation measures put forth in this plan.

ACTION 4H.4

Promote the transfer of emerging transportation technologies and planning and management practices to state, regional, and local governments and the private sector. Support the Technology Transfer Center.

ACTION 4H.5

Establish a demonstration program to encourage alternatives to the use of the automobile.
The planning and development of Oregon's transportation system will require joint effort by state, regional and local governments. In the past, each level of government has had its role defined largely by tradition, federal funding requirements and state legislative mandates. Sometimes roles have simply been assumed. Other times they have been consciously determined through a deliberative policy-making process. In the future, transportation planning and development will become even more complex as the state's population grows and fiscal and environmental constraints call for new approaches to meeting Oregon's mobility needs. Cooperation among state, regional and local governments will be essential.

The LCDC Transportation Planning Administrative Rule (OAR 660-12) outlines the governmental roles and is reflected in the policies below. The rule separates governmental responsibilities into three types: state, regional (metropolitan planning organization (MPO) or county), and local (cities and counties).

**POLICY 41**

It is the policy of the State of Oregon that the Oregon Department of Transportation shall define a transportation system of statewide significance that

- accommodates international, interstate and intercity movements of goods and passengers that move into and through urban and rural areas;

- accommodates connections between different parts of the system, including intermodal transfers of goods and passengers on the system;

- provides a minimum level of mobility within the state, including access to the system;

- recognizes that maintaining an acceptable level of transportation mobility in Oregon's four metropolitan planning organization (MPO) regions is a matter of special statewide concern.

**ACTION 41.1**

Establish criteria in the Oregon Transportation Plan and Modal Plans for MPO and other regional transportation plans.
ACTION 41.2
Adopt MPO and other regional plans when they meet established criteria.

ACTION 41.3
Carry out its responsibilities for transportation planning and development as described in the Land Conservation and Development Commission's Transportation Planning Administrative Rule (OAR 660-12).

POLICY 4J
It is the policy of the State of Oregon that

• MPOs and counties outside of MPOs shall define a transportation system of regional significance adequate to meet identified needs for the movement of people and goods between and through communities and to regional destinations within their jurisdictions; and

• regional transportation plans shall be consistent with the adopted elements of the state transportation system plan.

ACTION 4J.1
Regional transportation plans shall establish criteria for applicable local government transportation plans. MPOs and counties shall

• ensure local plans conform to state and regional system plans.

• assure consistency and appropriate linkages of local plans with regional plans to meet local needs.

ACTION 4J.2
MPOs and counties shall carry out their responsibilities for transportation planning and development as described in the LCDC Transportation Rule (OAR 660-12).
POLICY 4K

It is the policy of the State of Oregon that

• local governments shall define a transportation system of local significance adequate to meet identified needs for the movement of people and goods to local destinations within their jurisdictions.

• local government transportation plans shall be consistent with regional transportation plans and adopted elements of the state transportation system plan.

ACTION 4K.1

Cities and counties shall adopt regional and local transportation plans as part of their comprehensive plans.

ACTION 4K.2

Local governments shall carry out their responsibilities for transportation planning and development as described in the LCDC Transportation Rule (OAR 660-12).
PRIVATE/PUBLIC PARTNERSHIP

The state recognizes that most transportation services are provided by the private sector and private interests will provide many of the innovative ideas and technology that will be necessary to accomplish the goals of the Oregon Transportation Plan. The state also recognizes the need to allow the economic marketplace to accomplish its most efficient level of operation. However, the public provides much of the transportation infrastructure and has a specific interest in assuring adequate levels of service. Given the state interest and level of investment in the transportation system, there must exist a partnership with private business and industry in planning and implementing transportation goals.

POLICY 4L

It is the policy of the State of Oregon to involve the private sector to the fullest extent in the planning and implementation of the Oregon Transportation Plan.

ACTION 4L.1

Establish private sector participation in the transportation policy and systems plans at all levels of government in Oregon.

ACTION 4L.2

Consider private sector interests to the fullest extent in implementing this Transportation Plan.

ACTION 4L.3

Employ a variety of incentives, established in concert with private interests, to private participation in the implementation of this plan in preference to directives and/or regulation.

ACTION 4L.4

Provide stable, consistent funding for the implementation of this plan to encourage the private sector to commit similarly long-term investments.
This Transportation Plan calls for greater commitments to environmental quality, energy conservation, land use patterns that support alternatives to the use of single occupancy vehicles, and efficient ways to move people and their goods. The policies have evolved from discussions among citizens, the private sector, local governments and state agencies, but they cannot be implemented without widespread public understanding and support.

To understand and support these policies, Oregonians need good information and opportunities to participate in the further development and implementation of the Transportation Plan and the plans and programs that follow. Oregonians have become accustomed to participating in all phases of land use planning. The policies in this section extend these participation processes to transportation planning.

**POLICY 4M**

It is the policy of the State of Oregon to develop programs that ensure the opportunity for citizens, local governments, and state agencies to be involved in all phases of transportation planning processes.

**ACTION 4M.1**

When preparing and adopting a transportation plan, transportation plan element, modal plan, facility plan or transportation improvement program, conduct and publicize a program for citizen, local government and state agency involvement that clearly defines the procedures by which these groups will be involved.

**ACTION 4M.2**

Make information about proposed transportation policies, plans and programs available to the public in an understandable form.

**POLICY 4N**

It is the policy of the State of Oregon to provide a program of public information for the implementation of the Oregon Transportation Plan.
ACTION 4N.1

Implement a public information strategy for the Transportation Plan, including educational and informational programs on

- Land use choices and development pattern issues, targeting architects, planners, developers and financiers;
- Transportation-related maintenance requirements and benefits;
- Economic and environmental benefits and costs of transportation alternatives, targeting school children;
- Bicycle use and safety;
- Pedestrian safety issues, targeting the under 25 and over 65 age groups.

ACTION 4N.2

Make it easy to use public transportation through the availability of better information about transportation choices.

ACTION 4N.3

Expand public awareness of travel safety to reduce transportation-related accidents through information on primary causes including drug and alcohol abuse, driver error, and vehicle maintenance neglect, and their results in deaths, injuries and economic loss.
THE PLANNING PROGRAM

The Authority of the Oregon Transportation Plan

The Oregon Transportation Plan fulfills the statutory requirements in ORS 184.618 to develop "a state transportation policy and a comprehensive, long-range plan for a multimodal transportation system for the state." The Plan is part of an on-going transportation planning process within the Oregon Department of Transportation and provides for integration of existing and future implementation plans. It is a means of improving and maintaining coordination and cooperation between the various transportation modes, state and federal agencies, regional and local governments, and private industry. It provides a framework for prioritizing transportation improvements and funding requirements by the Transportation Commission and the Oregon Legislature.

ORS 184.618 describes the responsibilities of the Transportation Commission and the Department of Transportation:

(1) As its primary duty, the Oregon Transportation Commission shall develop and maintain a state transportation policy and a comprehensive, long-range plan for a multimodal transportation system for the state which encompasses economic efficiency, orderly economic development, safety, and environmental quality. The plan shall include, but not be limited to aviation, highways, mass transit, pipelines, ports, rails and waterways. The plan shall be used by all agencies and officers to guide and coordinate transportation activities and to ensure transportation planning utilizes the potential of all existing and developing modes of transportation.

The Oregon Transportation Plan

The Oregon Transportation Plan (OTP) has two major components: the Transportation Policy Element and the Multimodal System Element. The OTP provides direction to Modal System Plans and Facilities Plans which, together with the OTP, constitute the Unified Transportation Plan. (See Figure 2.)

The Transportation Policy Element defines policies and actions for the state over the next 40 years. It gives direction to the coordination of transportation modes; the relationship of transportation to land use, economic development, the environment and energy use; the coordination of transportation with state, regional and local plans; transportation financing; transportation safety and related matters.
FIGURE 2
UNIFIED TRANSPORTATION PLAN

Policy Element
Multimodal System Element

Oregon Transportation Plan (OTP)

Aviation Plan
Transit Plan
Pipeline Plan
Rail Plan
Waterways Plan
Highway Plan
Bicycle Plan

Modal System Plans

Safety Action Plans
Corridor Plans

Special Plans
The **Multimodal System Element** implements the goals and policies in the Policy Element by identifying a coordinated transportation system, a network of facilities and services for aviation, highways, public transit, pipelines, ports, rails, bikeways and other modes, to be developed over the next 20 years. During the planning process, four or five scenarios, each based on a different future for Oregon, will be explored. The OTP Steering Committee, made up of members of the Transportation Commission, state legislators and representatives of local governments, will choose one scenario for development in the System Element. When completed, the System Element will specify an implementation strategy for the Policy Element, develop planning and performance measures for the more detailed modal plans, and identify general development costs.

**Relationship of the OTP to Other ODOT Plans**

The **Modal System Plans** are the overall plans and policies for each mode of transportation. Under the general direction of the OTP, these plans identify system needs, classify facilities and establish policies for their operation, improvement and financing. These policies may include prioritization of resources across the system, allocation of resources between maintenance, preservation, operation, and modernization, and the relationship of facility categories to land use. The Highway Plan is an example of a modal system plan.

**Facility Plans** and other special plans are plans for individual transportation facilities such as state airport master plans and highway corridor plans. Under the general guidance of the OTP and the Modal Plans, they may identify needs for using the facility, an overall plan for improving the facility, and policies for operating the facility.

**Relationship of the OTP to the State Agency Coordination Program**

State agency coordination programs describe what agencies will do to comply with Oregon's land use planning program. To be in compliance with ORS 197.180, the Oregon Transportation Commission adopted an updated state agency coordination program with the Land Conservation Commission (LCDC) in September 1990.

ORS 197.180 and the ODOT State Agency Coordination Program require all of the Department of Transportation's programs affecting land use to be carried out in compliance with the statewide planning goals in a manner compatible with city, county and regional acknowledged comprehensive plans.
FIGURE 3

INTEGRATED TRANSPORTATION PLANNING

OREGON TRANSPORTATION PLAN:
- POLICY ELEMENT
- MULTIMODAL SYSTEM ELEMENT
- OTP

MODAL PLANS
- HIGHWAY
- AVIATION
- TRANSIT
- RAIL
- BICYCLE
- PIPELINE

SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM
- TIP

ODOT BUDGET AND LEGISLATION

REGIONAL AND LOCAL PLANS
The Oregon Transportation Plan and the Modal Systems Plans must comply with the Coordination Program and statewide planning goals. If Modal System Plans and Facilities Plans affect specific geographic areas, they must be compatible with the affected regional and local acknowledged comprehensive plans. (See Figure 3.)

**Relationship of the OTP to the Transportation Planning Rule**

LCDC adopted an administrative rule in April 1991 to implement Statewide Planning Goal 12 (Transportation). The Transportation Planning Rule requires the Oregon Department of Transportation (ODOT) to identify a system of transportation facilities and services adequate to meet identified state transportation needs and prepare a Transportation System Plan (TSP). The Unified Transportation Plan is intended to meet the requirements of the state TSP.

Metropolitan Planning Organizations (MPOs) and counties must prepare regional TSPs consistent with the adopted state TSP; cities and counties must prepare local TSPs consistent with both regional and state TSPs.

The Transportation Rule requires cities and counties to adopt regional and local TSPs as part of their comprehensive plans and to coordinate them with affected state and federal agencies, local governments, special districts, and private providers of transportation services. The planning process is intended to assure that comprehensive plans provide for a network of transportation improvements sufficient to meet local, regional and state transportation needs.

**Adoption and Amendment of the Oregon Transportation Plan**

The Oregon Transportation Commission will hold hearings on both the Policy Element and the Multimodal System Element of the Oregon Transportation Plan in August and September, 1992. Before adoption of the plan, the commission will make findings to assure the plan's compliance with LCDC goals.

To keep current with changes in transportation needs, modes and management methods, the commission intends to update the Oregon Transportation Plan every six years or when specific problems that require policy changes arise. The commission will amend Modal System Plans and Facility Plans for each transportation mode to conform to changes in the OTP. These amendments may also require changes in MPO and local transportation plans.

The regular six-year major update process will include opportunities for involvement of the Department of Land Conservation and Development, metropolitan planning organizations, cities, counties, state and federal agencies, special districts and all interested citizens.
DEFINITIONS

This document uses key words and phrases as having the following definitions:

Access Management: Measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges and restrictions on the type and amount of access to roadways to reduce impacts of approach road traffic on the main facility.

Accessibility: The ability to move easily from one mode of transportation to another mode or to a destination, for example, from a bicycle to a bus or from a bus to an office.

Balanced Transportation System: A system that provides appropriate transportation options and takes advantage of the inherent efficiencies of each mode.

Demand Management: Actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the use of alternative modes, ride-sharing and vanpool programs and trip-reduction ordinances.

Efficient: An activity is efficient if a desired amount of an output is produced using the least cost combination of resources. A transportation system is efficient when (1) it is fast and economic for the user; (2) users are faced with full-costs when making transportation decisions; and (3) transportation investment decisions are based on full benefits and costs including social and environmental impacts.

Intermodal Hub: A facility where two or more modes of transportation interact so that people and/or goods can be transferred from one mode to another, for example, from a bus to an airplane or from a truck to a train.

LCDC: Land Conservation and Development Commission

Metropolitan Planning Organization (MPO): An organization located within the state of Oregon and designated by the governor to coordinate transportation planning in an urbanized area of the state. MPOs exist in the Portland, Salem, Eugene-Springfield, and Medford areas. (The Longview-Kelso-Rainier MPO is not considered an MPO for the purposes of the OTP.)
Mixed Use Development: A development or center having a mix of uses which may include office space, commercial activity, residential uses, parks and public places, and supporting public facilities and services. The development is designed so that the need to travel from one activity to another is minimized.

Mobility: Being able to move easily from place to place.

Mode of Transportation: A means of moving people and/or goods. In this plan transportation modes include motor vehicles, public transit, railroads, airplanes, ships/barges, pipelines, bicycles and pedestrian walkways.

ODOT: Oregon Department of Transportation.

Rural Areas: Unincorporated areas, unincorporated communities and incorporated cities, characterized by both low levels of population and remoteness from metropolitan areas and other central cities.

Transportation Needs (State): Needs for movement of people and goods between and through regions of the state and between the state and other states and other countries.

Transportation System Management Measures: Techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without increasing its size. Examples include traffic signal improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping for high occupancy vehicle (HOV) lanes.

Transportation System Plan (TSP): A plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

Urban: Those areas within urban growth boundaries acknowledged under the Land Conservation and Development Commission's compliance process.
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Department of Land Conservation and Development - Bob Cortright
Department of Transportation -
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David Dowrie (Information Systems)
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Pamela Wev-Benkendorf
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Drafter of Advisory Committee Policy Document
December 4, 1991

Dave Bishop
Transportation Planning Manager
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Salem, OR 97310

RE: Comments on Oregon Transportation Plan, November 1991 Draft

Dear Mr. Bishop:

The following comments are submitted on behalf of the East Multnomah County Transportation Committee. We have reviewed the Draft Oregon Transportation Plan and would like to commend your efforts so far to create Oregon's first multi-modal transportation plan. Two of our members, Commissioner Pauline Anderson, Multnomah County, and Councilor Bernie Giusto, Gresham have had the opportunity to participate in the work of the Plan's advisory committees. In general, we believe the overall policy framework and organization are appropriate. These comments cover areas of specific concern to our jurisdictions. You will receive additional comments on some of these issues from our region through JPACT. We support the JPACT comments, and endorse the specific comment on maintaining the current cooperative working relationship between the region and ODOT.

1. Should the Plan be Mode Neutral?
   (Goal 1: Characteristics of the System)

Goal 1 attempts to be mode neutral. The Plan Vision acknowledges the new driving forces for this multi-modal Transportation Plan: e.g. New federal and state policies and laws, together with heightened environmental and growth management concerns in Oregon communities. Maintaining Oregon's urban livability is intricately tied to future transportation investments and to moving away from dependence on the automobile.
Policy 1A calls for "balance" as the lead characteristic of the multi-modal system, but does not acknowledge that the current system is heavily imbalanced towards one transportation mode. How do we get from imbalance to balance? We propose the addition of a Mode Choice Policy favoring transit, pedestrian, and bicycling mode choices in Oregon's urban areas. This policy would better address a system of balanced modes and support established State policy articulated in LCDC Goal 12, Transportation.

2. Finance Policies
   (Goal 1, Characteristics of the System, Policy 1H)

The proposed Financial Stability Policy 1H, lacks a strong direction. Earlier drafts of this section provided much clearer direction. Previous drafts stated a policy of financial stability that would provide "consistent funding among all modes of transportation for planning, capital investment, and operating costs," and as Action 1F1: "Amend the State Constitution to broaden the use of motor vehicle taxes and fees for transportation facilities and services."

The "Planning Process" section describes this planning effort as a "Unified Transportation Plan." A unified plan implies a unified transportation fund. We propose that clearer direction on system finance policies and actions would be provided by an additional Action:

"Develop an overall multi-modal transportation fund which incorporates all transportation funding mechanisms and establishes base level support for all modes, with flexibility in funding, investment, and program options for local, regional, and state systems. Seek legislative and voter approval for a multi-modal transportation fund."

3. Urban Mobility
   (Goal 2, Livability, Urban Mobility Policy)

We agree with the emphasis given to Urban Mobility under the Livability Goal. Under Policy 2B, Urban Accessibility, we propose an Action statement that recognizes the socioeconomic dimension of accessibility; opportunities for different socioeconomic groups should be supported, not constrained, by the transportation system. This concept is found in the recently adopted METRO Regional Growth Goals and Objectives. For example, RUGGO Goal II calls for "the creation of a balanced transportation system, less dependent on the private automobile, supported by both the use of emerging technology and the collection of jobs, housing, commercial activity, parks, and open space."
Under Policy 2D, Facilities for Pedestrians and Bicyclists, the draft Policy Actions describe actions exclusively for the bicycle mode. We propose an additional set of actions specifically aimed at improved pedestrian facilities in urban areas. Pedestrian travel is easily the most overlooked transportation mode in Oregon's urban areas. In Europe and in some North American cities, high quality urban environments have evolved where walking is a primary transportation mode, used even more than transit. With careful planning, substantially greater pedestrian travel could occur in Oregon communities.

Thank you for your consideration of these comments.

Sincerely yours,

[Signature]

PAULINE ANDERSON, Chair
East Multnomah County Transportation Committee

cc: EMCTC Members
- Mayor Fred Carlson, City of Fairview
- Councilor Bernie Giusto, City of Gresham
- Councilor Marge Schmunk, City of Troutdale
- Councilor Don Robertson, City of Wood Village
Andy Cotugno, METRO
Richard Ledbetter, Tri-Met
Ted Spence, ODOT
David Knowles, JPACT
Larry Nicholas, Transportation Division
Susie Lahsene, Transportation Division
Richard Ross, City of Gresham
The House and Senate reached agreement last week (November 27) on a new version of the Surface Transportation Bill. This legislation represents a 69% increase in total surface transportation spending as compared to the last authorization period. A preliminary analysis of some of the main aspects of the bill is shown below.

(Source: The American Road and Transportation Builders Association.)

### Preliminary Analysis of the "Intermodal Surface Transportation Efficiency Act of 1991"

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>CURRENT LAW</th>
<th>NEW LAW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duration of Reauthorization</td>
<td>5 Years</td>
<td>6 Years</td>
</tr>
<tr>
<td>Overall Funding - Highways, Bridges and Highway Safety</td>
<td>$73.1 Billion – highways, bridges, and highway safety. Average: $14.6 Billion per year.</td>
<td>TOTAL: $118.5 Billion ($17.8 Billion – FY 92). Average: $18.9 Billion per year. PROGRAM INCREASE: 63%.</td>
</tr>
<tr>
<td>Overall Funding - Mass Transit</td>
<td>$16.5 Billion. Average: $3.3 Billion per year.</td>
<td>TOTAL: $31.5 Billion. Average: $5.25 Billion per year. PROGRAM INCREASE: 91%.</td>
</tr>
<tr>
<td>Highways vs. Mass Transit</td>
<td>Highways - 82% of total, Mass transit - 18% of total.</td>
<td>Highways - 79% of total, Mass Transit - 21% of total.</td>
</tr>
<tr>
<td>Proportional Share of Total Funds</td>
<td>Interstate &amp; I-4R - 90%; Interstate Substitute - 85%; Primary, Secondary, &amp; Urban - 75%; Bridges - 80%; Toll Pilot Projects - 35%; Planning &amp; Research - 85%.</td>
<td>Interstate Completion and Maintenance - 90%; Toll Roads - 50%; All Other Programs and I-3R - 80%.</td>
</tr>
<tr>
<td>Federal Matching Shares</td>
<td>In urbanized areas state selects projects from Transportation Improvement Plan (TIP) in consultation with Metropolitan Planning Organizations (MPO's).</td>
<td>Enhances MPO role in planning process and gives MPOs project selection authority in areas with 200,000+ population. In addition, urbanized areas control funds from the &quot;Surface Transportation Program&quot; and &quot;Congestion Mitigation/Air Quality Program&quot; through a suballocation of a state's authorized funds.</td>
</tr>
<tr>
<td>National Highway System</td>
<td>Interstate System - 44,849 miles; Primary System - 259,205 miles (excluding Interstate); Secondary System - 399,756 miles; Urban System - 147,904 miles</td>
<td>National Highway System of at least 155,000 miles approved. Secretary of Transportation in consultation with states and appropriate local officials to provide final suggested NHS map to Congress by 1994.</td>
</tr>
<tr>
<td>Relieving Urban/Suburban Traffic Congestion</td>
<td>No specific program to attack congestion. TOTAL Urban System - $3.7 Billion; Average: $740 Million per year.</td>
<td>(1) Creates &quot;Surface Transportation Program&quot; that splits a total $11.8 Billion among urban and rural areas proportionately by population. A total $7.1 Billion is made available to states with complete flexibility. (2) Creates &quot;Congestion Mitigation/Air Quality Program&quot; that provides a total $8 Billion to states for use primarily in urbanized areas to help states fund transportation improvements designed to meet Federal air quality standards. TOTAL: $30 Billion. Average: $5 Billion per year.</td>
</tr>
<tr>
<td>Support of Public/Private Ventures/Toll Facilities</td>
<td>Toll bridges and tunnels may be built with Federal funds (if no Federal funds used previously). Tolls may not be charged after debt retired. Pilot toll projects in 9 states at 35% Federal share.</td>
<td>(1) Allows states to contract with private firms to finance, design, construct, and/or operate new and/or existing toll roads, tunnels, ferries, and bridges on the Federal-aid Highway System. (2) Federal participation of up to 50% allowed for the cost of building and/or renovating highways, tunnels, ferries, and bridges through a public/private venture. (3) Allows private entrepreneurs to charge tolls on transportation facilities that provide them with a &quot;reasonable return on investment.&quot;</td>
</tr>
</tbody>
</table>
### INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

(THOUSANDS OF DOLLARS)

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>NATION</th>
<th>OREGON</th>
<th>%</th>
<th>NATION</th>
<th>OREGON</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>SURFACE TRANSPORTATION PRGRM</td>
<td>23,900,000</td>
<td>325,367</td>
<td>1.36%</td>
<td>23,422,000</td>
<td>318,860</td>
<td>1.36%</td>
</tr>
<tr>
<td>CONGESTION/AIR QUALITY</td>
<td>6,000,000</td>
<td>51,600</td>
<td>0.86%</td>
<td>5,880,000</td>
<td>50,568</td>
<td>0.86%</td>
</tr>
<tr>
<td>NATIONAL HIGHWAY SYSTEM</td>
<td>21,000,000</td>
<td>285,887</td>
<td>1.36%</td>
<td>20,580,000</td>
<td>280,170</td>
<td>1.36%</td>
</tr>
<tr>
<td>INTERSTATE MAINTENANCE</td>
<td>17,000,000</td>
<td>256,953</td>
<td>1.51%</td>
<td>16,660,000</td>
<td>251,814</td>
<td>1.51%</td>
</tr>
<tr>
<td>BRIDGE</td>
<td>16,100,000</td>
<td>93,322</td>
<td>0.58%</td>
<td>15,778,000</td>
<td>91,456</td>
<td>0.58%</td>
</tr>
<tr>
<td>INTERSTATE CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INTERSTATE SUBSTITUTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INTERSTATE CONST/SUBS</td>
<td>8,160,017</td>
<td>93,979</td>
<td>1.15%</td>
<td>7,996,817</td>
<td>92,099</td>
<td>1.15%</td>
</tr>
</tbody>
</table>

### URBAN PLANNING

| HOLD HARMLESS       | 1,700,000 | 56,729 | 3.34% | 1,666,000 | 55,594 | 3.34% |
| 90% MINIMUM ALLOCATION | 5,174,496 | 0      | 0.00% | 5,071,006 | 0      | 0.00% |

**SUBTOTAL**

| SUBTOTAL           | 99,054,513 | 1,163,936 | 1.18% | 97,053,823 | 1,140,560 | 1.18% |

| BENSTEN MINIMUM ALLOCATION | 3,000,603 | 0 | 0.00% | 2,940,591 | 0 | 0.00% |

**90% OF PAYMENTS**

| REIMBURSEMENTS       | 415,083 | 0 | 0.00% | 406,781 | 0 | 0.00% |
| PROJECTS             | 6,484,548 | 46,022 | 0.71% | 6,354,857 | 45,102 | 0.71% |

**TOTAL**

| TOTAL               | 112,934,747 | 1,266,659 | 1.12% | 110,676,052 | 1,241,326 | 1.12% |

| FEDERAL LANDS        | 1,850,100 | 139,732 | 7.55% | 1,813,098 | 136,937 | 7.55% |

**TOTAL**

| TOTAL               | 114,784,847 | 1,406,391 | 1.23% | 112,489,150 | 1,378,263 | 1.23% |

*NOTE: Figures do not crossfoot due to rounding*

### NEW PROGRAMS

**SURFACE TRANSPORTATION PROGRAM** - A new program category providing funds for a broad range of transportation uses.

The NHS will become the new focus of the federal-aid program following the completion of the Interstate highway system.

**CONGESTION/AIR QUALITY PROGRAM** - A new program category to help urban areas address the mandates of the Clean Air Act in achieving air quality standards, and to reduce urban congestion.

**NATIONAL HIGHWAY SYSTEM** - Provides funding for a new National Highway System, composed of the Interstate highways and other primary roads. Interstate Maintenance is considered a part of the program funding total.

**HOLD HARMLESS** - Guarantees that no state will receive less than they would have under either the House or Senate adopted bills.

**90% MINIMUM ALLOCATION** - Increases current minimum allocation from 85% to 90%.

**BENSTEN MINIMUM ALLOCATION** - Bonus program for states which have the lowest dollar return on projected trust fund contributions.

**90% OF PAYMENTS** - Provides funds for nine donor states.

**REIMBURSEMENTS** - Program compensating states for costs of roads incorporated into the Interstate System which were constructed without Federal financial assistance.

**PROJECTS** - House and Senate demonstration projects.
rubber, in highway projects, highway devices and appurtenances.

Some possible uses and techniques are listed, but this list is in no way intended to be exclusive. In addition to adding rubber to asphalt, the study should look at other additives such as glass and plastic. It should look at techniques for recycling asphalt removed from existing highways when the road is resurfaced. It should look at the use of recycled steel, paper and plastic in highway signs and other devices. It should look at the recycling of materials derived from industrial wastes such as coal ash, incinerator ash, cement kiln dust, construction debris and steel slag in roadbeds. I have to call them wastes because some of these materials, although by-products and residues from one process, are uniquely suited for highway construction projects.

Recycling values from materials otherwise destined for disposal is one only way to use recycle materials. Another important technique of these by-products and residues in highway projects is to recover energy values from materials that might otherwise be thrown away. For example, in addition to recovering rubber from tires to actually be placed in or under asphalt, tires may also be recycled by using them as an energy source in an asphalt or cement plant.

An October 1991 EPA report, entitled "Markets for Scrap Tires", identifies several materials for the utilization of waste tires as a fuel. It specifically mentions the suitability of using waste tires to supply heat in the production of cement. While the definition of recycling within the context of the RCRA regulatory scheme remains ambiguous and subject to continuing discussion and controversy, the term as used in the study should not be read narrowly. Rather, in keeping with the broad scope of the second part of the study, the term should be read broadly to include energy recovery without prejudging its meaning in other statutes.

Another example is fuel substitutes derived from spent solvents and waste oils that may or may not be hazardous. The study should examine the technical performance of material's that are using various recycling techniques and look at potential environmental impacts such as determining whether cement made with hazardous waste-derived or tire-derived fuel substitutes poses any greater risk than cement made with coal or other traditional fuels. The potential is great, and it is only limited by our technical imagination, as long as we assure that the materials are handled in an environmentally acceptable manner.

In conclusion, the second part of the study should be a broad examination of known and potential techniques of utilizing recycled materials in all aspects of highway construction projects.

I strongly support the approval of the conference report.

Mr. Speaker. I yield such time as he may consume to the gentleman from New York [Mr. Gilman].

(Mr. Gilman asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker. I, too, want to congratulate the conferences for doing an outstanding job and for providing a package that will help improve our Nation's economy.

Mr. Speaker, I rise today in support of the conference report on H.R. 2950 the Intermodal Transportation Infrastructure Act and I commend to the House of Representatives the gentleman from New Jersey [Mr. Roe] and the ranking minority member, the gentleman from Arkansas [Mr. Hammerschmidt], and the gentleman from California [Mr. Mineta] and the gentleman from Pennsylvania [Mr. Steuer] for their tireless work on this measure.

Mr. Speaker, with our transportation system falling apart, this Congress is obligated to do something about it. Our cities are bursting and their infrastructure is not keeping pace of growing needs. Our suburbs are booming and mass transit system hasn't adjusted to reach far enough or carry enough passengers to accommodate our commuters.

Our country's Interstate Highway System is decaying at the same time that our industries are trucking greater loads. Our bridges are collapsing, literally collapsing around us.

In conclusion, the second part of the study was to examine the technical performance of materials that are using various recycling techniques and look at potential environmental impacts such as determining whether cement made with hazardous waste-derived or tire-derived fuel substitutes poses any greater risk than cement made with coal or other traditional fuels. The potential is great, and it is only limited by our technical imagination, as long as we assure that the materials are handled in an environmentally acceptable manner.

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and economical, with benefit/cost estimates given special emphasis concerning safety consequences and techniques for cost allocation.

The National Intermodal Transportation System, where appropriate, will be financed, as necessary, by apportionments and disbursements, by the Highway Trust Fund. Financial assistance will be provided to State and local governments and their instrumentalities to help implement national goals relating to mobility for elderly persons, persons with disabilities and economically disadvantaged persons.

The National Intermodal Transportation System must be the centerpiece of a national investment commitment to create the new wealth of the Nation for the 21st century. The Secretary should take the steps outlined in this Declaration of Policy to each employee of the Department of Transportation and shall ensure that such Declaration of Policy is posted in all offices of the Department of Transportation. 

SEC. 1. SECRETARY DEFINED. As used in this Act, the term "Secretary" means the Secretary of Transportation. 

TITLE I—SURFACE TRANSPORTATION

Part A—Title 21 Programs

SEC. 101. COMPLETION OF INTERSTATE SYSTEM. (a) Declaration.—Congress declares that the Secretary shall apportion and allocate (in) such sums as may be necessary and appropriate for construction of the Dwight D. Eisenhower National System of Interstate and Defense Highways made by this section (including the amendments made by this section) are the final authorizations of appropriations and apportionments for completion of construction of such System. 

(b) APPROVAL OF INTERSTATE COST ESTIMATE FOR FISCAL YEAR 1993.—The Secretary shall apportion for all States (other than Massachusetts) the sums hereinafter appropriated for fiscal year 1993 the Secretary shall authorize to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956 for expenditure on the Dwight D. Eisenhower National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the Report Numbered 92-24 of the Committee on Public Works and Transportation of the House of Representatives.

(c) EXTENSION OF APPORTIONMENT.—Section 108(b)(3) of title 23, United States Code, is amended by striking "1990 through 1995" each place it appears and inserting "1990 through 1996." 

(d) EXTENSION OF ADMINISTRATIVE ADJUSTMENT OF IFC.—Section 104(b)(5)(A) of such title is amended by striking the next to the last sentence the following new sentence: "As soon as practicable after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 for fiscal year 1992, and on October 1 of each of fiscal years 1993, 1994, and 1995, the Secretary shall make the apportionment required by this subparagraph for all States (other than Massachusetts) using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate funds, and (iv) the total amount of interstate construction funds transferred to such States by section 311 of the Federal-Aid Highway Act of 1981." 

(e) Allocation of Funds to Massachusetts.—(1) Sections 104(b)(5)(A) of title 23, United States Code, is amended by adding after the last sentence the following new sentence: "Notwithstanding any other provision of law (other than subsection (f) of such section), the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—(1) $18,500,000,000 for fiscal year 1992; (2) $18,303,000,000 for fiscal year 1993; (3) $18,362,000,000 for fiscal year 1994; (4) $18,332,000,000 for fiscal year 1995; (5) $18,357,000,000 for fiscal year 1996; and (6) $18,339,000,000 for fiscal year 1997.

(f) EXCEPTIONS.—The limitations under subsection (f) shall not apply to obliga-tions—(1) under section 125 of title 23, United States Code; (2) under section 157 of such title; (3) under section 147 of the Surface Transportation Act of 1982; (4) under sections 131(b) and 131(j) of the Federal-Aid Highway Act of 1981; (5) under section 404 of the Surface Transportation Act of 1982; (6) under sections 1103 through 1108 of this Act, such limitations shall not also apply to obligations of funds made available by subsection (a) of section 109(a) of such Act, to the extent necessary to implement the provisions of such Act; (7) under section 109(a) of the Federal-Aid Highway Act of 1981; and (8) under sections 109(b) and 1108 of the Surface Transportation Act of 1982.

(g) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—In general, subject to subparagraph (C), the Secretary shall distribute to each State an aggregate amount of funds apportioned or allocated to such State which is in excess of the amount necessary to complete the projects for which such funds were apportioned or allocated.

(h) TERMINATION OF MINIMUM APPORTIONMENT.—Section 108(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (49 U.S.C. 108 note) is amended by striking before the last sentence the following new sentence: "The Secretary shall distribute copies of the Committee Print Numbered 102-24 of the Committee on Public Works and Transportation of the House of Representatives.

(i) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—In general, subject to subparagraph (C), the Secretary shall distribute to each State an aggregate amount of funds apportioned or allocated to such State which is in excess of the amount necessary to complete the projects for which such funds were apportioned or allocated.

(j) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—(1) In general.—Subject to paragraph (2), State which on, or before September 30 of fiscal years 1993, 1994, 1995, 1996, and 1997 obligates the amount distributed to such State in such fiscal year under subparagraph (c) of title 23, United States Code, and (2) for highway assistance projects under section 103(e)(4) of such title, which are not obligated on the date such funds are appropriated, shall be obligated as if such funds were apportioned or allocated to such State.

(k) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of subsection (b) of section 108 of the Federal-Aid Highway Act of 1956 is amended by striking "and the additional sum of $1,400,000,000 for the fiscal year beginning September 30, 1993," and inserting "and the additional sum of $1,800,000,000 for the fiscal year beginning September 30, 1993, the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1993, and the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1995, and the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1995." 

(l) DECLARATION OF POLICY.—The second paragraph of section 101(b) of such title is amended—(1) by striking "twenty-five years" and inserting "forty years"; and (2) by striking "1987" and inserting "1989."
fiscal year 1992, $8,300,000,000 for each of fiscal years 1993, 1994, and 1995, and $84,000,000,000 for each of fiscal years 1996 and 1997.

(7) FHWA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of the Federal Highway Administration $17,000,000 for fiscal year 1992 and $20,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(8) OUT-OF-STATE CONTRACTING.—For purposes of this subsection, the term "small business concern" means any concern that is owned and operated by socially and economically disadvantaged individuals, as defined in Executive Order 12571, as modified by Executive Order 12652, and that is not more than 50 percent owned by any other person or concern. The term "socially and economically disadvantaged individual" means any individual who is a minority business concern, as defined in section 6(j) of the Small Business Act (15 U.S.C. 632), except that the term shall include any business concern owned and operated by one or more socially and economically disadvantaged individuals.

(9) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637d) and relevant subcontracting regulations promulgated pursuant thereto, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(10) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of small business concerns referred to in subparagraph (B) of section 153(a)(5) of the Small Business Act (15 U.S.C. 636) and notify the Secretary, in writing, of the percentage of such concerns which are owned and operated by socially and economically disadvantaged individuals. The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include but not be limited to: (i) results of on-site visits, personal interviews, financial, analysis of stock ownership, listing of equipment, financial capacity, and types of work preferred.

(11) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to the Congress a report on the uniformity and how certification criteria and procedures are being implemented by the States.

(12) CERTIFICATION.—An analysis of the certification process for Federal-aid highway and transit programs, including a determination of how the goals should be uniform and permit State-to-State reciprocity and how certification criteria and procedures are being implemented by the States.

(13) EFFECT ON INDUSTRY.—A determination of whether the current enforcement mechanisms are sufficient to ensure compliance with the disadvantaged business enterprise participation requirements.

(14) EFFECT ON INDUSTRY.—Recommendations concerning whether or not adjustments described in clause (ii) would continue to encourage minority participation in the program and improve the success rate of the disadvantaged business enterprises.

(15) PERFORMANCE AND FINANCIAL CAPABILITIES.—Recommendations concerning additions and revisions to criteria used to determine the performance and financial capabilities of disadvantaged business enterprises enrolled in the program.

(16) ENFORCEMENT MECHANISMS.—A determination of whether the current enforcement mechanisms are sufficient to ensure compliance with the disadvantaged business enterprise participation requirements.

(17) ADDITIONAL COSTS.—A determination of additional costs incurred by the Federal Highway Administration in meeting the requirements of the program.

(18) EFFECT OF PROGRAM.—A determination of whether or not the graduation date of any of the disadvantaged business enterprises described in subsection (b) should have been accelerated.

(19) PROGRAM PERFORMANCE.—Since the program has no graduation time requirements, how many years would appear reasonable for disadvantaged business enterprises to participate in the program.

(20) LENGTH OF TIME.—The length of time the average small disadvantaged business enterprise takes to be successful in the highway construction field as compared to the average disadvantaged business enterprise.

(21) OUT-OF-STATE CONTRACTING.—A determination of which State transportation programs meet the requirements of the program for 10 percent participation by disadvantaged business enterprises by contracting with contractors located in another State.

(22) SUCCESS RATE.—Recommendations concerning whether or not adjustments described in clause (ii) would continue to encourage minority participation in the program and improve the success rate of the disadvantaged business enterprises.

(23) PERFORMANCE AND FINANCIAL CAPABILITIES.—Recommendations concerning additions and revisions to criteria used to determine the performance and financial capabilities of disadvantaged business enterprises enrolled in the program.

(24) EFFECT ON INDUSTRY.—A determination of whether the current program is being implemented by the construction industry and the effects of the program on all segments of the industry.

(25) CERTIFICATION.—An analysis of the certification process for Federal-aid highway and transit programs, including a determination of how the goals should be uniform and permit State-to-State reciprocity and how certification criteria and procedures are being implemented by the States.

(26) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Congress on the Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this paragraph.
for fiscal year 1992, or equals
for programs pursuant to this Act for fiscal
year 1992, or equals $842,000,000, for fiscal
years 1992 through 1996, and the total amount
so authorized shall be reduced proportion-
ately so that the total equals $17,042,000,000
for fiscal year 1992, or equals $842,000,000
for fiscal years 1992 through 1996, as the case
may be.
SEC. 1006. BUDGET COMPLIANCE.
(a) IN GENERAL.—If obligations provided
for programs pursuant to this Act for fiscal
year 1992, or equals
for programs pursuant to this Act for fiscal
year 1992, or equals $842,000,000, for fiscal
years 1992 through 1996, and the total amount
so authorized shall be reduced proportion-
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for fiscal years 1992 through 1996, as the case
may be.
In this subsection, the

... such reclassification. of this section, including the amendments

... After September 30, 1993, no funds made

... roads and streets made by the States pursuant to this subsection and

... contributing the requirements of Federal law and regulations

... Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and;

... and inserting: the following new subsection:

... and the Commonwealth of Northern Mariana. States may obligated for any of the following:

... and the Commonwealth of Northern Mariana. States may obligated for any of the following:

... The Secretary: may make

... capital projects for transit eligible for as-

... contribute such transfer and the Secretary ap-

... the Secretary determines, after consultation with the Secretary of Defense, that a highway, or

... United States is important to the national defense, the Secretary may carry out a project for the reconstruction of such high-

... Section 133(d)'s shall not apply to funds trans-

... the term “State” has meaning such term has

... and the Secretary may carry out a

... and the Secretary may carry out a

... of the Secretary under subsection (b)(3). A State may transfer not to exceed

... and the Secretary may carry out a

... the Secretary determines, after consultation with the Secretary of Defense, that a highway, or

... and the Secretary may carry out a

... and the Secretary may carry out a

... availability of funds appropriated to con-

... regional roads or rural minor collectors.; and

... activities.
tion banks; contributions to statewide and regional efforts to conserve, restore, enhance, and create wetlands, and development of a statewide wetlands conservation and mitigation plans, including any such banks, efforts, and plans authorized pursuant to the Water Resources Development Act of 1986, are hereby authorized. Contributions to such mitigation efforts may take place concurrent with or in advance of project construction. Contributions to such efforts may take place in advance of project construction only if such efforts are consistent with all applicable requirements of Federal law and regulations and the State transportation planning processes.

(ii) in urbanized areas of the State with populations. The amount of funds which a State is required to obligate under subparagraph (A)(i) shall be obligated under subparagraph (A)(i) based on the relative population of such areas; except that the State may allocate such funds based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to do so and the Secretary grants the request.

(4) Allocation requirements. Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135 of this title.

(e) Administration. 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 the State fails to take corrective action within 60 days from the date of receipt of the notification, the Secretary will withhold future apportionments under section 104(b)(1) until the Secretary is satisfied that appropriate corrective action has been taken.

(2) Certification. The Governor of each State shall certify before the beginning of each fiscal year that the State will meet all the requirements of this section and shall notify the Secretary of the amount of obligations expected to be incurred for the preceding quarter. Acceptance by the Secretary of the notification shall be deemed a contractual obligation of the Secretary for the payment of the surface transportation program projects expected to be obligated by the State in such quarter for projects not subject to review by the Secretary under this chapter.

(3) Certification. The Secretary shall make payments to a State of costs incurred by the State for the transportation program in accordance with procedures to be established by the Secretary. Payments shall not exceed the Federal share of costs incurred as of the date the State requests payment.

(4) Population determinations. The Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures for purposes of this section.

(5) Allocation of obligation authority. A State which is required to obligate in an urbanized area with an urbanized population of over 200,000 under section 104(b)(1) of this title may also be required to obligate under this section.

(i) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(ii) in urbanized areas of the State which is noncontiguous with the continental United States.

(ii) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(iii) in urbanized areas of the State which is noncontiguous with the continental United States.

(iii) in urbanized areas of the State which is noncontiguous with the continental United States.

(iv) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(v) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(vi) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(vii) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(viii) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(ix) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(x) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(xi) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(xii) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(xiii) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(xiv) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(xv) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.

(xvi) in other areas of the State, in proportion to the relative share of the State's population. The remaining 37.5 percent of the remaining 50 percent of the funds apportioned to a State under section 104(b)(1) for a fiscal year shall be obligated under paragraph (5) only for transportation enhancement activities.
preservation, rehabilitation and operation of historic transportation buildings, structures or facilities including historic railroad facades or properties of abandoned railroad facilities, corridors including the conversion and use thereof for pedestrian or bicycle trails, control and removal of outdoor advertising, archaeological planning and research, and mitigation of water pollution due to highway runoff.

SEC. 1008. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) Establishment of Program.—Section 119 of title 23, United States Code, is amended to read as follows:

"(a) Establishment.—The Secretary shall establish a congestion mitigation and air quality improvement program in accordance with this section.

(b) Eligible Projects.—Except as provided in subsection (c), a State may obligate funds apportioned to it under section 104(b)(2) for the congestion mitigation and air quality improvement program only for a transportation project or program—

"(1)(A) if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines, on the basis of information published by the Environmental Protection Agency pursuant to section 306 of the Clean Air Act (other than clauses (xi) and (xii) of such section), that the project or program is likely to contribute to the attainment of a national ambient air quality standard;

"(B) in any case in which such information is not available, if the Secretary, after such consultation, determines that the project or program is likely to contribute to the attainment of a national ambient air quality standard; or

"(2) if the project or program is included in a State implementation plan that has been approved pursuant to the Clean Air Act and the project will have air quality benefits.

"(c) Eligible Activities.—Activities authorized in subsection (a) may include the reconstruction of bridges, interchanges and other transportation facilities; environmental mitigation and education programs; the operation and maintenance of public transportation systems and facilities; and activities authorized by the Secretary of Commerce when determining population figures."

SEC. 1009. INTERSTATE MAINTENANCE PROGRAM.

(a) Limitation on New Capacity.—Section 119 of title 23, United States Code, is amended by striking "primary system" and inserting "surface transportation program"; and

(b) Eligible Activities.—Activities authorized under such section may include the reconstruction of bridges, interchanges and other transportation facilities; and environmental mitigation and education programs; the operation and maintenance of public transportation systems and facilities; and activities authorized by the Secretary of Commerce when determining population figures.

SEC. 1010. OPERATION LIFESAVER AND HIGH SPEED RAIL CORRIDORS.

(a) Operation Lifesaver.—The Secretary shall establish a program to help prevent and reduce motor vehicle accidents, injuries and fatalities and to improve driver performance at railway-highway crossings.

(b) Operation Lifesaver and High Speed Rail Corridors.—

"(1) Operation Lifesaver.—The Secretary shall establish a program to help prevent and reduce motor vehicle accidents, injuries and fatalities and to improve driver performance at railway-highway crossings.

"(2) High Speed Rail Corridors.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside portion of the funds authorized to be appropriated for the surface transportation program for such fiscal year for elimination of hazards of railway-highway crossings in not to exceed 3 railway corridors selected by the Secretary in accordance with such criteria as the Secretary may establish by regulation. Such criteria shall include rail lines where motor vehicle speeds of 90 miles per hour are occurring or are expected to occur in the future and where substantial rail passenger service is provided.

SEC. 1011. SUBSTITUTE PROGRAM.

(a) Highway Projects.—
Section 103(e)(4)(H) of such title is amended—

(a) by adding at the end of clause (i) the following new sentence: "For each of fiscal years 1992, 1993, 1994, and 1995, all funds made available by subparagraph (G) shall be apportioned in accordance with cost estimates adjusted by the Secretary;"


(2) TRANSIT PROJECTS—Section 103(e)(4)(J) of such title is amended—

(a) by adding after the period at the end of clause (i) the following new clause: "In the case of funds authorized to be appropriated for substitute transit projects under this paragraph, such sums may be obligated for transit projects at any time after the date on which the Secretary determines that the construction or service has commenced."


(3) LIMITATIONS ON USE OF REVENUES.—Before the Secretary may permit Federal participation in the construction of a highway, bridge, or tunnel located in a State, the public authority (including the State transportation department) having jurisdiction over the highway, bridge, or tunnel must enter into an agreement with the Secretary which provides that all toll revenues received from operation of the toll facility will be used first for debt service, for reasonable return on investment of any private person financing the project, for the operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation. If the State certifies that the toll facility has been adequately maintained, the State may use any toll revenues in excess of amounts required under the preceding sentence for any purpose for which such funds may be obligated by a State under this title.

(4) SPECIAL RULE FOR FUNDING.—In the case of a toll highway, bridge, or tunnel, the Federal share of the costs of construction of the project carried out on the toll facility under this subsection in the same manner and to the same extent as such department would be reimbursed if such project was being carried out by such department. The reimbursement of funds under this paragraph shall be from sums apportioned under section 103(e). The Secretary may, in such amounts as the States request and for obligations on projects on the Federal-aid system in such State on which the project is being carried out, modify the terms and conditions of such payment to allow the States to use funds made available by paragraph (3) without repayment of Federal funds. The reimbursement of funds made available by paragraph (3) without repayment of Federal funds shall be subordinated to other debt financings for the facility except for loans made by the Secretary or any other public agency to the agency constructing the facility. Funds made available by paragraph (3) without repayment of Federal funds may be obligated for projects eligible under this section. The repayment of any such loan shall commence not more than 5 years after the facility has opened to traffic. Any such loan shall bear interest at the average rate the State's pooled investment fund earned in the 2 weeks preceding the start of repayment. The term of any such loan shall not exceed 30 years from the time the loan was obligated. Amounts repaid to a State from any loan made under this section may be obligated for any purpose for which funds were available. The Secretary shall establish procedures and guidelines for making such loans.

(5) INITIAL CONSTRUCTION DEFINED.—For purposes of this subsection, the term "initial construction" means the construction of a highway, bridge, or tunnel at any time before it is open to traffic and does not include any improvement to a highway, bridge, or tunnel after it is open to traffic.

(6) CONGESTION PRICING PILOT PROGRAM.—(a) In the case of State and local governments and public authorities for one or more congestion pricing pilot projects. The Secretary shall establish procedures and guidelines with respect to such projects and may not fund any project for more than 3 years.

(b) The Federal share payable for such programs shall be 80 percent. The Secretary shall fund such projects in such amounts as are necessary for start up.

(c) The Federal share shall be paid for the operation and maintenance of the facility. Notwithstanding subsection (c), the Federal share payable for such programs shall be 80 percent. The Secretary shall fund such projects in such amounts as are necessary for start up.

(d) Revenues generated by such projects shall be used for the operation and maintenance of the facility.

(7) LOANS.—A State may loan all or part of the Federal share of a toll project under this section to a public or private agency or authority. Such loan may be made only after all Federal environmental requirements have been complied with and permits obtained. The amount loaned shall be subordinated to other debt financings for the facility except for loans made by the State or any other public agency to the agency constructing the facility. Funds made available by paragraph (3) without repayment of Federal funds may be obligated for projects eligible under this section. The repayment of any such loan shall commence not more than 5 years after the facility has opened to traffic. Any such loan shall bear interest at the average rate the State's pooled investment fund earned in the 2 weeks preceding the start of repayment. The term of any such loan shall not exceed 30 years from the time the loan was obligated. Amounts repaid to a State from any loan made under this section may be obligated for any purpose for which funds were available. The Secretary shall establish procedures and guidelines for making such loans.

(8) MODIFICATIONS.—If a public authority (including the State transportation department) having jurisdiction over a toll highway, bridge, or tunnel subject to an agreement under section 119 or 129, the Federal share payable for such new bridge, tunnel, or approach thereto for reconstruction or replacement of a bridge, tunnel, or approach thereto shall be reduced to such percentage as the Secretary determines but not to exceed 80 percent. In the case of a toll facility subject to an agreement under section 119 or 129, the Federal share payable for the construction of such a bridge, tunnel, or approach thereto shall be reduced to such percentage as the Secretary determines but not to exceed 80 percent.

(9) CONSTRUCTION, RESURFACING, RESTORATION, AND REHABILITATING OF A Toll Facility.—If a State elects to use funds made available by paragraph (3) without repayment of Federal funds to construct, resurface, rehabilitate, or otherwise improve a toll facility, the Secretary shall modify such agreement to allow the use of such funds for projects eligible under this section. Not more than $15,000,000 shall be paid to any State in any fiscal year to carry out the requirements of this section. Not more than $15,000,000

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shall be made available to carry out each pilot project under this section.

(c) ELIMINATION OF PUBLIC OPERATION REQUIREMENT FOR TOLL FERRIES.—Section 129 of such title is amended—

(1) by striking subsections (b), (c), (d), (e), (f), (g), (i), (j), and (k);

(2) by redesignating subsections (f), (g), (h), and (i) as subsections (f), (g), (h), and (i), respectively;

(3) in subsection (c) as so redesignated by inserting "ferry terminal facilities" after "facilities;

(4) in subsection (c) as so redesignated by striking paragraph (3) and inserting the following:

"(3) Such ferry boat or ferry terminal facility shall be publicly owned;" and

(5) in subsection (c)(4) as so redesignated—

(A) by inserting "or other public entity" after "State;" and

(B) by inserting before the period at the end of the following: "except that the reimbursement percentages applicable to a State for fiscal years 1996 and 1997 shall be determined by multiplying the amount available for reimbursement by the reimbursement percentage set forth in the table contained in subsection (d)."

(d) DETERMINATION OF REIMBURSEMENT AMOUNT.—The amount to be reimbursed to a State under this section shall be determined by multiplying the amount available for reimbursement by the reimbursement percentage set forth in the table contained in subsection (d). For purposes of carrying out this section, the reimbursement percentage, the original cost for constructing the Interstate System, and the total reimbursable amount for each State is set forth in the following table:

<table>
<thead>
<tr>
<th>States</th>
<th>Original cost in millions</th>
<th>Reimbursement percentage</th>
<th>Reimbursable amount in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
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<td>0.50</td>
<td>$147</td>
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<tr>
<td>Alaska</td>
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<td>Vermont</td>
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<tr>
<td>Virginia</td>
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<td>Washington</td>
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<td>Wisconsin</td>
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<td>Wyoming</td>
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</tr>
<tr>
<td>D.C.</td>
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</tr>
<tr>
<td>Totals</td>
<td>4,967</td>
<td>100.00</td>
<td>25,314</td>
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</table>
"(d) TRANSFER OF REIMBURSABLE AMOUNTS TO STP APPORTIONMENT.—Subject to subsection (e) of this section, the Secretary shall transfer amounts allocated to a State pursuant to this section to the apportionment of such State under section 104(b)(3) for the surface transportation program.

(2) LIMITATION ON APPLICABILITY OF CERTAIN REQUIREMENTS OF STP PROGRAM.—The following provisions of section 133 of this title shall not apply to 4% of the amounts transferred under subsection (a) to the apportionment of the State for the surface transportation program:

(1) Subsection (d)(1).

(2) Subsection (d)(2).

(3) Subsection (d)(3).

(4) TRANSFER OF ALLOCATED AMOUNTS TO STP APPORTIONMENT.—Subject to subsection (d) of this section, the Secretary shall transfer amounts allocable under subsection (a) to the apportionment of such State under section 104(b)(3) of title 23, United States Code, for the surface transportation program.

(b) 90 PERCENT OF PAYMENT ADJUSTMENTS.—For each of fiscal years 1992 through 1997, the percentage of amounts apportioned and allocated to a State as a result of the Federal-aid highway program shall be increased or decreased by an amount which, when added to or subtracted from the appropriate amount of funds apportioned to the State as a result of the fiscal year and funds allocated to the State for the prior fiscal year under section 104(b) of such title, section 103(c)(4) for the Interstate highway program, section 144 of such title, section 157 of such title, section 202 of such title for the Federal lands highway program, section 159 of such title for the reimbursement program, and section 113(c) of this Act for the donor bonus program, will result in the percentage of amounts so apportioned and allocated to such State being equal to the percentage listed for such State in paragraph (2).

(2) STATE PERCENTAGES.—For purposes of paragraph (1), the percentage of amounts apportioned and allocated which are referred to in paragraphs (1) for each State, the District of Columbia, and Puerto Rico shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>1.74</td>
</tr>
<tr>
<td>Alaska</td>
<td>1.28</td>
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<td>Arizona</td>
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<td>California</td>
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<td>Iowa</td>
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(c) ADDITIONAL ALLOCATIONS.—Subject to subsection (d) of this section, the Secretary shall transfer to the State of Wisconsin $44,000,000 and to the State of Texas $47,800,000 for each of fiscal years 1992 through 1997.

(a) HOV PASSENGER REQUIREMENTS.—If the occupancy requirements of vehicles operating in high occupancy vehicle lanes; and except that no fewer than 2 occupants per vehicle may be required and, subject to section 163 of the Surface Transportation Assistance Act of 1982, motorcycles and bicycles shall not be considered single occupancy vehicles.

(b) ENGINEERING COST REIMBURSEMENT.—If, on-site construction of, or acquisition of right-of-way for, a highway project is not commenced within 10 years after the date on which Federal funds are first made available for the project, the donor State bonus funds are not available for engineer-
"(3) Safety Considerations.—Safety considerations for projects subject to this subsection may be met by phase construction (or) designing alternative safety management system established in accordance with section 303."

"(d) Standards.—Section 109(c) of such title is amended by striking "and inserting "in a State under this title when the rights-of-way acquired are incorporated into a project eligible for surface transportation program funds, and "(b) costs incurred by the State for the acquisition of land necessary to preserve environmental and scenic values."

"(e) Historic and Scenic Values.—Section 109 of such title is amended by adding at the end the following new subsection:

"(f) Compliances.—With State Laws for Non-NHS Projects.—Section 109 of such title is amended by adding at the end the following new subsection:

"(g) Historic and Scenic Values.—Section 109 of such title is amended by adding at the end the following new subsection:

"(h) Compliances.—With State Laws for Non-NHS Projects.—Section 109 of such title is amended by adding at the end the following new subsection:

"(i) Historic and Scenic Values.—Section 109 of such title is amended by adding at the end the following new subsection:

"(j) Compliances.—With State Laws for Non-NHS Projects.—Section 109 of such title is amended by adding at the end the following new subsection:

"(k) historic and scenic values.—If a proposed project under sections 103(c)(4), 133, or 144 involves a historic facility or is located in an area of historic or scenic value, the Secretary may approve such project notwithstanding the requirements of subsections (a) and (b) of this section, but subject to such conditions and standards that allow for the preservation of such historic or scenic value and such project is designed with mitigation measures to allow preservation of such value and ensure safe use of the facility.

"(l) Conforming Amendments.—(1) Standards.—Section 109 of such title is amended by adding at the end the following new subsection:

"(m) Safety Considerations.—Safety considerations for projects subject to this subsection may be met by phase construction (or) designing alternative safety management system established in accordance with section 303."

"(n) Standards.—Section 109 of such title is amended by adding at the end the following new subsection:

"(o) Historic and Scenic Values.—Section 109 of such title is amended by adding at the end the following new subsection:

"(p) Compliances.—With State Laws for Non-NHS Projects.—Section 109 of such title is amended by adding at the end the following new subsection:

"(q) Historic and Scenic Values.—Section 109 of such title is amended by adding at the end the following new subsection:

"(r) Conforming Amendments.—(1) Standards.—Section 109 of such title is amended by adding at the end the following new subsection:

"(s) Historic and Scenic Values.—Section 109 of such title is amended by adding at the end the following new subsection:

"(t) Compliances.—With State Laws for Non-NHS Projects.—Section 109 of such title is amended by adding at the end the following new subsection:

"(u) Historic and Scenic Values.—Section 109 of such title is amended by adding at the end the following new subsection:

"(v) Conforming Amendments.—(1) Standards.—Section 109 of such title is amended by adding at the end the following new subsection:

"(w) Historic and Scenic Values.—Section 109 of such title is amended by adding at the end the following new subsection:

"(x) Compliances.—With State Laws for Non-NHS Projects.—Section 109 of such title is amended by adding at the end the following new subsection:

"(y) Historic and Scenic Values.—Section 109 of such title is amended by adding at the end the following new subsection:

"(z) Conforming Amendments.—(1) Standards.—Section 109 of such title is amended by adding at the end the following new subsection:
fiscal years 1993, 1994, 1995, and 1996, and for fiscal year 1992, $64,000,000 for each facing, restoring, rehabilitating, and reconstructing by the Secretary for projects for resurfaces,御修，repairing, and reconstructing the Interstate System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 119(e) of this title, as in effect on the date of the enactment of the Surface Transportation Efficiency Act of 1991). Of the amounts set aside under the preceding sentence, the Secretary shall obligate $16,000,000 for fiscal years 1993 and 1994 for improvements on the Kennedy Expressway in Chicago, Illinois. The remainder of such funds shall be made available by the Secretary to any State applying for such funds, if the Secretary determines that—

(i) the State has obligated or demonstrated financial capability to obligate in the fiscal year all of its apportionments under section 104(b)(1) other than an amount which, by itself, is insufficient to pay the Federal share of the cost of the projects for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by the State to the Secretary for approval;

(ii) the applicant is willing and able to (I) obligate the funds within 1 year of the date the funds are made available, (II) apply them to projects to commence construction within 90 days, and (III) in the case of construction work, begin work within 90 days of obligation.

(b) PRIORITY CONSIDERATION FOR CERTAIN SAFETY PROJECTS.—The Federal share payable on account of any project for traffic calming, pavement markings, benchmarking, or any project for guardrails, impact attenuators, concrete barrier entreatments, breakaway utility poles, or priority control systems for emergency vehicles at signalized intersections may amount to 100 percent of the cost of construction of such projects; except that such Federal share may not exceed 50 percent of all sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.

(c) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The Federal share payable on account of any project for guardrails, impact attenuators, concrete barrier entreatments, breakaway utility poles, or priority control systems for emergency vehicles at signalized intersections may amount to 100 percent of the cost of construction of such projects; except that such Federal share may not exceed 50 percent of all sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.

(b) CONFORMING AMENDMENTS.—Section 118(d) of such title is amended by striking "(b)(1)", and inserting "(b)(1)"

(d) As Revised to Puerto Rico.—Section 118(b) of such title is amended by striking "on a Federal-aid system".

SEC. 1031. FEDERAL SHARE.

(a) Section 120 of title 23, United States Code, is amended by striking subsections (a), (b), (c), and (d) and inserting the following new subsections:

(a) Interstate System Projects.—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including a project to add auxiliary lanes and a project to add auxiliary lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost thereof, except that projects to construct a new Interstate highway lane or lane of a project containing more than one lane of the Interstate highway shall be 10 percent of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), plus 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.

(b) Other Projects.—Except as otherwise provided in this title, the Federal share payable on account of any project carried out under this title (other than a project subject to subsection (a)) shall be:

(1) 80 percent of the cost thereof, 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 therein, equal to the percentage that the area of all such lands in such State is of its total area;

(2) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), plus 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;

except that the Federal share payable on any project in a State shall not exceed 20 percent of the cost thereof; and

(III) in the case of construction work, begin work within 90 days of obligation.

(c) APPLICABILITY.—The amendments made by this subsection shall apply to any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be amended by inserting "$5,000,000" and inserting "$20,000,000".

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 1251(b)(2) of such title is amended by striking "$5,000,000" and inserting "$20,000,000".

(e) PROHIBITION.—(A) GENERAL CONTINUATION RULE.—A longer combination vehicle may continue to operate only if the longer combination vehicle is authorized by the Secretary pursuant to State statute or regulation conforming to this section and in actual lawful operation on a regular or special highway.

(b) IMPATIBILITY OF STATE LAWS AND REGULATIONS.—All such operations shall continue to be subject to, at the minimum, all State laws, regulations, and orders in force on November 26, 1991, including seasonal operational restrictions in effect on June 1, 1991, for specific safety purposes and road construction.

(c) WYOMING.—In addition to those vehicles allowed under subparagraph (A), the State of Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by section 120(k) of such title, as in effect on November 26, 1991, if such vehicle configurations comply with the single axle, tandem axle, and bridge formula limits set forth in subsection (a)(1) of section 127 of such title, and does not exceed 117,600 pounds gross vehicle weight.

(d) OHIO.—In addition to vehicles of the State of Ohio may continue to allow to be operated under subparagraph (A), such State may allow the operation of vehicles including additional vehicle configurations on the Ohio State Route 7 which begins at exit 16 of the Ohio Turnpike, and is south of exit 16 of the Ohio Turnpike.
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longer combination vehicles which were not in actual operation prior to July 5, 1991.

(2) ADDITIONAL STATE LIMITATIONS.— (A) Any State Shall Not authorize, by permit or otherwise, the operation of longer combination vehicles, in actual operation prior to June 1, 1991, but not in actual operation on a regular or periodic basis on or before June 1, 1991.

(2) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area of more than 50,000 population by the appropriate general purpose units of local government which together represent at least 75 percent of the affected population (including the central city population) within the urbanized area under consideration. This shall be in accordance with procedures established by applicable State or local law.

(2) MEMBERSHIP OF CERTAIN NPO'S.—In a metropolitan area designated for transportation management area, the metropolitan planning organization designated for such area shall include local elected officials, officials of agencies which administer or operate public transportation systems or other transportation development programs, and representatives of major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization designated under paragraph (1), together with recommendations.

(3) DISCIPLINARY ACTION.—If the Secretary determines that there is a mistake in the accuracy of the list the Secretary shall correct the listing of the vehicle pursuant to paragraph (4) to reflect the determination of the Secretary.

(3) REVIEW AND CORRECTION PROCEDURE.—The Secretary, on his own motion or upon a request by any person (including a State transportation authority and other responsible agencies) which were in actual operation prior to July 5, 1991. The Secretary shall, within 30 days of the Secretary's determination that a mistake has been made in the accuracy of the list, issue a correction which is to include a statement of the Secretary's findings and the reasons therefor.

(4) TEMPORARY EXEMPTION.—Any State, except that such restrictions or prohibitions shall be consistent with the requirements of sections 411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311, 2312, and 2316).

(4) DELAY OF ENACTMENT.—On or before June 1, 1991, but not in actual operation on a regular or periodic basis on or before June 1, 1991.

(5) TEMPORARY EXEMPTION.—Any State, except that such restrictions or prohibitions shall be consistent with the requirements of sections 411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311, 2312, and 2316).

(5) IN GENERAL.—The Secretary may extend the interim list for a period not to exceed 2 years from the date of the enactment of this Act.

(5) FUNDING.—The Secretary shall use the proceeds from the temporary exemption to fund the development of transportation plans and programs for other metropolitan planning organizations.
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"(2) COMPACTS.—The consent of Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States, for the joint or otherwise, as such States may deem desirable for making such agreements and compacts effective.

"(6) The need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.

"(8) The transportation needs identified through use of the management systems required by section 303 of this title.

"(9) Preservation of existing transportation facilities and, where practical, ways to meet transportation needs by using existing transportation facilities more effectively.

"(10) The consistency of transportation policy decisions on land use and development plans and the consistency of transportation plans and development plans in connection with the provisions of all applicable short- and long-term land use and development plans.

"(11) The programming of expenditure on transportation enhancement activities as required in section 133.

"(12) The effects of all transportation projects to be undertaken within the metropolitan area with regard to whether such projects are publicly funded.

"(13) International border crossings and access to ports, airports, intermodal transportation centers, and border freight corridors.

"(14) The protection of future transportation corridors and identification of areas most needed to prevent destruction or loss.

"(15) Methods to enhance the efficient management and use of transportation facilities to relieve congestion and to increase the use of public transit services and to increase the use of such services.

"(16) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavements.

"(17) In general.—Each metropolitan planning organization shall prepare, and update periodically, a long-range plan for its metropolitan area in accordance with the requirements of section 133.

"(18) Participation by interested parties.—Before approving a long-range plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation services, and other interested parties with a reasonable opportunity to comment on the long-range plan, in a manner that the Secretary deems appropriate.

"(19) The onus of extending long-range plans.—Each long-range plan prepared by a metropolitan planning organization shall be—

"(20) Published or otherwise made readily available for public comment.

"(21) submitted for informational purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(22) Transportation Improvement Program.—

"(23) Development.—The metropolitan planning organization shall develop a long-range plan that is appropriate for the metropolitan area, in coordination with the State and affected transit operators, for the metropolitan area as such area is designated. In developing the program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation services, and other interested parties with a reasonable opportunity to comment on the long-range plan, in a manner that the Secretary deems appropriate.

"(24) Implementation.—The metropolitan planning organization shall ensure that the metropolitan area is prepared to provide citizens, affected public agencies, representatives of transportation services, and other interested parties with a reasonable opportunity to comment on the long-range plan, in a manner that the Secretary deems appropriate.

"(25) Certification.—The metropolitan planning organization shall ensure that the metropolitan area is prepared to provide citizens, affected public agencies, representatives of transportation services, and other interested parties with a reasonable opportunity to comment on the long-range plan, in a manner that the Secretary deems appropriate.
agency employees, other affected employees, representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program. The program shall be updated at least once every 3 years and shall be approved by the metropolitan planning organization and the Governor.

(2) PRIORITY OF PROJECTS.—The transportation improvement program shall include the following:

(a) A priority list of projects and project segments to be carried out within each 3-year period after the initial adoption of the transportation improvement program.

(b) A financial plan that demonstrates how the transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including sale, tolls, and competition pricing.

(3) SELECTION OF PROJECTS.—Except as otherwise provided in subsection (1)(4), project selection shall be made by a metropolitan planning organization in cooperation with the metropolitan planning organization and shall be in conformance with the transportation improvement program for the area.

(4) MAJOR CAPITAL INVESTMENTS.—Not later than 6 months after the date of enactment of this section, the Secretary shall initiate a rulemaking proceeding to conform review requirements for transit projects under the National Environmental Policy Act to comparable requirements under such Act applicable to highway projects. Nothing in this section shall be construed to affect the applicability of such Act to transit or highway projects.

(5) INCLUDED PROJECTS.—A transportation improvement program for a metropolitan area developed under this subsection shall include projects within the area which are proposed for funding under this title and the Federal Transit Act and which are consistent with the long range plan developed under subsection (2) for the area. The program shall include, for each project, a project identification phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

(6) NORMAL—For purposes of organizing a transportation improvement program, a metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on proposed transportation improvements.

(1) TRANSPORTATION MANAGEMENT AREAS.—(1) DESIGNATION.—The Secretary shall designate as transportation management areas all urbanized areas defined under section 202. The Secretary shall designate any additional area as a transportation management area upon the request of the Governor and the metropolitan planning organization designated for the region in question by the Secretary. Such additional areas shall include the Lake Tahoe Basin as defined by Public Law 96-532.

(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and transit operators.

(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this subsection shall include a congestion management system that provides for effective management of traffic congestion. Projects or improvements under this subsection which the Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section.

(4) PROJECT SELECTION.—All projects carried out within the boundaries of a transportation management area with Federal participation pursuant to this title, except for projects undertaken on the National Highway System and pursuant to the Bridge and Interstate Maintenance programs or pursuant to the Federal Transit Act shall be selected by the metropolitan planning organization designated for such area and shall be in conformance with the transportation improvement program for such area.

(5) CERTIFICATION.—The Secretary shall certify that each metropolitan planning organization is complying with the requirements of section 134 and other applicable requirements of this title.

(b) AMENDMENTS TO SECTION 104.—Section 104(c)(1) of title 23, United States Code, is amended by striking—

(1) in paragraph (1) by striking “one-half per centum” and inserting “1 percent”;

(2) in paragraph (1) by striking “the Federal-aid systems” and inserting “programs authorized under this title”; and

(3) in paragraph (1) by striking “except that the amount from funds appropriated to programs” and inserting “funds authorized to be appropriated for the Interstate Construction and Interstate Subtitle programs”.

(4) in paragraph (3) by striking “section 120(j)” and inserting “section 134”;

(5) in paragraph (4) by striking “and metropolitan area transportation needs” and inserting “attainment of air quality standards, transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out the requirements of section 134 and other applicable requirements of Federal-Aid Highway Act”;

(6) by adding at the end the following new paragraph:

(5) DETERMINATION OF POPULATION FIGURES.—For the purposes of determining population figures under this subsection, the Secretary shall use the most recent estimate published by the Secretary of Commerce.

(c) CONFIRMING AMENDMENTS.—(1) Section 104 of title 23, United States Code, is amended by striking—

“Sec. 134. Transportation planning in certain urban areas,” and inserting—

“Sec. 134. Metropolitan planning.”

(2) Section 104(d)(2) of title 23, United States Code, is amended by striking “designated by the State as being”.
The transportation needs identified through use of the management systems required under this section shall be continuing, embraces various modes of transportation in a manner that will serve all areas of the State efficiently and effectively. Subject to section 134 of title 23, United States Code, the State shall develop transportation plans and programs for all areas of the State. Such plans and programs shall provide for development of transportation systems required pursuant to the Clean Air Act, including those facilities which will function as an access to, and general transportation and pedestrian walkways for areas. The State shall develop a long-range transportation plan for all areas of the State. With respect to metropolitan areas of the State, the plan shall be developed in cooperation with metropolitan planning organizations designed for metropolitan areas of the State under section 134. With respect to areas of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in cooperation with such government and the Secretary of Transportation. The plan shall include projects undertaken on Indian reservations and endorsements and public hearings. The plan shall be submitted to the Secretary for his review. If the plan is approved by the Secretary, the plan shall be submitted to the State for consultation with the affected officials. Projects undertaken in areas designated as metropolitan areas under section 134 may constitute the congestion management system under this Act if the Secretary finds that such projects are consistent with, and fulfill the intent of, the purposes of this section, section 134 or section 8 of such title 49, as appropriate.

(5) The transportation needs identified under this section shall be continuing, embraces various modes of transportation in a manner that will serve all areas of the State efficiently and effectively. Subject to section 134 of title 23, United States Code, the State shall develop transportation plans and programs for all areas of the State. Such plans and programs shall provide for development of transportation systems required pursuant to the Clean Air Act, including those facilities which will function as an access to, and general transportation and pedestrian walkways for areas. The State shall develop a long-range transportation plan for all areas of the State. With respect to metropolitan areas of the State, the plan shall be developed in cooperation with metropolitan planning organizations designed for metropolitan areas of the State under section 134. With respect to areas of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in cooperation with such government and the Secretary of Transportation. The plan shall include projects undertaken on Indian reservations and endorsements and public hearings. The plan shall be submitted to the Secretary for his review. If the plan is approved by the Secretary, the plan shall be submitted to the State for consultation with the affected officials. Projects undertaken in areas designated as metropolitan areas under section 134 may constitute the congestion management system under this Act if the Secretary finds that such projects are consistent with, and fulfill the intent of, the purposes of this section, section 134 or section 8 of such title 49, as appropriate.

(6) The program shall also reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this title.

(7) The program shall also reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this title.

(8) Recreational travel and tourism.

(9) Any State plan developed pursuant to the Federal Water Pollution Control Act.

(10) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.

(11) Methods to reduce traffic congestion during peak travel times and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel.

(12) Methods to expand and enhance transit services and to increase the use of transit and public transportation during peak travel times.

(13) Methods to implement the Urban Mass Transportation Act of 1964, the Urban Transportation Planning Act of 1970, and the Congestion Management System under this Act if the Secretary finds that such projects are consistent with, and fulfill the intent of, the purposes of this section, section 134 or section 8 of such title 49, as appropriate.

(14) The effect of transportation decisions on land use and land development, including the need for consistency between transportation systems and the implementation of all applicable short-range and long-range land use and development plans.

(15) The transportation needs identified through use of the management systems required under this section shall be continuing, embraces various modes of transportation in a manner that will serve all areas of the State efficiently and effectively. Subject to section 134 of title 23, United States Code, the State shall develop transportation plans and programs for all areas of the State. Such plans and programs shall provide for development of transportation systems required pursuant to the Clean Air Act, including those facilities which will function as an access to, and general transportation and pedestrian walkways for areas. The State shall develop a long-range transportation plan for all areas of the State. With respect to metropolitan areas of the State, the plan shall be developed in cooperation with metropolitan planning organizations designed for metropolitan areas of the State under section 134. With respect to areas of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in cooperation with such government and the Secretary of Transportation. The plan shall include projects undertaken on Indian reservations and endorsements and public hearings. The plan shall be submitted to the Secretary for his review. If the plan is approved by the Secretary, the plan shall be submitted to the State for consultation with the affected officials. Projects undertaken in areas designated as metropolitan areas under section 134 may constitute the congestion management system under this Act if the Secretary finds that such projects are consistent with, and fulfill the intent of, the purposes of this section, section 134 or section 8 of such title 49, as appropriate.

(16) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.

(17) Preservation of rights-of-way for construction of future transportation projects, including the identification of unused rights-of-way which may be required for development of future transportation corridors, and identify those corridors for which action is most needed to preventến the need.

(18) Long-range needs of the State transportation system.

(19) Methods to enhance the efficient movement of goods for vehicles.

(20) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavements.

(21) Additional requirements.

(22) Metropolitan planning system plan.

(23) Transportation improvement program.

(24) State Planning Process.

(25) State Implementation Plan.

(26) Additional requirements.

(27) State Implementation Plan for areas less than 50,000 population.


(29) Indian employment priority.

(30) Indian employment priority.
(a) CONFORMING AMENDMENTS TO SECTION 144.—Section 144 of such title is amended—
(1) in subsection (e)(2) by striking "Federal-aid urban system" and inserting "urbanized area; and
(2) in subsections (g), (h), (i), and (j) as subsections (g), (h), (i), and (j) respectively;
(3) by redesignating subsection (q), (r), and (s) as subsections (q), (r), and (s) respectively;
(4) in each of subsections (q) and (r), as so redesignated, by striking "or subsection (e) of this section";
and
(5) in each of subsections (h) and (j), as so redesignated, by striking "and subsection (c)".

(b) CONFORMING AMENDMENT TO SECTION 156.—Section 156 of such title is amended by striking "States shall" and inserting "Sub- 
ject to section 142(f), States shall".

SEC. 115. BRIDGE REPLACEMENT AND REHABILITATION.

(a) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—Section 144(c) of title 23, United States Code, is amended by adding at the end the following new subsection: 
"(3) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—As part of the activities carried 
out under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, shall (A) develop project lists that identify such bridges.

(b) COLLECTION OF DATA.—Section 144(e) of such title is amended—
(1) by striking "by the Secretary", and inserting "by the Secretaries of the Interior and Transportation, in consultation with the Secretary of the Interior, shall";
and
(2) by striking "in the case of fiscal years 1995, 1996, and 1997" and inserting "in the case of fiscal years 1995, 1996, and 1997 and shall be available in accordance with section 144(c)(8) of such title, or if such bridges are determined to be in need of replacement or rehabilitation, and (D) may be provided from funds made available for Indian reservation roads under chapter 2 of title 23, United States Code.

(c) TRANSFERABILITY OF BRIDGE APPORTIONMENTS.—Section 144(f) of such title is amended by striking "or rehabilitate" and inserting "or rehabilitate, and ".

(d) DISCRETIONARY BRIDGE PROGRAM.—Section 144(g)(11) of such title is amended by striking "$150,000,000 per fiscal year (as so revised)" and inserting "$200,000,000 per fiscal year (as so revised)".

(e) TEMPORARY EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 144(h) of such title is amended by striking "$5,000,000" and inserting "$6,000,000".

(f) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (d) of section 144(h) of such title is amended by striking "all such funds are apportioned to the States on the date of December 1, 1991" and inserting "all such funds are apportioned to the States on the date of December 1, 1991, and shall be available through December 1, 1992, for the purposes specified in subsection (d) of such section".

(g) FEDERAL SHARE.—Subsection (e) of section 144(h) of such title is amended—
(1) by striking "or rehabilitate" and inserting "or rehabilitate, and ";
and
(2) by striking "or rehabilitate" and inserting "or rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(h) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (f) of section 144(h) of such title is amended—
(1) by striking "$30,000,000 in the case of fiscal year 1992, $25,000,000 in the case of fiscal year 1993, $20,000,000 in the case of fiscal year 1994, $15,000,000 in the case of fiscal year 1995, $10,000,000 in the case of fiscal year 1996, and $5,000,000 in the case of fiscal year 1997, and shall be available in accordance with subsection (g) of such section", and inserting "$40,000,000 in the case of fiscal year 1992, $40,000,000 in the case of fiscal year 1993, $40,000,000 in the case of fiscal year 1994, $40,000,000 in the case of fiscal year 1995, $40,000,000 in the case of fiscal year 1996, and $40,000,000 in the case of fiscal year 1997, and shall be available in accordance with subsection (g) of such section, or if such bridges are determined to be in need of replacement or rehabilitation, and (D) may be provided from funds made available for Indian reservation roads under chapter 2 of title 23, United States Code.

(i) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (g) of section 144(h) of such title is amended—
(1) by striking "$150,000,000 per fiscal year (as so revised)" and inserting "$200,000,000 per fiscal year (as so revised)".

(j) TRANSFERABILITY OF BRIDGE APPORTIONMENTS.—Section 144(i) of such title is amended by striking "or rehabilitate" and inserting "or rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(k) TEMPORARY EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 144(j) of such title is amended by striking "$5,000,000" and inserting "$6,000,000".

(l) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (k) of section 144(j) of such title is amended—
(1) by striking "or rehabilitate" and inserting "or rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(m) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (l) of section 144(j) of such title is amended—
(1) by striking "$30,000,000 in the case of fiscal year 1992, $25,000,000 in the case of fiscal year 1993, $20,000,000 in the case of fiscal year 1994, $15,000,000 in the case of fiscal year 1995, $10,000,000 in the case of fiscal year 1996, and $5,000,000 in the case of fiscal year 1997, and shall be available in accordance with subsection (g) of such section", and inserting "$40,000,000 in the case of fiscal year 1992, $40,000,000 in the case of fiscal year 1993, $40,000,000 in the case of fiscal year 1994, $40,000,000 in the case of fiscal year 1995, $40,000,000 in the case of fiscal year 1996, and $40,000,000 in the case of fiscal year 1997, and shall be available in accordance with subsection (g) of such section, or if such bridges are determined to be in need of replacement or rehabilitation, and (D) may be provided from funds made available for Indian reservation roads under chapter 2 of title 23, United States Code.

(n) TRANSFERABILITY OF BRIDGE APPORTIONMENTS.—Section 144(l) of such title is amended by striking "or rehabilitate" and inserting "or rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(o) TEMPORARY EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 144(m) of such title is amended by striking "$5,000,000" and inserting "$6,000,000".

(p) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (n) of section 144(m) of such title is amended—
(1) by striking "or rehabilitate" and inserting "or rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(q) TEMPORARY EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 144(n) of such title is amended by striking "$5,000,000" and inserting "$6,000,000".

(r) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (o) of section 144(n) of such title is amended—
(1) by striking "or rehabilitate" and inserting "or rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(s) TEMPORARY EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 144(p) of such title is amended by striking "$5,000,000" and inserting "$6,000,000".

(t) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (q) of section 144(p) of such title is amended—
(1) by striking "or rehabilitate" and inserting "or rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(u) TEMPORARY EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 144(q) of such title is amended by striking "$5,000,000" and inserting "$6,000,000".

(v) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (r) of section 144(q) of such title is amended—
(1) by striking "or rehabilitate" and inserting "or rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(w) TEMPORARY EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 144(r) of such title is amended by striking "$5,000,000" and inserting "$6,000,000".

(x) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (s) of section 144(r) of such title is amended—
(1) by striking "or rehabilitate" and inserting "or rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(y) TEMPORARY EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 144(s) of such title is amended by striking "$5,000,000" and inserting "$6,000,000".

(z) AMOUNTS FOR INDIAN RESERVATION ROADS.—Subsection (t) of section 144(s) of such title is amended—
(1) by striking "or rehabilitate" and inserting "or rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(aa) TEMPORARY EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 144(t) of such title is amended by striking "$5,000,000" and inserting "$6,000,000".
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1093. ROAD SEALING ON INDIAN RESERVATION ROADS

SEC. 1093. ROAD SEALING ON INDIAN RESERVATION ROADS

Section 204(c) of title 23, United States Code, shall be amended by adding at the end the following new sentences: "Notwithstanding any other provision of this title, Indian reservation roads under the jurisdiction of the Bureau of Indian Affairs of the Department of the Interior shall be eligible to expend not more than 15 percent of funds apportioned for Indian reservation roads from the Highway Trust Fund for road safety projects. The Bureau of Indian Affairs shall continue to retain responsibility, including annual funding request responsibility, for road maintenance programs on Indian reservations."

SEC. 1101. USE OF SAFETY BELTS AND MOTORCYCLE HELMETS

(a) PROGRAM—

(1) IN GENERAL—Chapter 1 of Title 23, United States Code, is amended by inserting after section 152 the following new section:

"§153. Use of safety belts and motorcycle helmets (a) Authorization to Make Grants—The Secretary may make grants to a State in a fiscal year in accordance with this section and such rule as the Secretary determines is necessary to carry out this section.

(b) Enforcement—

(1) Proposed rule—Not later than 1 year after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a proposed rule to establish speed limit enforcement requirements which, at a minimum shall:

(A) provide for the transfer of apportionments under subsection (a) of title 23, United States Code (other than paragraph (2) thereof), to the Secretary in accordance with this section and such rule; and

(B) include a formula for determining compliance of States with the requirements in this section and end such rule which—

(i) assigns a greater weight for violations of such speed limits in proportion to the amount by which the speed of the motor vehicle exceeds the speed limit; and

(ii) differentiates between the type of road on which the violations occur.

(2) Factors to consider—In developing the compliance formula in accordance with paragraph (1), the Secretary shall consider factors relating to the enforcement efforts made by the States and data concerning fatalities and serious injuries occurring on roads to which subsection (a) applies and any other factors relating to speed limit enforcement and speed-related highway safety trends with which the Secretary determines appropriate.

(3) Final rule—Not later than 60 days after the date of publication of the proposed rule required under paragraph (1), the Secretary shall publish in the Federal Register a final rule which meets the requirements of paragraph (1) and which shall take effect no later than 1 year after the date of its publication in the Federal Register.

(d) Administration—The Secretary shall carry out sections 154 and 141(a) of section 23, United States Code, with respect to the National Highway Traffic Safety Administration and the Federal Highway Administration.

(e) Annual Report—Section 154 of title 23, United States Code, is amended by adding at the end of the following new subsection:

"(4) ANNUAL REPORT—The Secretary shall transmit to Congress an annual report on transit of motor vehicles on roads subject to subsection (a), State enforcement efforts with respect to speeding violations on such roads, and speed-related highway safety statistics.

(f) Enforcement Moratorium—No State shall be subject under section 141 or 154 of title 23, United States Code, to withholding of apportionments for highways in fiscal years 1990 and 1991 with section 154 of such title, as in effect on the day before the date of enactment of this Act, or section 141(a) of such title.

(g) Repeal of Obsolete Enforcement Provisions—On the 720th day following the date of the enactment of this Act, subsections (a), (b), and (c) of section 154 of title 23, United States Code, are repealed.

made to a State under this section shall not exceed 90 percent of the amount apportioned to such State for fiscal year 1990 under section 402.

(2) GENERAL RULE.—A State is eligible for a fiscal year for a grant under this section only if the State enters into such agreements and participates in such projects that the Secretary may require to ensure that the State implements in such fiscal year a traffic safety program described in subsection (b).

(3) THIRD-YEAR GRANTS.—A State is eligible for a grant under this section in a fiscal year succeeding the second fiscal year in which the State receives a grant under this section only if the State in the preceding fiscal year—

(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 75 percent; and

(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 70 percent.

(4) MEASUREMENTS OF COMPLIANCE.—For the purposes of subsections (f)(1) and (f)(3), a State shall measure compliance with State laws described in subsections (a)(1) and (a)(2) using methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

(5) PENALTY.—

(A) FISCAL YEAR 1994.—If, at any time in fiscal year 1994, a State does not have in effect a law described in subsection (a)(1) and a law described in subsection (a)(2), the Federal share of the funds apportioned to the State for fiscal year 1994 under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

(B) THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 1994, a State does not have in effect a law described in subsection (a)(1) and a law described in subsection (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

(6) FEDERAL SHARE.—The Federal share of the cost of any project carried out under section 402 which is transferred to the apportionment of section 402 shall be 85 percent.

(7) TRANSFER OF OBLIGATION AUTHORITY.—If the Secretary transfers under this subsection any funds apportioned to the State under section 402 for a fiscal year, the Secretary shall allocate an amount of obligation authority distributed for such fiscal year under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.
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State under section 402 for such fiscal year;

the ratio of the amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs to the total obligation authority to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for such fiscal year.

(5) Limitation on applicability of highway safety obligations.—Notwithstanding any other provision of law, no limitation on the loss or damage for highway safety programs carried out by the Federal Highway Administration under section 402 shall apply to funds transferred under this subsection to the appropriation of section 402.

(6) Definitions.—For the purposes of this section, the following definitions apply:

(1) Motor vehicle.—The term 'motor vehicle' means a motor vehicle which is designed to travel on not more than 3 wheels in contact with the surface.

(2) Motor vehicle.—The term 'motor vehicle' means a motor vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

(4) Safety belt.—The term 'safety belt' means:

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap shoulder belts.

(5) Allocation.—Allocations shall be made available $5,000,000 in the aggregate in such fiscal years to carry out this subsection. Such funds shall remain available until expended.

SEC. 1032. Federal Lands Highways Program.

(a) ALLOCATIONS.—Section 202 of title 23, United States Code, is amended—

(1) by striking the period at the end of subsection (b), as so redesignated, and inserting in its place the following:

"(b) FEDERAL LANDS HIGHWAYS.—Of the amounts authorized to be appropriated for fiscal year 1992 or subsequent fiscal years, shall be allocated to funds apportioned under section 104 or title 23, United States Code, to provide funds available for each class of Federal lands highways may be available for the following:

(1) Transportation planning for tourism and recreational travel including the National Forest System, the Bureau of Land Management Back Country Byways Program, Bureau of Indian Affairs Indian Reservation Road Program, Bureau of Land Management Back Country Byways Program, National Trail System Program, and other similar Federal programs that benefit recreational development.

(2) Adjacent vehicular parking areas.

(3) Interpretive signage.

(4) Acquisition of necessary scenic easements and scenic features.

(5) Provision for pedestrians and bicycles.

(6) Construction and reconstruction of roadside rest areas including sanitary and water facilities.

(7) Other appropriate public road facilities such as visitor centers as determined by the Secretary.

(b) Transfers to Secretary of Interior.—The Secretary shall transfer to the Secretary of Interior from the appropriated funds available for public land highways amounts as may be necessary to cover all the costs of the Indian Self-Determination and Education Assistance Act. The Indian tribal government, in cooperation with the Secretary of the Interior and subject to the provisions of the Act, shall retain the funds available for those Indian reservation roads for each fiscal year shall be allocated to those Indian tribal governments applying for transportation planning assistance the Secretary of the Interior and the Secretary for each fiscal year that includes all Indian reservation road projects for which the Secretary shall determine by the Secretary of the Interior for the Indian tribes.

(2) Indian Reservation Roads Planning.—In any subsequent fiscal year, funds available for Indian reservation roads for each fiscal year shall be allocated to those Indian tribal governments planning on existing transportation facilities. Projects shall be selected by the Indian tribal government from the transportation planning program, that includes all Indian reservation road projects proposed for funding. Projects shall be selected by the Secretary of the Interior for the Indian tribes.

(c) Forest Development Roads and Trails.—Section 203 of title 23, United States Code, is amended by adding at the end the following new subsections:

"(a) USE OF MOBILITY SYSTEM AND FLEXIBLE PROGRAM FUNDS.—Subject to section 153 of title 23, United States Code, is amended by striking "forest highways" each place it appears and inserting "$5,000,000".

"(b) Indian Reservation Roads.—Notwithstanding any other provision of law, funds allocated for Indian reservation roads may be used for the purpose of funding areas for the purpose of funding road projects on roads of tribally controlled post-secondary educational institutions.

(2) REPORT.—The Secretary shall undertake a study to determine if the method for allocating funds authorized for Federal lands highways is adequate to meet the relative transportation needs of the Federal lands highway system. The report shall be submitted within 2 years of the date of enactment of this Act.

(f) Forest Development Roads and Trails.—Section 203 of title 23, United States Code, is amended by adding the following new subsection after the last paragraph thereof:

"SEC. 1031. Bicycle Transportation and Pedestrian Walkways.

Section 217 of title 23, United States Code, is amended by adding the following after such section:

"(b) 1917. Bicycle transportation and pedestrian walkways.

"(c) USE OF MOBILITY SYSTEM AND FLEXIBLE PROGRAM FUNDS.—Subject to section 217, bicycle transportation and pedestrian walkways.

"(d) Use of mobility system and flexible program funds—Subject to section 153 of title 23, United States Code, is amended by striking "forest highways" each place it appears and inserting "$5,000,000".

(2) Construction and reconstruction of pedestrian rest areas including sanitary and other facilities.
SEC. 1407. MANAGEMENT SYSTEMS.
(a) In General.—Chapter 3 of title 23, United States Code, is amended by inserting after section 302 the following new section:
"§ 303. Management systems.
1. REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations for State development, establishment, and implementation of a management system for each such system.
2. Intermodal transportation facilities and systems. In metropolitan areas, such systems shall be developed and implemented in cooperation with metropolitan planning organizations. Such regulations may include a compliance schedule for development, establishment, and implementation of such system and minimum standards for such system.
3. Traffic monitoring. —Not later than 1 year after the date of the enactment of this section, the Secretary shall establish a national traffic monitoring system for highways and public transportation facilities and equipment.
4. State requirements. —The Secretary may not later than 1 year after the date of the enactment of this section, establish each of the management systems described in subsection (a) and, before January 1 of the preceding fiscal year, the Secretary certified, in writing, to the Secretary, that the State was implementing each of such management systems in the preceding fiscal year.
5. Planning. —In developing and implementing a management system under this section, each State shall cooperate with metropolitan planning organizations for urbanized areas of the State under the Federal Transit Act and shall consider the results of the management systems in making project selection decisions under this section.
6. Intermodal requirements. —The management system required under this section for each State's transportation systems shall provide for improvement and integration of all of a State's transportation systems and shall include methods of achieving a high level of coordination, methods for increasing productivity in the State, methods for increasing use of advanced technologies, and methods to encourage the use of innovative marketing techniques, such as just-in-time deliveries.
7. Annual report. —Not later than January 1 of each calendar year beginning after the date of the enactment of this section, the Secretary shall submit to Congress a report on the progress being made by the Secretary and the States in carrying out this section.
(b) Review of regulations. —Not later than 10 days after the date of issuance of any regulation under this section, the Secretary shall submit to Congress a report on the progress being made by the Secretary and the States in carrying out this section.
(c) Use of Federal lands. —Funds authorized for forest highways, forest development roads and trails, public and tame-development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department, for the administration of such funds, the construction of pedestrian walkways and bicycle transportation facilities in conjunction with such trails, roads, highways, and parkways.
(d) Federal share. —For all purposes of this title, construction of a pedestrian walkway and a bicycle transportation facility shall be deemed to be a highway project and the Federal share payable on account of such construction shall be 80 percent of the Federal share payable on such construction.
(e) Planning. —Pedestrian walkways and bicycle transportation facilities to be constructed under this section shall be located and designed so as to be an integral part of the transportation network managed by a program director appointed by the Secretary, and affected agencies receiving assistance under the Federal Transit Act and shall be incorporated into their comprehensive annual long-range plan in accordance with sections 134 and 135 of this title. Such plans shall provide due consideration for safety and contiguous routes.
(f) Use of motorized vehicles. —No motorized vehicles shall be permitted on trails and pedestrian walkways under this section, except for service, maintenance, protective, and safety purposes.
(g) Use of snowmobiles. —When snow conditions and State or local regulations permit, snowmobiles may be used on such trails and local regulations permit, motorized wheelchairs: and
(h) Such other circumstances as the Secretary deems appropriate.
(i) Exception. —No bicycle project may be carried out under this section unless the Secretary has determined that such bicycle project will be principally for transportation, rather than recreation, purposes.
(j) Bicycle transportation facility defined. —For purposes of this section, a "bicycle transportation facility" means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles."

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(2) PHASE ONE CONTRACTS.—
(A) REQUEST FOR PROPOSALS.—Not later than the date of the enactment of this Act, the Maglev Project Office shall release a request for proposals for development of conceptual designs for a maglev transportation system within the contiguous United States by no fewer than 5 eligible applicants. If fewer than 5 complete applications have been received, contracts shall be awarded to as many eligible applicants as is practical.
(B) AWARD OF CONTRACTS.—Not later than 15 months after the date of the enactment of this Act, the Secretary and the Assistant Secretary shall, based on the recommendations of the program director, award 1-year contracts for research and development to no fewer than 5 eligible applicants. If fewer than 5 complete applications have been received, contracts shall be awarded to as many eligible applicants as is practical.
(C) FACTORS AND CONDITIONS TO BE CONSIDERED.—The Secretary and the Assistant Secretary may approve contracts under subparagraph (B) only after consideration of factors relating to the construction and operation of a magnetic levitation system, including the cost-effectiveness, ease of maintenance, safety, limited environmental impact, ability to operate at high speeds, ability to operate along the Interstate highway rights-of-way, the potential for the guideway design to be a national standard, the applicant's resources, capabilities, and history of successfully designing and developing systems of similar complexity, the quality of the applicant's conceptual design and the potential for further development of such design into an operational prototype, and based on the recommendations of the program director, the Secretary may select not more than 3 eligible applicants from among the contract recipients submitting technical reports under paragraph (2), and based on such reports and the recommendations of the program director, the Secretary and the Assistant Secretary shall select not more than 3 eligible applicants from among the contract recipients submitting technical reports under paragraph (2), and based on such reports and the recommendations of the program director, the Secretary and the Assistant Secretary may only award contracts under this paragraph if—
(I) they determine that the applicant has demonstrated a viable conceptual design and the potential for further development of such design into an operational prototype as described in paragraph (4); and
(II) the applicant agrees to submit the detailed design within 18-month period to the Maglev Project Office and the selection committee described in paragraph (4), and
(III) the applicant agrees to provide for matching of the phase one contract at a 90 percent Federal, 10 percent non-Federal, cost share.

(3) PHASE TWO CONTRACTS.—Within 3 months of receiving the final reports of contract activities under paragraph (2), and based on such reports and the recommendations of the program director, the Secretary and the Assistant Secretary shall select not more than 3 eligible applicants from among the contract recipients submitting technical reports under paragraph (2), and based on such reports and the recommendations of the program director, the Secretary and the Assistant Secretary may only award contracts under this paragraph if—
(A) they determine that the applicant has demonstrated a viable conceptual design and the potential for further development of such design into an operational prototype as described in paragraph (4); and
(B) the applicant agrees to submit the detailed design within 18-month period to the Maglev Project Office and the selection committee described in paragraph (4), and
(C) the applicant agrees to provide for matching of the phase two contract at a 90 percent Federal, 10 percent non-Federal, cost share.

(4) PROTOTYPE.—
(A) DESIGN.—Within 6 months of receiving the detailed designs developed under paragraph (3), the Secretary and the Assistant Secretary shall, based on the recommendations of the selection committee described in this subparagraph, select 1 design for development into a full-scale prototype, unless the Secretary and the Assistant Secretary determine jointly that no design shall be selected, based on an assessment of technical feasibility and projected cost of construction and operation of the proposed prototype, by a selection committee of 8 members, consisting of—
(i) 1 member to be appointed by the Secretary,
(ii) 1 member to be appointed by the Assistant Secretary,
(iii) 3 members to be appointed by the Senate majority and minority leaders, and
(iv) 3 members to be appointed by the Speaker of the House and the minority leader of the House.

(b) The Secretary shall be borne by the United States.

(c) The Secretary and the Assistant Secretary may only award contracts under this paragraph if—
(I) the project shall be capable of utilizing Interstate highway rights-of-way along or above the alignment of its route, and may also use railroad rights-of-way along or above any portion of the railroad route.
(II) the total length of guideway shall be at least 19 miles and allow significant full-speed operation between stops.
(III) the project shall be constructed and ready for operational testing within 3 years after the award of the contract or grant.
(IV) the project shall provide for the construction of the prototype to commercial operation after testing and technical evaluation is completed.
(V) the project shall be located in an area that provides a potential ridership base for future commercial operation.
(VI) the project shall utilize a technology capable of being applied in commercial service on most parts of the contiguous United States.
(VII) the project shall have at least 1 switch.
(VIII) the project shall be intermodal in nature connecting a major metropolitan area with an airport, port, passenger rail station, or other transportation mode.

(d) The Secretary and the Assistant Secretary shall provide periodic reports to Congress on the basis for such determinations for future action, including further research, development, or design, termination of the program, or such other action as may be appropriate.

(e) AWARD OF CONSTRUCTION GRANT OR CONTRACT.—Unless the Secretary and the Assistant Secretary determine jointly not to select a design pursuant to subparagraph (A), then, not more than 3 months after selection of a design for development into a full-scale prototype, the Secretary and the Assistant Secretary shall make a recommendation to the Secretary and the Assistant Secretary as to the best prototype and only if the applicant agrees to submit a report to the Maglev Project Office detailing the results of the research and development and agrees to provide for matching of the prototype contract at a 90 percent Federal, 10 percent non-Federal, cost share.

(f) FACTORS TO BE CONSIDERED IN SELECTION.—Selection of the detailed design under this paragraph shall be based on consideration of the following factors, among others:
(I) the extent to which the design can operate at high speeds, ability to achieve sustained high-speed operations between stops.
(II) the project shall be capable of utilizing Interstate highway rights-of-way along or above the alignment of its route, and may also use railroad rights-of-way along or above any portion of the railroad route.
(III) the total length of guideway shall be at least 19 miles and allow significant full-speed operations between stops.
(IV) the project shall be constructed and ready for operational testing within 3 years after the award of the contract or grant.
(V) the project shall provide for the conversion of the prototype to commercial operation after testing and technical evaluation is completed.
(VI) the project shall be located in an area that provides a potential ridership base for future commercial operation.
(VII) the project shall utilize a technology capable of being applied in commercial service on most parts of the contiguous United States.
(VIII) the project shall have at least 1 switch.

(g) LICENSE.—
(1) Definitions.—In this section—
(I) the term "technical feasibility" means that the contributions that high-speed ground transportation could make to more efficient, safe, and economical intercity transportation systems. Such demonstrations shall be designed to measure and evaluate such factors as the public response to new equipment, higher speeds, variations in fares, improved comfort and convenience, and more frequent service. In connection with grants and contracts for demonstrations under this section, the Secretary shall provide for financial participation by private industry to the extent feasible.

(3) in connection with the authority provided under paragraph (1), there is established a national high-speed ground transportation development program, which shall be separate from the national magnetic levitation prototype development program established under section 204(a) of the Transportation Efficiency Act of 1991 and shall be managed by the Secretary of Transportation.
subsystem, or system in any revenue service
ground transportation technology or tech-
ination of any advancement in a high-speed

The Secretary shall complete and submit to
Congress a study of the commercial feasibility of
construction of high-speed ground transportation systems in the United States.
Such study shall consist of—

(A) an economic and financial analysis;
(B) a technical assessment; and
(C) recommendations for model legis-

(3) The research, development or utiliza-
tion of the technology developed as a prototype under section
1036(b) of the Intermodal Surface Transpor-
tation Efficiency Act of 1991, in relation to
commercialization of high-speed ground
transportation technologies and the national
transportation system;

(2) The economic and financial analysis
referred to in paragraph (1)(A) shall inspect—

an examination of the potential market for a nationwide high-speed ground
transportation network, including a national
magnetic levitation ground transportation
system;

(A) an economic and financial analysis;
(B) a technical assessment; and
(C) recommendations for model legis-

(2) The Policy shall include—

(A) provisions to promote the design,
construction, and operation of high-speed
ground transportation systems in the
United States;

(B) a determination whether the various
competing high-speed ground transporta-
tion technologies can be effectively integrat-
ed into a national network, if not, whether
1 or more such technologies should
receive preferential encouragement from the
Federal Government to facilitate the develop-
ment of such a network;

(C) a strategy for prioritizing the mar-
kets and corridors in which the construction of high-speed ground transportation systems should proceed;

(D) provisions designed to promote Ameri-
can competitiveness in the market for high-
speed ground transportation technologies.
"(1) The Secretary shall solicit comments from the public in the development of the Policy and may consult with other Federal agencies as appropriate in drafting the Policy.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by inserting after the item relating to section 308 the following:

"309. High-speed ground transportation.".

(3) OPERATING EXPENSES.—(A) OUT OF HIGHWAY TRUST FUND.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) the following:

- $5,000,000 for fiscal year 1992;
- $45,000,000 for fiscal year 1993;
- $100,000,000 for fiscal year 1994;
- $100,000,000 for fiscal year 1995;
- $125,000,000 for fiscal year 1996;
- $115,000,000 for fiscal year 1997;
- $75,000,000 for fiscal year 1998;
- $70,000,000 for fiscal year 1999;
- $65,000,000 for each of fiscal years 2000, 2001, and 2002;
- $60,000,000 for fiscal year 2003;
- $55,000,000 for fiscal year 2004;
- $50,000,000 for each of fiscal years 2005, 2006, and 2007;
- $45,000,000 for fiscal year 2008;
- $40,000,000 for fiscal year 2009;
- $35,000,000 for each of fiscal years 2010, 2011, and 2012;
- $30,000,000 for fiscal year 2013;
- $25,000,000 for each of fiscal years 2014, 2015, and 2016;
- $20,000,000 for fiscal year 2017;
- $15,000,000 for each of fiscal years 2018, 2019, and 2020;
- $10,000,000 for fiscal year 2021.


(C) $25,000,000 for national high-speed ground transportation research and development under section 309 of title 49, United States Code.

(3) PERIOD OF AVAILABILITY.—Funds made available by and under this section shall remain available until expended.

(4) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of the grant or contract with funds made available by paragraph (1) shall be deemed a contractual obligation of the United States for payment of the Federal share of the projects described in such contract or grant.

(5) IN GENERAL.—The Secretary, in consultation with the Administrator, shall determine the economic savings and technical performance qualities of United States, unless the Secretary finds in writing that—

(A) such a requirement would increase the cost of the facilities and equipment by more than 25 percent;

(B) such a requirement would result in a violation of obligations of the United States under international trade agreements;

(C) such a requirement would result in a violation of obligations of the United States under international agreements;

(D) by striking "improved, rehabilitated, or acquired" in paragraph (4); and

(E) by striking "improved, rehabilitated, or acquired" in paragraph (4).

(6) GENERAL ACCOUNTING OFFICE STUDY.—The Comptroller General, within 2 years after the date of the enactment of this Act, and annually thereafter, shall analyze the effect of high-speed rail on the general public as passengers.

(7) DEFINITIONS.—As used in this section, the term 'high-speed rail' means all forms of ground transportation technology demonstrated under this section, a patented application process for high-speed rail purposes, an approved high-speed rail service, or other than high-speed rail purposes.

(8) REGULATORY GUIDANCE.—The Comptroller General shall transmit to Congress a report on the results of the studies conducted under this subsection, including a detailed analysis of the economic savings and technical performance qualities of using such recycled materials in federally assisted highway projects.

(9) INFORMATION GATHERING AND DISTRIBUTION.—The Secretary shall gather information and recommendations concerning the use of such asphalt containing recycled rubber in highway projects from those States that have extensively evaluated and experimented with the use of such asphalt and implemented such projects and shall make such recommendations on the use of such asphalt to those States which indicate an interest in the use of such asphalt.

(10) USE OF RECYCLED MATERIALS.—(A) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—Notwithstanding any provision of title 49, United States Code, or regulation or policy of the Department of Transportation, the Secretary, when planning a highway project, may use recycled materials in highway projects in terms of reducing air emissions, conserving natural resources, and reducing disposal of the recycled materials in landfills.

(11) USE OF ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—(A) Statute.—Beginning on January 1, 1995, and annually thereafter, each State shall certify to the Secretary that such State has satisfied the minimum utilization requirement for asphalt pavement containing recycled rubber.

(12) DIVISION OF RESPONSIBILITIES.—The Administrator shall conduct the part of the study relating to paragraph (1)(A) and the Secretary shall conduct the part of the study relating to paragraph (1)(B).
required for asphalt pavement containing recycled rubber as a percentage of the total tonnage of such State and financed in whole or part by any assistance pursuant to title 23, United States Code, shall be—

(A) 10 percent for the year 1994;
(B) 10 percent for the year 1995;
(C) 15 percent for the year 1996; and
(D) 20 percent for the year 1997 and each year thereafter.

(4) CRITERIA AND MATERIALS.—Any recycled material or materials determined to be appropriate by the studies under subsection (b) may be substituted for recycled rubber under the minimum utilization requirement of paragraph (1) up to 5 percent.

(5) INCREASE.—The Secretary may increase the minimum utilization requirement of paragraph (1) for asphalt pavement containing recycled rubber to be used in federally assisted highway projects to the extent that it is technologically and economically feasible to do so and if an increase is necessary to achieve markets for the reuse and recycling of scrap tires. The minimum utilization requirement for asphalt pavement containing recycled rubber may not be met by any use of recycled rubber found to be unsuitable for use in highway projects by the studies under subsection (b).

(6) PENALTY.—The Secretary shall withhold from a State all or any part of the share of the apportionments under section 104 (other than subsection (b)(1)(A) of title 23, United States Code, that shall be apportioned to such State for such fiscal year under this section equal to the percentage utilization requirement established by paragraph (1) for such fiscal year.

(5) SECRETARIAT WAIVER.—The Secretary may set aside the provisions of this subsection for any 3-year period on a determination in accordance with the Administrator of the Environmental Protection Agency with respect to subparagraphs (A) and (B) of this paragraph, that there is reliable evidence that—

(A) that manufacture, application, or use of asphalt pavement containing recycled rubber substantially increases the threat to human health or the environment as compared to other materials associated with conventional pavement;
(B) that asphalt pavement containing recycled rubber cannot be recycled to substantial degree as conventional pavement; or
(C) that asphalt pavement containing recycled rubber does not perform adequately as a material for the construction or surfacing of highways and roads.

The Secretary shall consider the results of the study under subsection (b)(1) in determining whether a 3-year set-aside is appropriate.

(6) RENEWAL OF WAIVER.—Any determination made to set aside the requirements of this section may be renewed for additional 3-year periods by the Secretary, with the concurrence of the Administrator, with respect to the determinations made under paragraphs (5)(A) and (5)(B).

Any determination made with respect to the paragraphs (5)(A) and (5)(B) shall apply to one or more specific States or regions considering climate, geography, and other factors that may be unique to the State or region and that would prevent the adequate performance of asphalt pavement containing recycled rubber.

(7) INDIVIDUAL STATE REDUCTION.—The Secretary shall establish a minimum utilization requirement for asphalt pavement containing recycled rubber less than the minimum utilization requirement otherwise required by paragraph (1) in a particular State, upon a determination in accordance with the Secretary, with the concurrence of the Administrator of the Environmental Protection Agency, determines that there is not a sufficient quantity of scrap tires available in the particular State to meet the minimum utilization requirement established under paragraph (1) as the result of recycling and processing practices in that State or another State.

(c) Definitions.—For purpose of this section—

(1) the term "asphalt pavement containing recycled rubber" means any hot mix or spray applied binder in asphalt paving mixture that contains rubber from whole scrap tires which is used for asphalt pavement base, surface course or interlayer, or other road and highway related uses and—

(A) is a mixture of not less than 20 pounds of recycled rubber per ton of hot mix or 300 pounds of recycled rubber per ton of spray applied binder; or

(B) is any mixture of asphalt pavement and recycled rubber that is certified by a State, the Secretary, or the President of the United States, or their duly designated representatives, that the total amount of recycled rubber from whole scrap tires utilized in any year in such State shall be not less than the applicable percentage of the applicable requirement for asphalt pavement containing recycled rubber laid in such State met the specifications of subparagraph (A) and subsection (d)(1); and

(2) the term "crumb rubber" is that rubber derived from processing whole scrap tires or shredded tire material taken from automobiles, trucks, or other equipment owned and operated in the United States.

(d) Minimum Utilization Requirements.—

(1) General.—For purposes of this section, the term "State" has the meaning such term has under section 101 of title 23, United States Code.

(2) Fiscal Year.—The Secretary shall withhold all or any part of the share of the apportionments under section 104 (other than subsection (b)(1)(A) of title 23, United States Code, that shall be apportioned to such State for such fiscal year under this section equal to the percentage utilization requirement established by paragraph (1) for such fiscal year.

(3) Secretarial Waiver.—The Secretary may set aside the provisions of this subsection for any 3-year period on a determination in accordance with the Administrator of the Environmental Protection Agency with respect to subparagraphs (A) and (B) of this paragraph, that there is reliable evidence that—

(A) that manufacture, application, or use of asphalt pavement containing recycled rubber substantially increases the threat to human health or the environment as compared to other materials associated with conventional pavement;
(B) that asphalt pavement containing recycled rubber cannot be recycled to substantial degree as conventional pavement; or
(C) that asphalt pavement containing recycled rubber does not perform adequately as a material for the construction or surfacing of highways and roads.

The Secretary shall consider the results of the study under subsection (b)(1) in determining whether a 3-year set-aside is appropriate.

(4) Renewal of Waiver.—Any determination made to set aside the requirements of this section may be renewed for additional 3-year periods by the Secretary, with the concurrence of the Administrator, with respect to the determinations made under paragraphs (3)(A) and (3)(B).

Any determination made with respect to the paragraphs (3)(A) and (3)(B) shall apply to one or more specific States or regions considering climate, geography, and other factors that may be unique to the State or region and that would prevent the adequate performance of asphalt pavement containing recycled rubber.

(5) Individual State Reduction.—The Secretary shall establish a minimum utilization requirement for asphalt pavement containing recycled rubber less than the minimum utilization requirement otherwise required by paragraph (1) in a particular State, upon a determination in accordance with the Secretary, with the concurrence of the Administrator of the Environmental Protection Agency, determines that there is not a sufficient quantity of scrap tires available in the particular State to meet the minimum utilization requirement established under paragraph (1) as the result of recycling and processing practices in that State or another State.

(e) Definitions.—For purpose of this section—

(1) the term "asphalt pavement containing recycled rubber" means any hot mix or spray applied binder in asphalt paving mixture that contains rubber from whole scrap tires which is used for asphalt pavement base, surface course or interlayer, or other road and highway related uses and—

(A) is a mixture of not less than 20 pounds of recycled rubber per ton of hot mix or 300 pounds of recycled rubber per ton of spray applied binder; or

(B) is any mixture of asphalt pavement and recycled rubber that is certified by a State, the Secretary, or the President of the United States, or their duly designated representatives, that the total amount of recycled rubber from whole scrap tires utilized in any year in such State shall be not less than the applicable percentage of the applicable requirement for asphalt pavement containing recycled rubber laid in such State met the specifications of subparagraph (A) and subsection (d)(1); and

(2) the term "crumb rubber" is that rubber derived from processing whole scrap tires or shredded tire material taken from automobiles, trucks, or other equipment owned and operated in the United States.

(f) MINIMUM UTILIZATION REQUIREMENT.—The Secretary shall withhold all or any part of the share of the apportionments under section 104(f)(1) of title 23, United States Code, that shall be apportioned to the State, exclusive of Federal funds, for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—

(1) $1,000,000 shall be available to the Secretary for carrying out subsections (a) and (b); and

(2) $7,500,000 ($7,000,000 in the case of fiscal year 1992) shall be available to the Secretary for carrying out subsection (c).

Such sums shall remain available until expended.

(g) STATE DEFINED.—For purposes of this section, the term "State" has the meaning such term has under section 101 of title 23, United States Code.

(g) SEC. 1045. FEDERAL AID TO RESEARCH AND DEVELOPMENT ON TIMBER BRIDGES.

(a) RESEARCH GRANTS.—The Secretary shall make grants to other Federal agencies, universities, nonprofit organizations, and any research or engineering entity to carry out research on 1 or more of the following;

(1) Development of new, economical highway timber bridge systems.

(2) Development of engineering design criteria for highly load-bearing products for use in highway bridges in order to improve methods for characterizing lumber design properties.

(3) Prescriptive systems for use in highway timber bridges which demonstrate new alternatives and current treatment processes and procedures and which are environmentally sound with respect to application, use, and disposal of treated wood.

(4) Alternative transportation system timber structures which demonstrate the development of applications for rating, sign, and lighting supports, sound barriers, culverts, and retaining walls in highway applications.

(5) Rehabilitation measures which demonstrate effective, safe, and reliable methods for rehabilitating existing highway timber structures.

(b) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as may be necessary to ensure that the information and technology resulting from research conducted under subsection (a) is made available for use by State transportation departments and other interested persons.

(c) CONSTRUCTION GRANTS.—The Secretary shall make grants to States for construction of highway timber bridges on the rural mobility system.

(d) APPLICATIONS.—A State interested in receiving a grant under this subsection must submit an application therefor to the Secretary. Such application shall be in such form and contain such information as the Secretary may require by regulation.

(e) REVIEW OF GRANTS.—The Secretary shall select and approve applications for grants under this subsection based on the following criteria:

(1) Bridge designs which have both initial and long-term structural and environmental integrity.

(2) Bridge designs which utilize timber species native to the State or region.

(3) Bridge designs which have the possibility of increasing knowledge, cost effectiveness, and future use of such designs.

(f) FEDERAL SHARE.—The Federal share of the costs of research and construction projects carried out under this section shall be 80 percent.

(g) FUNDING.—From the funds reserved from apportionment under section 144(g)(1) of title 23, United States Code, for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—

(1) $1,000,000 shall be available to the Secretary for carrying out subsections (a) and (b); and

(2) $7,500,000 ($7,000,000 in the case of fiscal year 1992) shall be available to the Secretary for carrying out subsection (c).

(g) LIMITATION ON USE OF FUNDS.—Funds made available to carry out this section shall be used only to expand efforts to encourage research, fund additional Internal Revenue Service staff only to carry out functions described in this subsection, supplement motor fuel tax examinations and investigations, or develop automated data processing tools to monitor motor fuel production and sales, evaluate and implement registration and re-
tion and the expenditure of funds made available to carry out this section, including expenses for the hiring of additional staff by any Federal agency.

SEC. 1044. CRedit FOR NON-FEDERAL SHARE.
(a) ELIGIBILITY.—A State may use as a credit toward the non-Federal matching share requirement for all programs authorized under this Act, other than those to build, improve, or maintain highways, tolls that are generated and used by public, quasi-public and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose.

(b) Maintenance of Credit.—The credit for any non-Federal share shall not reduce nor replace State monies required to match Federal funds for any program pursuant to this Act. To the extent that Federal funds are available to the Secretary for carrying out any Federal program pursuant to this Act, a credit toward the non-Federal matching share for such program is calculated as if to include such credit.

(c) Use of Credit.—The credit for any non-Federal share shall not reduce nor replace State monies required to match Federal funds for any program pursuant to this Act. To the extent that Federal funds are available to the Secretary for carrying out any Federal program pursuant to this Act, a credit toward the non-Federal matching share for such program is calculated as if to include such credit.

(d) ACCEPTANCE OF SUBSTITUTE PROJECT OR PROJECTS.—If a substitute project or projects under subsection (a) is deemed to be a substitute project for the purposes of section 105 of title 23, United States Code, for the purposes of this subsection, the term "highway," as given to it in section 101, title 23, United States Code, and shall include activities such as preliminary engineering and right-of-way acquisition.

(e) NATIONAL FUNDING.—Notwithstanding any other provision of law, upon the request of the Governor of the State of Wisconsin, the Secretary may approve substitute highway, transit, and light rail transit projects, in lieu of construction of the I-94 East-West Transitway project in Milwaukee and Waukesha counties, as identified in the 1993 Interstate Cost Estimate.

(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute highway or transit project or projects under subsection (a), the costs of construction of the eligible projects or projects in lieu of the 1-94 East-West Transitway shall be eligible for Federal assistance, and the project or projects are substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, shall in the Secretary's estimate submitted to Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for such project or projects. For the purposes of this subsection, the term "highway," as given to it in section 101, title 23, United States Code, shall include activities such as preliminary engineering and right-of-way acquisition.

(f) USE OF DYE AND MARKERS.—(1) STUDY.—The Secretary, in consultation with the Federal Highway Service, shall conduct a study to determine the feasibility and the desirability of using dye and markers to aid in motor fuel tax enforcement activities and other purposes.

(2) FUNDING.—(a) HIGHWAY TRUST FUND.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $2,500,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997. Such sums shall be available for obligation in the same manner, extent, and period as if such sums were apportioned under chapter 1 of title 23, United States Code, except that the Federal share for projects carried out under this section, shall be equal to the percentage of Federal funds for any program pursuant to this Act for which funds are to be allocated to the Internal Revenue Service under this section, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 600(b)(1) of the Internal Revenue Code of 1986.

(g) USE OF DYE AND MARKERS.—(1) STUDY.—The Secretary, in consultation with the Internal Revenue Service, shall conduct a study to determine the feasibility and the desirability of using dye and markers to aid in motor fuel tax enforcement activities and other purposes.

(2) FUNDING.—(a) HIGHWAY TRUST FUND.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $2,500,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997. Such sums shall be available for obligation in the same manner, extent, and period as if such sums were apportioned under chapter 1 of title 23, United States Code, except that the Federal share for projects carried out under this section, shall be equal to the percentage of Federal funds for any program pursuant to this Act for which funds are to be allocated to the Internal Revenue Service under this section, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 600(b)(1) of the Internal Revenue Code of 1986.

(h) USE OF DYE AND MARKERS.—(1) STUDY.—The Secretary, in consultation with the Internal Revenue Service, shall conduct a study to determine the feasibility and the desirability of using dye and markers to aid in motor fuel tax enforcement activities and other purposes.

(2) FUNDING.—(a) HIGHWAY TRUST FUND.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $2,500,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997. Such sums shall be available for obligation in the same manner, extent, and period as if such sums were apportioned under chapter 1 of title 23, United States Code, except that the Federal share for projects carried out under this section, shall be equal to the percentage of Federal funds for any program pursuant to this Act for which funds are to be allocated to the Internal Revenue Service under this section, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 600(b)(1) of the Internal Revenue Code of 1986.

(i) USE OF DYE AND MARKERS.—(1) STUDY.—The Secretary, in consultation with the Internal Revenue Service, shall conduct a study to determine the feasibility and the desirability of using dye and markers to aid in motor fuel tax enforcement activities and other purposes.

(2) FUNDING.—(a) HIGHWAY TRUST FUND.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $2,500,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997. Such sums shall be available for obligation in the same manner, extent, and period as if such sums were apportioned under chapter 1 of title 23, United States Code, except that the Federal share for projects carried out under this section, shall be equal to the percentage of Federal funds for any program pursuant to this Act for which funds are to be allocated to the Internal Revenue Service under this section, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 600(b)(1) of the Internal Revenue Code of 1986.

(j) USE OF DYE AND MARKERS.—(1) STUDY.—The Secretary, in consultation with the Internal Revenue Service, shall conduct a study to determine the feasibility and the desirability of using dye and markers to aid in motor fuel tax enforcement activities and other purposes.

(2) FUNDING.—(a) HIGHWAY TRUST FUND.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $2,500,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997. Such sums shall be available for obligation in the same manner, extent, and period as if such sums were apportioned under chapter 1 of title 23, United States Code, except that the Federal share for projects carried out under this section, shall be equal to the percentage of Federal funds for any program pursuant to this Act for which funds are to be allocated to the Internal Revenue Service under this section, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 600(b)(1) of the Internal Revenue Code of 1986.

(k) USE OF DYE AND MARKERS.—(1) STUDY.—The Secretary, in consultation with the Internal Revenue Service, shall conduct a study to determine the feasibility and the desirability of using dye and markers to aid in motor fuel tax enforcement activities and other purposes.

(2) FUNDING.—(a) HIGHWAY TRUST FUND.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $2,500,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997. Such sums shall be available for obligation in the same manner, extent, and period as if such sums were apportioned under chapter 1 of title 23, United States Code, except that the Federal share for projects carried out under this section, shall be equal to the percentage of Federal funds for any program pursuant to this Act for which funds are to be allocated to the Internal Revenue Service under this section, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 600(b)(1) of the Internal Revenue Code of 1986.
(b) REMOVAL OF ILLEGAL SIGNS.—Section 131 of this title is amended by adding at the end the following new subsection:

"(b) Removal of illegal signs.—Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of the display, or device not later than the 90th day following the effective date of this subsection.

"(c) By state.—If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs of such removal. Effective control under this section includes compliance with the first sentence of this paragraph.

"(d) Scenic Byway Prohibition.—Such section is further amended by adding at the end the following new subsection:

"(d) Scenic Byway Prohibition.—If a State has a scenic byway program, the State may not allow the erection along any highway on the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the Federal-aid primary system in existence on such date, any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section.

"(e) Primary System Defined.—For purposes of this section, the terms 'primary system' and 'Federal-aid primary system' mean a Federal-aid primary system in existence on the effective date of this subsection.

"(f) State Compliance Laws.—The amendments made by this section shall not affect the status or validity of any existing compliance law or regulation adopted by a State pursuant to section 131 of title 23, United States Code.

SEC. 164. SCENIC BYWAYS PROGRAM.

(a) Scenic Byways Advisory Committee.—

(1) Establishment.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish in the Department of Transportation an advisory committee to assist the Secretary with respect to establishment of a national scenic byways program under title 23, United States Code. Such recommendations shall include recommendations on the following:

(A) Consideration of the scenic beauty and historic significance of highways proposed for designation as scenic byways and all-American roads and the areas surrounding such highways.

(B) Operation and management standards for highways designated as scenic byways and all-American roads, including strategies for minimizing the disturbance to the highway for which a highway is designated as a scenic byway or all-American road, for protecting and enhancing the landscape and view corridors surrounding such a highway, and for minimizing traffic congestion on such a highway.

(C) Standards for scenic byway-related signs, including those which identify highways as scenic byways and all-American roads.

(D) The advisability of uniform signs identifying highways as components of the scenic byway system.

(E) Design standards for maintaining highway safety on the scenic byway system.

(F) Design review procedures for location of highway facilities, landscaping, and traveler facilities on the scenic byway system.

(G) Any other matters for which the Secretary may request recommendations.

(b) Reporting.—Not later than 18 months after the date of the enactment of this Act, the advisory committee established under this section shall submit to the Secretary and Congress a report containing the recommendations described in paragraph (1).

(c) Technical and Financial Assistance.—The Secretary shall provide technical assistance to the States in accordance with section 131 of title 23, United States Code.

(d) Federal Share.—The Federal share payable for the planning, design, and development of State scenic byway programs under this section shall be 80 percent, subject to the following:

(1) Federal Fund for Mass Transit Account. $1,000,000 for fiscal year 1992, $3,000,000 for fiscal year 1993, $4,000,000 for fiscal year 1994, and $4,000,000 for each of the fiscal years 1995, 1996, and 1997. Such sums shall remain available until expended.

(e) Contract Authority.—Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the Federal Government for the Federal share of the cost of activities for which the grant is being made.

(f) Interim Scenic Byways Program.—

(1) Grant Program.—During fiscal years 1992, 1993, and 1994, the Secretary may make grants to any State which has a scenic byway program for carrying out eligible projects on highways which the State has designated as scenic byways.

(2) Priority Projects.—In making grants under paragraph (1), the Secretary shall give priority to—

(A) those eligible projects which are included in a corridor management plan for maintaining scenic, historic, recreational, cultural, and archeological characteristics of the corridor while providing for accommodation of increased tourism and development of related amenities;

(B) those eligible projects for which a strong local commitment is demonstrated for implementing the management plans and protecting the characteristics for which the highway is likely to be designated as a scenic byway;

(C) those eligible projects which are included in programs which can serve as models for other States to follow when establishing and designing scenic byways on an intrastate or interstate basis; and

(D) those eligible projects in multi-State corridors where the States submit joint applications.

(3) Eligible Projects.—The following are projects which are eligible for Federal assistance under this subsection:

(A) Planning, design, and development of State scenic byway programs.

(B) Making safety improvements to a highway designated as scenic byway under this subsection to enhance access to the area and to enhance utility for the purpose of recreation, including water-related recreation.

(C) Construction along the highway of facilities for the use of pedestrians and bicyclists, rest areas, turnout, highway shoulder improvements, and other improvements, facilities, and features.

(D) Improvements to the highways which will enhance access to an area for the purpose of recreation, including water-related recreation.

(E) Protecting historical and cultural resources in areas adjacent to the highway.

(F) Developing and providing tourist information to the public, including interpretive information about the scenic byway.
CONGRESSIONAL RECORD — HOUSE

November 26, 1991

Section 104S. BUY AMERICA.

(a) INCLUSION OF IRON.—Section 165(a) of the Surface Transportation Assistance Act of 1982 shall be amended by inserting "iron," after "steel".

(b) WAIERS: INTENTIONAL VIOLATIONS.—Section 165(b) of such Act is amended by inserting at the end the following:

"(2) If it has been demonstrated by a court or Federal agency that any person intentionally—

(a) affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product used in projects to which this section applies, sold to the United States that was not made in the United States; or

(b) represented that any product used in projects to which this section applies, sold to the United States, was not produced in the United States, was produced in the United States:

the Secretary shall not enter into any contract or subcontract made with funds authorized under the Interstate Surface Transportation Infrastructure Act of 1991 pursuant to the remanement, expansion, and ineligibility procedures in subpart 9.4 of chapter I of title 49, Code of Federal Regulations.

(c) LIMITATION ON APPLICABILITY OF WAIVERS TO PRODUCTS PRODUCED IN CERTAIN FOREIGN COUNTRIES.—If the Secretary, in consultation with the United States Trade Representative, determines that—

(1) a foreign country is a party to an agreement with the United States and pursuant to that agreement the head of an agency of the United States has waived the requirements of this section, and

(2) the foreign country has violated the terms of the agreement by discriminating against a United States product that are produced in the United States and are covered by the agreement,

the provisions of subsection (b) shall not apply to products produced in that foreign country.

SEC. 1051. WORK ZONE SAFETY.

(a) Effect of Repayment.—The amount of Federal-aid highway funds paid on account of those completed sections of the Nashua-Hudson Circumferential in the State of New Hampshire referred to in subsection (c) of this section shall be in addition to all other funds then available to pay the cost of the non-Federal share of the project.

(b) Sec. 1052. NEW HAMPSHIRE FEDERAL-AID PAYBACK.

(1) by inserting before "and acceptance"

"if..." and an opportunity for public comments.

(c) PROJECT DESCRIPTION.—The provisions of this section shall apply to the section of the completed Nashua-Hudson Circumferential between the Daniel Webster Highway in the city of Nashua and New Hampshire Route 3A in the town of Hudson.

SEC. 1053. METRIC SYSTEM SIGNING.


SEC. 1054. TEMPORARY MATCHING FUND WAIVER.

(a) WAIVER OF MATCHING SHARE.—Notwithstanding any other provision of law, the Secretary shall not be obligated to pay any portion of any 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 in addition to all other funds then available to pay the cost of the non-Federal share of the project.

(b) Sec. 1055. RETENTION OF MATCHING FUND WAIVER.

(c) Sec. 1056. TEMPORARY MATCHING FUND WAIVER.

(d) Sec. 1057. TEMPORARY MATCHING FUND WAIVER.

(e) Sec. 1058. TEMPORARY MATCHING FUND WAIVER.

(f) Sec. 1059. TEMPORARY MATCHING FUND WAIVER.

(g) Sec. 1060. TEMPORARY MATCHING FUND WAIVER.

(h) Sec. 1061. TEMPORARY MATCHING FUND WAIVER.

(i) Sec. 1062. TEMPORARY MATCHING FUND WAIVER.

(j) Sec. 1063. TEMPORARY MATCHING FUND WAIVER.

(k) Sec. 1064. TEMPORARY MATCHING FUND WAIVER.

(l) Sec. 1065. TEMPORARY MATCHING FUND WAIVER.

(m) Sec. 1066. TEMPORARY MATCHING FUND WAIVER.

(n) Sec. 1067. TEMPORARY MATCHING FUND WAIVER.

(o) Sec. 1068. TEMPORARY MATCHING FUND WAIVER.

(p) Sec. 1069. TEMPORARY MATCHING FUND WAIVER.

(q) Sec. 1070. TEMPORARY MATCHING FUND WAIVER.

(r) Sec. 1071. TEMPORARY MATCHING FUND WAIVER.

(s) Sec. 1072. TEMPORARY MATCHING FUND WAIVER.

(t) Sec. 1073. TEMPORARY MATCHING FUND WAIVER.

(u) Sec. 1074. TEMPORARY MATCHING FUND WAIVER.

(v) Sec. 1075. TEMPORARY MATCHING FUND WAIVER.

(w) Sec. 1076. TEMPORARY MATCHING FUND WAIVER.

(x) Sec. 1077. TEMPORARY MATCHING FUND WAIVER.

(y) Sec. 1078. TEMPORARY MATCHING FUND WAIVER.

(z) Sec. 1079. TEMPORARY MATCHING FUND WAIVER.

(aa) Sec. 1080. TEMPORARY MATCHING FUND WAIVER.

(bb) Sec. 1081. TEMPORARY MATCHING FUND WAIVER.

(cc) Sec. 1082. TEMPORARY MATCHING FUND WAIVER.

(dd) Sec. 1083. TEMPORARY MATCHING FUND WAIVER.

(EE) Sec. 1084. TEMPORARY MATCHING FUND WAIVER.

(ff) Sec. 1085. TEMPORARY MATCHING FUND WAIVER.

(gg) Sec. 1086. TEMPORARY MATCHING FUND WAIVER.

(hh) Sec. 1087. TEMPORARY MATCHING FUND WAIVER.

(ii) Sec. 1088. TEMPORARY MATCHING FUND WAIVER.

(jj) Sec. 1089. TEMPORARY MATCHING FUND WAIVER.

(kk) Sec. 1090. TEMPORARY MATCHING FUND WAIVER.

(ll) Sec. 1091. TEMPORARY MATCHING FUND WAIVER.

(mm) Sec. 1092. TEMPORARY MATCHING FUND WAIVER.

(nn) Sec. 1093. TEMPORARY MATCHING FUND WAIVER.

(oo) Sec. 1094. TEMPORARY MATCHING FUND WAIVER.

(pp) Sec. 1095. TEMPORARY MATCHING FUND WAIVER.

(qq) Sec. 1096. TEMPORARY MATCHING FUND WAIVER.

(rr) Sec. 1097. TEMPORARY MATCHING FUND WAIVER.

(ss) Sec. 1098. TEMPORARY MATCHING FUND WAIVER.

(tt) Sec. 1099. TEMPORARY MATCHING FUND WAIVER.

(uu) Sec. 1100. TEMPORARY MATCHING FUND WAIVER.

(vv) Sec. 1101. TEMPORARY MATCHING FUND WAIVER.

(ww) Sec. 1102. TEMPORARY MATCHING FUND WAIVER.

(xx) Sec. 1103. TEMPORARY MATCHING FUND WAIVER.

(yy) Sec. 1104. TEMPORARY MATCHING FUND WAIVER.

(zz) Sec. 1105. TEMPORARY MATCHING FUND WAIVER.

(1l) Sec. 1106. TEMPORARY MATCHING FUND WAIVER.

(mn) Sec. 1107. TEMPORARY MATCHING FUND WAIVER.

(nn) Sec. 1108. TEMPORARY MATCHING FUND WAIVER.

(oo) Sec. 1109. TEMPORARY MATCHING FUND WAIVER.

(pp) Sec. 1110. TEMPORARY MATCHING FUND WAIVER.

(qq) Sec. 1111. TEMPORARY MATCHING FUND WAIVER.

(rr) Sec. 1112. TEMPORARY MATCHING FUND WAIVER.
not be recognized by the Secretary until the Secretary publishes notice of such certification in the Federal Register and provides an opportunity for public comment on such certification.

SEC. 1057. EROSION CONTROL GUIDELINES.

(a) DEVELOPMENT.—The Secretary shall develop erosion control guidelines for States to follow in carrying out Federal-aid highway projects when it would be cost effective. States shall be consistent with nonpoint source management programs under section 319 of the Federal Water Pollution Control Act and coastal nonpoint pollution control guidance under section 6217(g) of the Omnibus Budget Reconciliation Act of 1990.

(b) MORE STRINGENT STATE REQUIREMENTS.—Guidelines developed under subsection (a) are preempted by this title, and no requirement made by or under State law if such requirement is more stringent than the guidelines.

(c) CONSISTENCY WITH OTHER PROGRAMS.—Guidelines developed under subsection (a) shall be consistent with nonpoint source management programs under section 319 of the Federal Water Pollution Control Act and coastal nonpoint pollution control guidance under section 6217(g) of the Omnibus Budget Reconciliation Act of 1990.

SEC. 1058. ROADSIDE BARRIER TECHNOLOGY.

(a) REQUIREMENT FOR INNOVATIVE BARRIERS.—Not less than 2 1/2 percent of the mileage of new or replacement permanent median barriers included in awarded contracts for Federal-aid highway projects within the boundaries of a State in each calendar year shall be innovative safety barriers.

(b) CERTIFICATION.—Each State shall annually certify to the Secretary its compliance with the requirements of this section.

(c) DEFINITION OF INNOVATIVE SAFETY BARRIER.—For purposes of this section, the term "innovative safety barrier" means a median barrier, other than a guardrail, classified by the Federal Highway Administration as "experimental" that was classified as "operational" after January 1, 1985.

SEC. 1059. USE OF TOURIST ORIENTED DIRECTIONAL SIGNS.

(a) IN GENERAL.—The Secretary shall encourage the States to provide for equitable participation in the use of tourist oriented directional signs or "logo" signs along the Interstate System and the Federal-aid primary system (as defined under section 131(b) of title 23, United States Code).

(b) STUDY.—Not later than 4 years after the effective date of this title, the Secretary shall conduct a study and report to Congress on the participation of the States in the use of such signs.

SEC. 1060. PRIVATE SECTOR INVOLVEMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a private sector involvement program to encourage States to contract with private firms for engineering and design services in carrying out Federal-aid highway projects when it would be cost effective.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—In conducting the program, the Secretary may make grants in each of fiscal years 1992, 1993, 1994, 1995, and 1996, and $18,000,000 for fiscal year 1997 to States for the purpose of awarding grants under subsection (b).

(2) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUNDS.—There is authorized to be appropriated for the purpose of awarding grants under subsection (b) $15,000,000 for fiscal year 1992 and $18,000,000 for fiscal year 1993.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit a report to Congress on the results of the program established under this section.

(d) LIMITATION ON EFFECT.—This provision shall have no force or effect on any provision of any other law.

SEC. 1061. UNIFORM TRAFFIC CONTROL DEVICES.

(a) HIGHWAY PROJECT.—The Secretary shall carry out a program in the State of Arkansas to demonstrate the benefits of providing training to county and town traffic officials and public works employees in the need for and application of uniform traffic control devices and to demonstrate the safety benefits of providing for adequate and safe warning and regulatory signs.

(b) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUNDS.—There is authorized to be appropriated for the purpose of providing training to county and town traffic officials and public works employees and providing for adequate and safe warning and regulatory signs—

(1) $1,000,000 to be used in fiscal year 1992; and

(2) $1,000,000 for each of fiscal years 1993, 1994, 1995, and 1996.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit a report to Congress on the results of the program established under this section.

SEC. 1062. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c) of title 23, United States Code.

(b) FEDERAL SHARE.—The Federal share payable for construction of ferry boats and ferry terminal facilities under this section shall be 80 percent of the cost thereof.

(c) FUNDING.—There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for obligation at the discretion of the Secretary $14,000,000 for fiscal year 1992, $17,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, and 1996, and $18,000,000 for fiscal year 1997 to carry out this section. Such sums shall remain available until expended.

(d) APPLICABILITY OF TITLE 23.—All provisions of chapter 1 of title 23, United States Code, that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.

(e) TREATMENT OF CERTAIN ROADS.—For purposes of this section, North Carolina State Routes 12, 45, 306, 615, and 183 and United States Route 155 in North Carolina shall be treated as principal arterials.

SEC. 1063. ORANGE COUNTY TOLL PILOT PROJECT.

(a) EXEMPTION OF CERTAIN LANDS.—For the purposes of any approval by the Secretary of the proposed highway improvements authorized by section 129(j)(3) of title 23, United States
Code in Orange County, California, pursuant to section 363 of title 49, United States Code, and related laws and submit the proposed recodification to Congress for consideration.

SEC. 1008. CONSTRUCTION PROJECTS.

(a) Tampa, Florida.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(1) of such section shall be available to the Secretary for carrying out a highway project to widen, modernize, and make safety improvements to interstate route F-4 in Hillsborough County, Florida.

(b) Tampa, Florida.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(1) of such section shall be available to the Secretary for carrying out a highway project to construct a bypass for Tampa, Florida, to the Hillsborough-Polk County line.

(c) Santa Fe, New Mexico.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(1) of such section shall be available to the Secretary for carrying out a highway project to construct a bypass for Santa Fe, New Mexico.

(d) Larkspur to Korbel, California.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(1) of such section shall be available to the Secretary for carrying out a highway project to construct a bypass for Larkspur to Korbel, California.

(e) Paso Robles and Bering County, New Jersey.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(1) of such section shall be available to the Secretary for carrying out a highway project to construct a transportation corridor along a right of way which is parallel to Route 101 in California and connects Larkspur, California, and Korbel, California.

(f) Permit Applications.—With respect to applications for permits for discharges described in subsection (a) on or before October 1, 1992, the Administrator shall require such applicant to provide a list of all existing industrial activities from facilities that are owned or operated by such municipality which are associated with such highway project, including design and right-of-way acquisition activities.

SEC. 1009. STORMWATER PERMIT REQUIREMENTS.

(a) General Rule.—Notwithstanding the requirements of sections 420 and 421 of the Water Pollution Control Act, as amended, the Administrator shall not be required to submit a part II application until the Administrator is authorized to be approved under section 420(d)(1) as necessary to complete construction of the Riveristead Expressway, including bridges crossing the Monongahela River, or shall be authorized to be approved under section 420(d)(2) as necessary to complete construction of the Westover Bridge.

(b) Permit Applications.—With respect to group applications for permits for discharges described in subsection (a), the Administrator shall require

(1) that an applicant shall be required to submit a part II application before May 17, 1991, unless any municipality that has participated in such group application shall not be required to submit a part II application before May 17, 1991.

(2) that any municipality with a population of less than 100,000 shall not be required to submit a part II application before May 17, 1991.

(3) that any municipality with a population of less than 10,000 shall not be required to submit a part II application before May 17, 1991.

(4) that any municipality with a population of less than 250,000 shall not be required to submit a part II application before May 17, 1991.

(e) Limitation on Statutory Construction.—Nothing in this section shall be construed to affect any application or permit requirement, including any give effect to, or to amend, any Federal requirements for run-on and run-off controls established pursuant to title D of the Solid Waste Disposal Act.

(f) Limitation on Statutory Construction.—Nothing in this section shall be construed to affect any application or permit requirement, including any give effect to, or to amend, any Federal requirements for run-on and run-off controls established pursuant to title D of the Solid Waste Disposal Act.

(g) Limitation on Statutory Construction.—Nothing in this section shall be construed to affect any application or permit requirement, including any give effect to, or to amend, any Federal requirements for run-on and run-off controls established pursuant to title D of the Solid Waste Disposal Act.

(h) Limitation on Statutory Construction.—Nothing in this section shall be construed to affect any application or permit requirement, including any give effect to, or to amend, any Federal requirements for run-on and run-off controls established pursuant to title D of the Solid Waste Disposal Act.

(i) Limitation on Statutory Construction.—Nothing in this section shall be construed to affect any application or permit requirement, including any give effect to, or to amend, any Federal requirements for run-on and run-off controls established pursuant to title D of the Solid Waste Disposal Act.

(j) Limitation on Statutory Construction.—Nothing in this section shall be construed to affect any application or permit requirement, including any give effect to, or to amend, any Federal requirements for run-on and run-off controls established pursuant to title D of the Solid Waste Disposal Act.
Bridge. The Federal share of such project shall be 80 percent.

(j) WARREN OUTSIDER IMPROVEMENT, WARREN, OHIO.—There is authorized to be appropriated $3,000,000 for design and construction of the Ohio State Route 52 improvements. The Federal share of such project shall be 80 percent.

(k) OHIO STATE ROUTE 45 IMPROVEMENTS.—There is authorized to be appropriated $2,000,000 for design and construction of Ohio State Route 45 improvements. The Federal share of such project shall be 80 percent.

(l) U.S. ROUTE 6 IMPROVEMENTS, OHIO.—There is authorized to be appropriated $1,000,000 for design and construction of U.S. Route 6 improvements, Ohio. The Federal share of such project shall be 80 percent.

(m) ROUTE 120, LOCK HAVEN, PENNSYLVANIA.—There is authorized to be appropriated $1,000,000 for the widening of U.S. Route 120 and the construction of a bridge over the Lock Haven, Pennsylvania. The Federal share of such project shall be 80 percent.

(n) TRUSS BRIDGE, TIoga River, LAWRENCEVILLE, PENNSYLVANIA.—There is authorized to be appropriated $3,200,000 to replace the existing Truss Bridge across the Tioga River, in Lawrenceville, Pennsylvania. The Federal share of such project shall be 80 percent.

(o) Lock Haven, PENNSYLVANIA.—There is authorized to be appropriated $4,000,000 for the widening of U.S. Route 120 in Lock Haven, Pennsylvania. The Federal share of such project shall be 80 percent.

(p) ROUTE 120, BRADFORD COUNTY, PENNSYLVANIA.—There is authorized to be appropriated $4,000,000 for design and construction of the State Lincoln Highway System.

(q) CONGESTION MANAGEMENT PROJECT, Rutgers, New Jersey.—There is authorized to be appropriated $200,000,000 to carry out a project to relieve congestion in the vicinity of the intersection of Routes 92 and 322 in the Towns of Manlius, New York, and DeWitt, New York.

(r) ROCHESTER ADVANCED TRAFFIC MANAGEMENT SYSTEM.—There is authorized to be appropriated $15,000,000 for the construction of an integrated advanced traffic management system for the city of Rochester.

(s) RENSSELAER ACCESS PROJECT.—There is authorized to be appropriated $25,000,000 to construct an interchange on I-287 in Rensselaer County, New York.

(t) GOVAN'S EXPRESSWAY CORRIDOR IMPROVEMENTS.—There is authorized to be appropriated $200,000,000 to carry out improvements to the Govan's Expressway Corridor in Brooklyn, New York.

(u) 1-787 CROSS WESTCHESTER EXPRESSWAY HIGH OCCUPANCY VEHICLE LANE PROJECT.—There is authorized to be appropriated $245,000,000 to construct High Occupancy Vehicle Lanes on the Cross Westchester Expressway in Westchester County, New York.

(v) OAK POINT LINK FREIGHT ACCESS PROJECT.—There is authorized to be appropriated $150,000,000 to complete the construction of the Oak Point Link in the Harlem River in New York City, New York.

(w) 97-10-93 PROJECT, DELANO ROOSEVELT DRIVE.—There is authorized to be appropriated $50,000,000 to carry out operational and safety improvements to the Franklin Delano Roosevelt Drive in New York City, New York.

SEC. 1069. MODIFICATIONS OF NIAGARA FALLS BRIDGE COMMISSION.

(a) Payment of Costs.—(1) IN GENERAL.—Section 4 of the joint resolution entitled "Joint resolution creating the Niagara Falls Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, New York..." (as in effect after in this section referred to as the "Joint Resolution"), is amended to read as follows:

"SEC. 4. The Commission is authorized to lease, acquire, hold, and retain funds for the acquisition or construction of bridges (provided the same is authorized by Act or Joint Resolution of Congress of the United States), and to incur indebtedness and to pledge the same, working capital and other expenditure funds and deposits convenient to carrying out the Commission's purposes. The terms of the borrowing, the rate of interest (whether fixed or variable, constant).

(b) Authorization of Appropriations.—It is hereby authorized to carry out the purpose of this section and the general purposes of the Niagara Falls Bridge Commission and the Niagara Falls Bridge Commission and the Niagara Falls Bridge Commission Authority, including the general obligation of the Commission and the pledg of all or any particular revenues or proceeds of obligations of the Commission, to the obligations of the public at large or of any other person, firm, or corporation, or as to which the obligations are subject to the contractual rights of the holder or holders of any of the bonds of the Niagara Falls Bridge Commission which are outstanding at the time of the enactment of this section.

(c) Repeal.—Section 5 of the Joint Resolution is amended by striking "providing for the acquisition or construction of bridges" and inserting "providing for the acquisition or construction of bridges incapability of the Commission and the pledg of all or any particular revenues or proceeds of obligations of the Commission, to the obligations of the public at large or of any other person, firm, or corporation, or as to which the obligations are subject to contractual rights of the holder or holders of any of the bonds of the Niagara Falls Bridge Commission which are outstanding at the time of the enactment of this section.

(d) Authorization of Appropriations.—It is hereby authorized to carry out the purpose of this section and the general purposes of the Niagara Falls Bridge Commission and the Niagara Falls Bridge Commission Authority, including the general obligation of the Commission and the pledg of all or any particular revenues or proceeds of obligations of the Commission, to the obligations of the public at large or of any other person, firm, or corporation, or as to which the obligations are subject to the contractual rights of the holder or holders of any of the bonds of the Niagara Falls Bridge Commission which are outstanding at the time of the enactment of this section.

(e) Payment of Costs.—There is authorized to be appropriated $150,000,000 for the widening of U.S. Route 119 and U.S. Route 119 in New York.

(f) Administrative Provisions.—Section 8 of the Joint Resolution is amended in the second sentence thereof by striking out "no more than 100,000 for rendering services to the City of Peace Bridge. Such facilities must be immediately adjacent to the intersection of Porter Avenue and the New York State Thruway in Buffalo, New York. Before leasing such fa-
cilities, the Administrator must be assured that the facilities will be offered at a fair market value and that a bridge gate will be connected to the bridge by a secure access road. Provided that these conditions are met, the Administrator shall enter into the transfer of the facilities,

SEC. 172. VEHICLE PROXIMITY ALERT SYSTEM.

The Secretary shall coordinate the field testing of the vehicle proximity alert system and comparable systems to determine their feasibility for use by priority vehicles as an effective railroad-highway grade crossing safety device. In the event the vehicle proximity alert or a comparable system proves to be acceptable and to be part of an expanding system, the Secretary shall develop and implement appropriate programs under section 150 of title 23, United States Code, to provide for installation of such devices where appropriate.

SEC. 173. ROADSIDE BARRIERS AND SAFETY APPUR- TENANCES.

(a) INITIATION OF RULEMAKING PROCEEDINGS.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall initiate rulemaking proceedings to devise the guidelines and establish standards for installation of roadside barriers and other safety appurtenances, including longitudinal barriers, end terminals, and crash cushions. Such rulemaking shall reflect state-of-the-art designs, testing, and evaluation criteria contained in the National Cooperative Highway Research Program Report 230, relating to approval standards which provide an enhanced level of crashworthiness performance to accommodate vans, mini-vans, pickup trucks, and 4-wheel drive vehicles.

(b) FINAL RULE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the rulemaking proceedings under subsection (a) and issue a final rule regarding the implementation of revised guidelines and standards applicable to the installation of new roadside barriers and safety appurtenances.

SEC. 174. DESIGNATION OF UNITED STATES ROUTE 24.

Notwithstanding any other provision of law, upon the request of the Oklahoma State Highway agency, the Secretary shall designate the portion of U.S. Route 69 from the Oklahoma-Texas State line to Chelsea in the State of Oklahoma as a part of the Interstate System pursuant to section 138 of title 23, United States Code.

SEC. 175. SPECIAL PROVISIONS REGARDING CERTAIN HYDROELECTRIC PROJECTS.

(a) Brasfield Dam Hydroelectric Project.Final Notice

Notwithstanding section 13 of the Federal Power Act providing for the termination of a license issued by the Federal Energy Regulatory Commission thereunder to the Appomattox River Water Authority (hereafter in this subsection referred to as the "Commission") to the Appomattox River Water Authority (hereafter in this subsection referred to as the "Authority") to construct the project at a total first cost of $45,000,000 (FERC Project No. 8940-001) on the Appomattox River in Chesterfield and Dinwiddie Counties, Virginia, and notwithstanding the surrender of such license on the Authority's application, the Secretary shall rescind such license to the Authority, together with any amendments necessary and appropriate to carry out the authority of the Commission under section 30 of the Federal Power Act (16 U.S.C. 803) and section 30 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4125), is modified to authorize the Secretary to construct the project at a total first cost of $45,000,000, and an estimated annual cost of $580,000, and an average annual cost of $500,000 for periodic maintenance of the project.

The project shall be subject to the storm damage reduction measures described in the Final Environmental Impact Statement for the project. The project is further modified to authorize the Secretary to relocate existing structures along the banks of the Appomattox River as necessary to carry out the purposes of the project.

(b) Projects Nos. 3033, 3034, and 3246.—Final Notice

Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 803), the Federal Energy Regulatory Commission, upon the request of the licensees for the projects listed in paragraphs (A), (B), and (C) of this subsection, shall grant a license under section 30 of the Federal Power Act (16 U.S.C. 803), and section 30 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4125), is modified to authorize the Secretary to construct the project at a total first cost of $39,000,000 and an estimated annual cost of $390,000, and an average annual cost of $500,000 for periodic maintenance of the project.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue a final rule regarding the implementation of revised guidelines and standards applicable to the installation of new roadside barriers and safety appurtenances.

(b) Final Rule.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the rulemaking proceedings under subsection (a) and issue a final rule regarding the implementation of revised guidelines and standards applicable to the installation of new roadside barriers and safety appurtenances.

(c) Other Works Incidental to such Dam.—Notwithstanding any other provision of law, upon the request of the Oklahoma State Highway agency, the Secretary shall designate the portion of U.S. Route 69 from the Oklahoma-Texas State line to Chelsea in the State of Oklahoma as a part of the Interstate System pursuant to section 138 of title 23, United States Code.

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Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue a final rule regarding the implementation of revised guidelines and standards applicable to the installation of new roadside barriers and safety appurtenances.
H 11548

CONGRESSIONAL RECORD — HOUSE

November 26, 1991

Thence North 69°57'08" West a distance of
33.00 feet to a point on the northwesterly
right-of-way line of relocated Erie
side Avenue N.E., a distance of 44.36 feet to a
point.

Thence South 33°57'08" West a distance of
158.35 feet to a point.

Thence South 56°06'52" West a distance of
76.00 feet to a point.

Thence North 78°57'08" West a distance of
18.33 feet to a point.

Thence North 33°57'08" West a distance of
315.82 feet to a point.

Thence South 56°06'52" West a distance of
84.86 feet to a point.

Thence North 53°57'08" West a distance of
137.28 feet to a point.

Thence North 11°06'52" East a distance of
225.00 feet to a point.

Thence North 78°57'08" East a distance of
150.00 feet to a point.

Thence South 11°06'52" West a distance of
46.18 feet to a point.

Thence North 11°06'52" West a distance of
28.28 feet to a point.

Thence South 11°06'52" West a distance of
83.70 feet to a point.

Thence South 56°06'52" East a distance of
28.28 feet to a point.

Thence South 11°06'52" West a distance of
81.29 feet to a point.

Thence North 56°06'52" West a distance of
4.14 feet to a true place of beginning con-
aining 42,646 square feet more or less.

(c) REIMBURSEMENT NOT REQUIRED.—The
Ohio Department of Natural Resources shall
be reimbursed by the Federal Government any portion of the credit re-
ceived by the non-Federal project sponsor as
provided in Public Law 100-202 (110

(d) AREA TO BE DECLARED NONNAVIGABLE;
PUBLIC INTEREST.—Unless the Secretary of
the Army finds, after consultation with local
and regional public planning organi-
sations, that the proposed projects to be
undertaken within the boundaries in the
por-
tions of Cleveland Harbor, Ohio, described
below, are not in the public interest then,
subject to subsections (e) and (f) of this sec-
tion, those portions of such Harbor, bounded
and described as follows, are declared to be
nonnavigable waters of the United States:

Situatéd in the City of Cleveland, Cuyah
hoa County and State of Ohio, T11 N., R13 W,
and being more fully described as follows:

Beginning at an iron pin monument at
the intersection of the centerline of East 9th
Street (95 feet wide) with the centerline of
relocated Eriscide Avenue, N.E., described
below; thence on the centerline of relocated
Erie
side Avenue, N.E., a distance of
89.50 feet to a true point.

Thence North 56°06'52" West a distance of
35.00 feet to a point on the northwesterly
right-of-way line of relocated Erie
side Avenue, N.E., a distance of 33.00 feet to a
point.

Thence southwest on the northwesterly
right-of-way line of relocated Erie
side Avenue, N.E., along the arc of a curve to
the left with a radius of 335.00 feet, and whose
circle bears South 47°36'52" West 146.07 feet, an arc
distance of 141.17 feet to a point.
PENNSACOLA, FLORIDA.

CONTINUATION OF AUTHORIZATION FOR R

A Project for the construction of a 4-lane high-
way connecting Interstate Route 65 and Interstate Route 10 in the vicinity of Pensacola, Florida.

(c) STUDY.—The Secretary shall conduct a study of the feasibility of constructing, in accordance with standards applicable to Interstate System highways, a 4-lane highway in the vicinity of Pensacola, Florida.

(d) EXPEDITION.—The project des-
cribed in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act, unless funds have been obligated for con-
struction before the end of such period.

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing its findings and recommendations.

(f) TERMINATION.—The Commission shall terminate on the 180th day following the date of the submission of its report under subsection (d).

SEC. 1081. AUTHORIZATION OF ACADEMY Creek Feature of the Brunswick Harbor, Georgia, Project.

The Academy Creek feature of the Brunswick Harbor, Georgia, project is authorized for construction by the River and Harbor Act of 1937 in accordance with House Document 407, 89th Congress, shall no longer be authorized after the date of the enactment of this Act.

SEC. 1082. DEAUTHORIZATION OF ACADEMY CREEK Feature of the Brunswick Harbor, Georgia, PROJECT.

The Academy Creek Feature of the Brunswick Harbor, Georgia, project, is no longer authorized after the date of the enactment of this Act.

(a) Authorization.—The United States Route 68 bridge across the Ohio River between Aberdeen, Ohio, and Maysvile, Kentucky, shall be known as the "William H. Harsha Bridge."

(b) Naming.—J. Clifford Naugle Boat Ramp.—The highway bypass being constructed around the Borough of Ligonier in Westmoreland County, Pennsylvania, shall be known and designated as the "J. Clifford Naugle Boat Ramp."

(c) Lindy Claiborne Boggs Lock and Dam.—The project, located on the Ohio River at River Mile 752.5 at Shelby Forest in Shelby County, Tennessee, shall be known and designated as the "Lindy Claiborne Boggs Lock and Dam."

(d) Joseph Ralph Sasser Boat Ramp.—The boat ramp con-
tinued on the left bank of the Mississippi River at River Mile 752.5 at Shelby Forest in Shelby County, Tennessee, shall be known and designated as the "Joseph Ralph Sasser Boat Ramp."

(e) Terminating authority for the project.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986, the project for navigation, Providence, Rhode Island, authorized by section 105(c) of the Water Resources Development Act of 1986, shall remain authorized to be carried out by the Secretary.

SEC. 1083. CONTINUATION OF AUTHORIZATION FOR R

Cleft, length of 62'35'15" W, a distance of 551.30 feet; thence N 3°43'05" E, a distance of 1095.00 feet; thence N 1°56'50" W, a distance of 552.87 feet; thence S 89°41'09" W, a distance of 1072.00 feet to the point of beginning containing 174,764 square feet (4.012 acres) more or less.

The declaration under subsection (d) shall apply only to those parts of the areas described in subsection (d) which are bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations, including sections 3 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1999, and the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

SEC. 1080. TERMINATION DATE.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act. Notwithstanding section 1001(a) of the Water Resources Development Act of 1986, the project for navigation, Providence, Rhode Island, authorized by section 105(c) of the Water Resources Development Act of 1986, shall remain authorized to be carried out by the Secretary.

Borough of Ligonier in Westmoreland County, Pennsylvania, shall be known and designated as the "J. Clifford Naugle Boat Ramp."

(f) TERMINATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act. Any law, regulation, document, record, or other paper of the United States to such boat ramp shall be deemed to be a reference to the "Joseph Ralph Sasser Boat Ramp."

(g) Legal reference.—A reference to any law, map, regulation, document, record, or other paper of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Lindy Claiborne Boggs Lock and Dam."

(h) COMMISSION.—The Commission shall be established a commission to be known as the "Commission to Promote Investment in America's Infrastructure." The Commission shall be composed of 7 members appointed as follows: Two members appointed by the Speaker of the House of Representatives; Two members appointed by the minority leader of the House of Representatives; Two members appointed by the majority leader of the Senate; One member appointed by the minority leader of the Senate; One member appointed by the majority leader of the House of Representatives; The Chairperson of the Commission shall be elected by the members.


The Arkansas State Highway and Trans-

portation Department shall erect the sign along United States Highway 71 from the I-40 intersection to the Missouri-Arkans-

sa State line which are required to be erected by the Arkansas State law designated as Act 6 of 1989.

SEC. 1085. Continuation of Authorization for R

October 1984; thence S 0°18'5" E, along said westerly boundary, a distance of 1320.00 feet; thence N 85°41'09" E, a distance of 1055.00 feet; thence N 3°43'05" E, a distance of 552.87 feet; thence S 89°41'09" W, a distance of 1072.00 feet to the point of beginning containing 174,764 square feet (4.012 acres) more or less.

(1) DEFINITION.—The lock and dam number 1 on the Red River Waterway in Louisiana shall be known as the "Lindy Claiborne Boggs Lock and Dam."

(2) Legal reference.—A reference to any law, map, regulation, document, record, or other paper of the United States to such boat ramp shall be deemed to be a reference to the "Joseph Ralph Sasser Boat Ramp."

(3) PRESERVATION OF RIGHTS.—The rights of the public to access, use, and enjoy the navigable river to which the lock and dam referred to in paragraph (1) is related to navigation, and the public right of way therein, shall be preserved and protected.

(4) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—(A) the declaration under subsection (d) shall apply only to those parts of the areas described in subsection (d) which are bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations, including sections 3 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1999, and the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

(5) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—(D) the declaration under subsection (d) shall apply only to those parts of the areas described in subsection (d) which are bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities.
report on the results of the study conducted under this section, together with recommendations for the location of a corridor in which to construct the highway described in subsection (a).

SEC. 101. INCLUSION OF CALHOUN COUNTY, MISSISSIPPI.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 403) is amended in the fifth undesignated paragraph of such section by inserting "Calhoun," after "Benton.

SEC. 102. HANDICAPPED PARKING SYSTEM.

(a) Study.—The Secretary shall conduct a study of the progress being made by the Secretary in implementing the uniform system for handicapped parking established in regulations issued by the Secretary pursuant to Public Law 100-642 (102 Stat. 3325).

(b) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works of the House of Representatives on the results of the study conducted under this section.

SEC. 103. FEASIBILITY OF INTERNATIONAL BORDER INFRASTRUCTURE DISCRETIONARY PROGRAM.

(a) Study.—The Secretary shall conduct a study of the advisability and feasibility of establishing a discretionary program to provide reasonable segment of a major highway infrastructure discretionary program. The purpose of such a program would be to enable States and Federal agencies to construct, replace, and rehabilitate highway infrastructure facilities at international borders when such States, agencies, and the Secretary find these actions consistent with a reasonable segment of a major highway or (2) a safety hazard to highway users; (4) by its construction, replacement, or rehabilitation, would minimize disruptions, delays, and costs to users; or (5) by its construction, replacement, or rehabilitation, would provide more efficient traffic flow and transportation opportunities.

(b) Report.—Not later than September 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with any recommendations to the Secretary.

SEC. 104. METHODS TO REDUCE TRAFFIC CONGESTION.

(a) Sense of Congress.—It is the sense of Congress that many highway projects are carried out in a way which unnecessarily disrupts traffic flow during construction and that methods need to be adopted to eliminate or reduce these disruptions.

(b) Study.—The Secretary shall conduct a study on methods of enhancing traffic flow and minimizing traffic congestion during construction of Federal-aid highway projects and on States associated with implementing such methods.

(c) Considerations.—In conducting the study under this section, the Secretary shall consider—

(1) the feasibility of carrying out construction of Federal-aid highway projects during off-peak periods and limiting closure of highways during construction; and

(2) the extent to which traffic congestion and operation by each State of a toll-free telephone number to receive complaints and provide information regarding the status of construction on Federal-aid highways in the State.

SEC. 105. STUDY OF VALUE ENGINEERING.

(a) Establishment.—The Secretary shall establish under this section a program to conduct a study of value engineering by each State of a toll-free telephone number to receive complaints and provide information regarding the status of construction on Federal-aid highways in the State.

(b) Report.—Not later than September 30, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations as the Secretary considers appropriate.

SEC. 106. PILOT PROGRAM FOR UNIFORM AUDIT PROCEDURES.

(a) Establishment.—The Secretary shall establish a pilot program to conduct the first audit of a contractor or subcontract awarded in accordance with Not later than 2 years after section 117(b)(2)(A) of title 31, United States Code, shall be performed and audited with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal regulations. The pilot program under this section shall include participation of not more than 10 States.

(b) Indirect Cost Rates.—In lieu of performing their own audits, the States participating in the pilot program may adopt the direct cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a contractor or subcontract awarded in accordance with regulations issued by an independent certified public accountant, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, all the recipients of such funds shall apply such rates for the purposes of contract administration, negotiation, administration, reporting, and contract payment, and shall be approved by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of Federal funds under this paragraph and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be disclosed to any other firm or to any governmental agency which is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

(b) Report.—Each State participating in the pilot program shall report to the Secretary not later than 3 years after the date of enactment of this Act on the results of the program.

SEC. 107. MILLER HIGHWAY.

(a) General Authority.—The Administrator of the General Services Administration is authorized to enter into a lease with the United States Postal Service for space to house the Federal Courts and General Government Appropriation Act, 1991 (104 Stat. 2184), relating to the Postal Service to expedite the start of construction, and that methods need to be adopted to eliminate or reduce these disruptions.

(b) Report.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 108. BROOKLYN COURTHOUSE.

(a) Study.—The Secretary shall conduct a study of State efforts to comply with the requirements of section 333 of the Department of Transportation Act and General Government Appropriation Act, 1991 (104 Stat. 2184), relating to renovation and suspension of drivers' licenses.

(b) Report.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 109. STUDY OF STATE COMPLIANCE WITH REQUIREMENTS FOR RESERVATION AND REVOCATION OF LICENSES.

(a) Study.—The Secretary shall conduct a study of State efforts to comply with the requirements of section 333 of the Department of Transportation Act and General Government Appropriation Act, 1991 (104 Stat. 2184), relating to renovation and suspension of drivers' licenses.

(b) Report.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 110. ESTABLISHMENT OF INTERSTATE STUDY COMMISSION.

For the National Capital Region, comprised of the Washington, D.C. Metropolitan Statistical Area, an independent new mechanism, an authority, and/or agreements to fund, develop, and manage the transportation system of the National Capital Region, and primarily focusing on interstate highway and bridge systems. The commission shall develop its annual report to the Congress. The report shall include any recommendations or actions.
recommendations consistent with the transportation planning requirements for metropolitan areas as contained elsewhere in this bill. The study commission shall report to the Congress, the Department of Transportation, the Governors of Maryland and Virginia, the Mayor of the District of Columbia, and the National Capital Region Transportation Planning Board, the designated Metropolitan Planning Organization (MPO) for the Washington metropolitan area, no later than 12 months from the date of passage of this legislation. Representatives on the commission shall include a Member of Congress from each of Maryland, Virginia, and the District of Columbia; the Governors of Maryland and Virginia and the Mayor of the District of Columbia; 1 local elected official from each State and the District of Columbia appointed by the National Capital Region Transportation Planning Board; 3 private sector representatives appointed by the Governors and the Mayor; and the commission chairman to be appointed by the Secretary of Transportation. There is authority to be appropriated for the purposes of carrying out this section such sums as may be necessary for the commission to carry out its functions.

SEC. 1101. USE OF TOURIST ORIENTED DIRECTIONAL SIGNS.

(a) IN GENERAL.—In general, funds apportioned to a State under section 104(b)(1) of title 23, United States Code, or both.

(b) APPLICABILITY.—Funds transferred under this paragraph shall be subject to laws, regulations, policies and procedures relating to the expenditure and obligation of funds as set forth on September 30, 1991.

(c) DELEGATION TO STATE.—A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid primary system before October 1, 1991, to the apportionment to such State under section 104(b)(1) of title 23, United States Code, or both.

SEC. 1102. USE OF TOURIST ORIENTED DIRECTIONAL SIGNS.

(a) PURPOSE.—The purpose of this subsection is to provide funds to accelerate construction of high cost bridge projects.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the high cost bridge projects described in paragraph (a). Subject to paragraph (b), there is authorized to be appropriated the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

<table>
<thead>
<tr>
<th>City/State</th>
<th>High cost bridges</th>
<th>Amount in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Delaware, Oklahoma</td>
<td>Construction of a replacement bridge on U.S. Rt 59 over Grand Lake in Delaware, Oklahoma</td>
<td>8.7</td>
</tr>
<tr>
<td>2. Eugene, Oregon</td>
<td>Construction of the Ferry Street Bridge</td>
<td>23.7</td>
</tr>
<tr>
<td>3. Beaver County, Pennsylvania</td>
<td>Construction of Alaqia Bridge of Beaver County, Pennsylvania</td>
<td>25.0</td>
</tr>
<tr>
<td>4. Arkansas</td>
<td>For an expanded study of environmental impact and geotechnical investigation for Arkansas-Mississippi Bridge</td>
<td>0.8</td>
</tr>
<tr>
<td>5. Gloucester Point, Virginia</td>
<td>Provide for additional crossing capacity of the York River</td>
<td>11.8</td>
</tr>
<tr>
<td>6. San Francisco, California</td>
<td>For preliminary work associated with the seismic upgrading of the Golden Gate Bridge in San Francisco, California</td>
<td>5.9</td>
</tr>
<tr>
<td>7. Cape May &amp; Atlantic Counties, New Jersey</td>
<td>Replace critically important bridge between Ocean City and Lempert, New Jersey</td>
<td>18.4</td>
</tr>
<tr>
<td>8. Ohio</td>
<td>Conduct environmental feasibility studies for the construction of a bridge or tunnels across the Muskegon River in the vicinity of an existing lift span bridge</td>
<td>1.0</td>
</tr>
<tr>
<td>9. Maine</td>
<td>Bloomington Ferry Bridge replacement, Shabone, Maine</td>
<td>33.1</td>
</tr>
<tr>
<td>10. Shabone, Minnesota</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Charleston, South Carolina</td>
<td>Highway 17 Bridge replacement projects, Cooper River, Charleston, South Carolina</td>
<td>4.2</td>
</tr>
<tr>
<td>12. FL Lauderdale, Florida</td>
<td>17 Street Causeway Tunnel/Bridge replacement, Lauderdale, Florida</td>
<td>13.6</td>
</tr>
<tr>
<td>13. Maryland</td>
<td>Woodrow Wilson Bridge rehabilitation</td>
<td>29.6</td>
</tr>
<tr>
<td>14. New York</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Miami, Florida</td>
<td>Complete rehabilitation of Dodge Island Bridge</td>
<td>74.0</td>
</tr>
</tbody>
</table>

(c) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (b) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) FEDERAL SHARE.—The Federal share, payable on account of any project under this subsection shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility under paragraph (e) for construction of a project under this subsection—

(1) has obligated all funds allocated under this subsection for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all require-
ments applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(p) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

SEC. 1184. CONGESTION RELIEF PROJECTS.

(a) PURPOSE.—The purpose of this subsection is to improve methods of congestion relief.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the congestion relief projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for such project:

<table>
<thead>
<tr>
<th>City/State</th>
<th>Congestion relief</th>
<th>Amount in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffalo, New York</td>
<td>Construction of Peace Bridge truck inspection facility</td>
<td>10.5</td>
</tr>
<tr>
<td>Nashua, New Hampshire</td>
<td>Nashua River Bridge, Nashua, New Hampshire: Construction of second bridge</td>
<td>1.2</td>
</tr>
<tr>
<td>Las Vegas, Nevada</td>
<td>Reconstruct and upgrade I-15/ U.S. 95 Spaghetti Bowl</td>
<td>45.0</td>
</tr>
<tr>
<td>San Diego, California</td>
<td>Construct 1 block of Cuf and Cover Tunnel on RL 15 in downtown San Diego</td>
<td>5.0</td>
</tr>
<tr>
<td>Los Angeles, California</td>
<td>To extend I-110 North from current terminus at I-10 into downtown Los Angeles via Central City West Area in Los Angeles, California</td>
<td>10.1</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Design and construct 7.5 mile bypass around Lincoln State Park</td>
<td>1.1</td>
</tr>
<tr>
<td>Babylon, New York</td>
<td>Construct turning lanes, sign upgrades, traffic signal interconnections and road repair and resurfacing</td>
<td>2.1</td>
</tr>
<tr>
<td>Dixon, California</td>
<td>To improve 3 grade crossings in Dixon, California</td>
<td>1.8</td>
</tr>
<tr>
<td>Fairfield, California</td>
<td>To construct 2 park &amp; ride facilities, an information center and transfer hub for I-80 express and local bus service</td>
<td>7.7</td>
</tr>
<tr>
<td>St. Louis, Missouri</td>
<td>Feasibility study for interchange improvements for I-255 at RL 231, St. Louis, Missouri</td>
<td>0.1</td>
</tr>
<tr>
<td>Murfreesboro, Tennessee</td>
<td>Conduct a feasibility study of constructing a bicycle system as an alternative form of commuter transportation, air pollution reduction, and enhance recreation</td>
<td>0.4</td>
</tr>
<tr>
<td>New York</td>
<td>To make improvements on the Van Wyck Expressway to improve traffic flow, Long Island, New York</td>
<td>3.6</td>
</tr>
<tr>
<td>Fox River Valley, Illinois</td>
<td>Study, plan and construct up to 8 bridges across the Fox River</td>
<td>8.3</td>
</tr>
<tr>
<td>Prince George's County, Maryland</td>
<td>To rehabilitate the Baltimore-Washington Parkway in Prince George's County, Maryland</td>
<td>16.3</td>
</tr>
<tr>
<td>Toledo, Ohio</td>
<td>Conduct study of possible safety and traffic delay improvement benefits in 6 corridors</td>
<td>0.24</td>
</tr>
<tr>
<td>Boston, Massachusetts</td>
<td>To plan and construct a bicycle and pedestrian path connecting Arlington, Cambridge and Boston</td>
<td>8.4</td>
</tr>
</tbody>
</table>

-长 Beach, California: Construction of HOV Lanes on I-710
-Philadelphia, Pennsylvania: Project to construct Bridge-Pratt Terminal as part of an I-95 reconstruction mitigation project
-Deavenport-Williamson County, Tennessee: Study and construction of the Deavenport-Williamson Bike Path
-East St. Louis, Illinois to St. Louis, Missouri: To conduct a study to determine the feasibility of a bridge between East St. Louis, Illinois and St. Louis, Missouri
-St. Louis, Missouri: Relocation of Lindbergh Boulevard and Interstate 70 at St. Louis Lambert Airport
-District of Columbia: Primary Intermodal System, Washington, D.C.
### November 26, 1991

<table>
<thead>
<tr>
<th>City/State</th>
<th>Concession Relief</th>
<th>Amount in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broward County, Florida</td>
<td>Hallandale Bridge Project</td>
<td>8.5</td>
</tr>
<tr>
<td>Idaho</td>
<td>Area of the Federal-aid projects eligible for funding under title 23, United States Code, located in Bannock or Caribou County, shall be eligible for funding</td>
<td>10.1</td>
</tr>
<tr>
<td>Michigan</td>
<td>I-75/MS-57 Interchange improvement in the vicinity of Vienna Township, Michigan</td>
<td>2.9</td>
</tr>
<tr>
<td>Prince William County, Virginia</td>
<td>Raphine Hill Bypass, St. Thomas, Virginia Islands</td>
<td>12.5</td>
</tr>
<tr>
<td>St. Thomas, Virgin Islands</td>
<td>Construction of four lane road and overpass</td>
<td>1.8</td>
</tr>
<tr>
<td>Milwaukee and Waukesha Counties, Wisconsin</td>
<td>I-794 Bicyle Transportation Project in Milwaukee and Waukesha Counties, Wisconsin</td>
<td>1.5</td>
</tr>
<tr>
<td>Richmond, California</td>
<td>I-46 Richmond Parkway Interchange</td>
<td>1.8</td>
</tr>
<tr>
<td>New York, New York</td>
<td>Construction of Williamsburg to Holland Tunnel Bypass</td>
<td>2.6</td>
</tr>
<tr>
<td>Louisville, Kentucky</td>
<td>Waterfront Development Roadway Improvements</td>
<td>4.7</td>
</tr>
<tr>
<td>Sunnyvale, California</td>
<td>HOV lane improvements on Lawrence Expressway</td>
<td>10.1</td>
</tr>
<tr>
<td>Ohio</td>
<td>Construction of a bicycle/pedestrian facility from Greene County, Ohio, to Dayton, Ohio</td>
<td>2.0</td>
</tr>
<tr>
<td>Jefferson County and Berkeley County, West Virginia</td>
<td>Improvements of State Highway # 14 from Martinsburg, West Virginia, to Virginia State line</td>
<td>11.0</td>
</tr>
</tbody>
</table>

### CONGRESSIONAL RECORD — HOUSE

<table>
<thead>
<tr>
<th>City/State</th>
<th>Concession Relief</th>
<th>Amount in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia</td>
<td>Construction of the Coal Fields Expressway from Beckley, West Virginia, to Virginia State line</td>
<td>50.0</td>
</tr>
<tr>
<td>Maine</td>
<td>Improvements to the Carton Bridge in Bath-Woolworth</td>
<td>10.0</td>
</tr>
</tbody>
</table>

### Allocation Percentages—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992, 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

### Federal Share—The Federal share payable on account of any project under this subsection shall be 80 percent of the cost thereof.

### Delegation to States—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

### Advance Construction—When a State which has been delegated responsibility for construction of a project under this subsection—

1. Has obligated all funds allocated under this subsection for construction of such project and
2. Proceeds to construct such project without the cost of Federal funds involved in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it: The Secretary, upon the approval of the application of the State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

### Applicability of Title 23—Funds authorized by this subsection shall be subject to the same limitations as if such funds had been apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall be subject to the same limitation.

### SEC. 115. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

### (a) Definitions—The Congress finds that—

1. Since the construction of the Interstate Highway System connected the major population centers of the Nation and greatly enhanced economic growth in the United States,
2. Many regions of the Nation are not now adequately served by the Interstate System or comparable highways and require further highway development in order to serve the traffic and economic development needs of the region, and
3. The development of transportation corridors is the most efficient and effective way of integrating regions and improving efficiency and safety of commerce and travel and further promoting economic development.

### (b) Purpose—It is the purpose of this section to identify highway corridors of national significance to include those corridors on the National Highway System; to allow the Secretary, in cooperation with the States, to prepare long-range plans and feasibility studies for these corridors; to allow the States to give priority to funding the construction of these corridors; and to provide increased funding for segments of these corridors that have been identified for construction.

### Identification of High Priority Corridors on National Highway System—The following are high priority corridors on the National Highway System:

1. North-South Corridor from Kansas City, Missouri, to Shreveport, Louisiana.
2. Avenue of the Saints Corridor from St. Louis, Missouri, to St. Paul, Minnesota.
3. East-West Transamerica Corridor.
4. Hoosier Heartland Industrial Corridor from Lafayette, Indiana, to Toledo, Ohio.
5. I-73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, and Detroit, Michigan.
6. United States Route 80 Corridor from Meridian, Mississippi, to Savannah, Georgia.
7. East-West Corridor from Memphis, Tennessee, through Louisville, Kentucky, Alabama, to Atlanta, Georgia, and Chattanooga, Tennessee.
8. Highway 12 East-West Corridor from Pocatello, Idaho, through Las Vegas, Nevada, along United States Route 60/63/65 to Nashville, Tennessee.
10. Appalachian Regional Corridor X, Appalachian Regional Corridor V.
11. United States Route 25E Corridor from Corbin, Kentucky, to Morehead, Kentucky, via Cumberland Gap, to include that portion of route 58 in Virginia which lies within the Cumberland Gap Historical Park.
13. Heartland Expressway from Denver, Colorado, through Scottsbluff, Nebraska, to Rapid City, South Dakota.
17. Corridor from Indianapolis, Indiana, to Memphis, Tennessee, via Evansville, Indiana.
18. United States Route 395 Corridor from the United States-Canadian border to Reno, Nevada.
19. United States Route 59 Corridor from Laredo, Texas, through Houston, Texas, to the vicinity of Texarkana, Texas.
20. United States Route 219 Corridor from Buffalo, New York, to the intersection of United States Route 17 in the vicinity of Salamanca, New York.
21. Interstate on NHS. The Secretary shall include all corridors identified in subsection (c) on the proposed National Highway System submitted to Congress under section 103(b)(2) of title 23, United States Code.

### Provisions Applicable to Corridors—

1. Long-Range Plan—The Secretary, in cooperation with the affected States, may prepare a long-range plan for the upgrading of each corridor to the appropriate standard for highways on the National Highway System. Each such plan may include a plan for developing the corridor and a plan for financing the development.
(2) Feasibility Studies.—The Secretary, in cooperation with the affected State or States, may prepare feasibility and design studies, as necessary, for those corridors for which such studies have not been prepared. A feasibility study may be conducted under this subsection with respect to the corridor described in subsection (c)(2), relating to Avenue of the Saints, to determine the feasibility of an adjunct to the Avenue of the Saints serving the southern St. Louis metropolitan area and connecting with I-55 in the vicinity of Route A in Jefferson County, Missouri.

(3) Certification Acceptance.—The Secretary may discharge any of his responsibilities under title 23, United States Code, relative to projects on a corridor identified under subsection (c), upon the request of a State, by accepting a certification by the State in accordance with section 117 of such title.

(4) Acceleration of Projects.—To the maximum extent feasible, the Secretary may use procedures for acceleration of projects in carrying out projects on corridors identified in subsection (c).

(4) High Priority Segments.—Highway segments of the corridors referred to in subsection (c) which are described in this subsection are high priority segments eligible for assistance under this section. Subject to subsection (g)(2), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out a project on each such segment the amount listed for each such segment:

<table>
<thead>
<tr>
<th>City/State</th>
<th>High priority corridors</th>
<th>Amount in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>To improve U.S. 220 to 4-lane limited access highway</td>
<td>50.7</td>
</tr>
<tr>
<td>Alabama, Georgia, Mississippi, Tennessee</td>
<td>Upgrading of the East-West Corridor along I-65</td>
<td>25.4</td>
</tr>
<tr>
<td>Missouri</td>
<td>Improvement of North-South Corridor along Highway 71, Southwestern, MO</td>
<td>3.6</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Construction of Highway 412 from Siloam Springs to Springdale, Arkansas as part of Highway 412 East-West Corridor</td>
<td>34.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City/State</th>
<th>High priority corridors</th>
<th>Amount in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>Construction of Highway 412 from Harrison to Springdale, Arkansas as part of the Highways 412 East-West Corridor</td>
<td>56.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City/State</th>
<th>High priority corridors</th>
<th>Amount in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>Construction of Highway 412 from Bald Eagle northward to the intersection of U.S. 220 and U.S. 312</td>
<td>148.0</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Construction of Appalachian Highway Corridor X from Corridor Y near Fulton, Mississippi to U.S. 31 at Birmingham, Alabama as part of Appalachian Highway X Corridor</td>
<td>59.2</td>
</tr>
<tr>
<td>Alabama</td>
<td>For construction of a portion of Appalachian Development Corridor V from Mississippi State Line near Red Bay, Alabama to the Tennessee State Line north of Bridgeport, Alabama</td>
<td>25.4</td>
</tr>
<tr>
<td>Alabama</td>
<td>Widening U.S. Rt. 52 from Huntington to Williamson, W. Virginia as part of the 1-75/74 Corridor project</td>
<td>100.0</td>
</tr>
<tr>
<td>Arkansas</td>
<td>For Upgrading I-84 and Route 17 Virginia from Rocky Mount to Elizabethtown, North Carolina as part of the Raleigh-Norfolk High Priority Corridor Improvements</td>
<td>17.8</td>
</tr>
<tr>
<td>Arkansas</td>
<td>71 between Fayetteville and Alma, Arkansas as part of the North-South High Priority Corridor</td>
<td>100.0</td>
</tr>
<tr>
<td>Arkansas</td>
<td>For construction of Highway 71 from Ainsa, Arizona to Louisiana Border</td>
<td>70.0</td>
</tr>
<tr>
<td>Michigan</td>
<td>To widen a 60 mile portion of highway M-59 from Macomb County to I-96 in Howell County, Michigan</td>
<td>23.6</td>
</tr>
<tr>
<td>Ohio/Indiana</td>
<td>To construct a 4-lane highway from Lafayette to Ft. Wayne, Indiana, following existing Indiana 25 and U.S. 24</td>
<td>29.6</td>
</tr>
<tr>
<td>California, Nevada, Arizona</td>
<td>Conduct feasibility and economic study to widen Rt. 24 from Ft. Wayne, Indiana to Toledo, Ohio as part of the Lafayette to Toledo Corridor</td>
<td>0.32</td>
</tr>
<tr>
<td>California, Nevada, and Arizona (10,506,000 of which shall be expended on the Nevada portion of the corridor, including the I-15/1-15 interchange)</td>
<td>56.2</td>
<td></td>
</tr>
<tr>
<td>Louisiana</td>
<td>To improve the North-South Corridor from Louisiana border to Shreveport, Louisiana</td>
<td>25.6</td>
</tr>
<tr>
<td>Minnesota</td>
<td>For improvements for Avenue of the Saints from St. Paul, Minnesota to St. Louis, Missouri</td>
<td>118.0</td>
</tr>
</tbody>
</table>

The table above lists the high priority segments of corridors identified in the Transportation Equity Act for the 21st Century, which were funded as part of the Transportation Equity Act for the 21st Century (TEA-21). The amounts listed are the funds authorized for each segment for fiscal years 1992 through 1997.
### CITY/STATE

<table>
<thead>
<tr>
<th>City/State</th>
<th>S.O. High priority corridors</th>
<th>Amount in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadiz, Ohio</td>
<td>1-66 Transamerica Highway feasibility study</td>
<td>1.0</td>
</tr>
<tr>
<td>Various States</td>
<td>26.0 Kentucky, Tennessee, Virginia</td>
<td>22.7</td>
</tr>
<tr>
<td>To improve Cumberland Canal and for various associated improvements as part of U.S. 218 Corridor, except that the allocation provided under section 1105(g)(1) of this Act shall not apply to this project after fiscal year 1992.</td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>Indiana, Tennessee</td>
<td>7.0 Indiana, Tennessee</td>
<td>17.0</td>
</tr>
<tr>
<td>To improve the Bloomington, Indiana, to Newberry, Indiana, segment of the Indianapolis, Indiana, to Memphis, Tennessee, high priority corridor</td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>Washington, D.C.</td>
<td>29.0 Arkansas Highway 412</td>
<td>20.0</td>
</tr>
<tr>
<td>From Harrison to St. Home</td>
<td>20.0</td>
<td></td>
</tr>
<tr>
<td>New York</td>
<td>30.0 New York</td>
<td>9.5</td>
</tr>
<tr>
<td>Improvements on Route 218 between Springville to Elktonville in New York State.</td>
<td>0.0</td>
<td></td>
</tr>
</tbody>
</table>

### PROVISIONS RELATING TO HIGH PRIORITY SEGMENTS.

(1) Detailed Plan.—Each State in which a priority segment identified under subsection (f) is located may prepare a detailed plan for completion of construction of such segment and for financing such construction.


(3) Federal Share. — The Federal share payable on account of any project under subsection (f) shall be 80 percent of the cost therefor.

(4) Delegation to States. — Subject to the provisions of title 23, United States Code, the Secretary may delegate responsibility for construction of a project or projects under subsection (f) to the State in which such project or projects are located upon request of such State.

(5) Advance Construction. — When a State which has been delegated responsibility for construction of a project under this subsection:

(a) has obligated all funds allocated under this subsection for construction of such project; and

(b) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(6) Applicability of Title 23. — Funds authorized by this subsection and subsection (a) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under subsection (f) shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

(7) State Priority for High Priority Segments. — Section 105 of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following new subsection:

"(k) Priority for High Priority Segments of Corridors of National Significance. — In making selections in the implementation of projects under this section, the Secretary may give priority to high priority segments of corridors identified under section 140(f) of the Intermodal Surface Transportation Efficiency Act of 1991. In approving programs of projects under this section, the Secretary may give priority of approval to, and expedite the construction of, projects to complete construction of such segments."

(8) Special Rule. — Amounts allocated by subsection (f) to the State of California for improvements on I-15 and I-40 shall not be subject to any State or local law relating to apportionment of funds available for the construction or the improvement of highways.

(9) Authorization for Feasibility Studies. — There is authorized to be appropriated to the Secretary out of the Highway Trust Fund (other than the Mass Transit Account) $8,000,000 per fiscal year for each of the fiscal years 1993 through 1997 to carry out feasibility and design studies under subsection (f).

(10) Revolving Loan Fund. —

(1) Establishment. — The Secretary may establish a Priority Corridor Revolving Loan Fund.

(2) Advances. — The Secretary shall make available as repayable advances amounts from the Revolving Loan Fund to States for planning and construction of corridors listed in subsection (c). In making such amounts available, the Secretary shall give priority to segments identified in subsection (c) (1).

(3) Repayment of Advances. — The amount of an advance to a State in a fiscal year under paragraph (2) may not exceed the amount of a State's estimated apportionment for the National Highway System for the 2 succeeding fiscal years. Advances shall be repaid (A) by reducing the State's National Highway System apportionment in each of the succeeding 3 fiscal years by ½ of the amount of the advance, or (B) by direct repayment. Repayments shall be credited to the Priority Corridor Revolving Loan Fund.

(4) Authorization. — There is authorized to be appropriated to the Secretary, out of the Highway Trust Fund (other than the Mass Transit Account), $40,000,000 per fiscal year for each of fiscal years 1993 through 1997 to carry out this subsection.

### RURAL ACCESS PROJECTS

(1) Purpose. — The purpose of this subsection is to provide funds for projects that promote economic development in rural areas.

(2) Authorization of Projects. — The Secretary is authorized to carry out rural access projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

<table>
<thead>
<tr>
<th>CITY/STATE</th>
<th>AMOUNT in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadiz, Ohio</td>
<td>2.5</td>
</tr>
<tr>
<td>Bopper City, North Carolina</td>
<td>1.0</td>
</tr>
<tr>
<td>Utica, New York</td>
<td>8.0</td>
</tr>
<tr>
<td>Oncida County, New York</td>
<td>9.9</td>
</tr>
<tr>
<td>Southern, Oklahoma</td>
<td>9.9</td>
</tr>
<tr>
<td>Southern, Oklahoma</td>
<td>9.9</td>
</tr>
<tr>
<td>Johnsonburg, Pennsylvania</td>
<td>14.0</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>26.0</td>
</tr>
</tbody>
</table>
Feasibility study for a 6-lane Access Road to Jefferson Memorial Park.
2. Project for replacement of Keller Memorial Bridge, Decatur, AL.
3. Feasibility Study on Fort Loudon Dam Bridge on U.S. Highway 231 in Lenoir City, TN.
4. Improvement of U.S. Highway #41 in Monroe and Blount Counties, TN.
5. Improvement of U.S. 69 in New Madrid, Stoddard, Carter and Butler Counties, MO.
6. Construction of roads and bridge to provide access to Rose Bluff Industrial Area, Lake Charles, LA.
7. For improvement and extension of Ambassador Caffery Parkway in Louisiana.
8. Construction of U.S. RT 68 Bypass in Clark, Champaign and Logan Counties.
9. For various 3-lane Projects in Allegheny, PA.
11. Construction and reconstruction of Forest Highway 11 connecting Aurora-Noyes Lakes and Silver Bay, MN.
12. 7th Street Reconstruction Project, Richfield, MN.
13. Improvements on Highway 14 in Franklin and Lincoln Counties, MS.
14. Upgrading of U.S. Highway 68 from County line of Pike and Walthall Counties, MS to Lamar County, MS.
15. Upgrading Highway 61 from Natchez, MS to U.S. 49 in Collins, MS.
16. Construction of Mississippi River Bridge at Muscatine.
17. To upgrade State RT 71 from State RT 10 to State RT 8.
18. To upgrade Florida State RT 347 from State RT 8 to State RT 10.
19. Tollway feasibility study for East St. Louis to Carbondale, IL.
20. Extension of 4th Street from IL RT 15 to County Road 10.
21. Reconstruction of Feather Trail Road from Utica Road Interchange to IL 37, Pulaski County, IL.
22. Restoring IL RT 1 from Cone-In-Rock to north of Grafton.
23. Upgrading IL RT 13 in Williamson County, IL.
24. For improvements to RT 13 from Williamson-Saline County line to Harrisburg, IL.
25. Replacement of Winchester Bridge, Winchester, IL.
26. Ledgeport Bridge reconstruction.
27. U.S. 19-23 Improvement project, Asheville, NC.
28. Belmont Street Bridge Replacement, Niles, OH.
29. Bridge Street Bridge replacement, Struthers, OH.
32. I-465 Interchange improvement at State Route 1103
33. Granville County, NC.
34. Manchester Road improvements.
35. Wetlands mitigation package for New Hampshire.
36. To improve U.S. 65 from Harrison, Arkansas to Missouri Line.
37. To improve Phoenix Avenue in the vicinity of the Ft. Smith Airport, Ft. Smith, Arkansas.
38. To study bypass alternatives for U.S. 71 in the vicinity of Bella Vista, Arkansas.
39. To construct an access road along Old U.S. 228 to the Springs Project and to construct other facilities to facilitate movement of traffic within the site and construction of a parking facility to be associated therewith.
40. Construction of a replacement bridge across the White River.
41. Complete construction of 2 interchanges on the Highway 63 Bypass at Junction.-
42. Design and engineering improvements for State Rd. 9 between State Rd. 920 and State Rd. 926.
43. For construction of a new road through area in the vicinity of I-55 to Alexandria, Louisiana.
44. Widen Highway FM-364 from a 2-Lane to a 4-Lane road.

<table>
<thead>
<tr>
<th>CITY/STATE</th>
<th>RURAL ACCESS</th>
<th>AMOUNT in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>East St. Louis, Illinois</td>
<td>Feasibility study for a 6-lane Access Road to Jefferson Memorial Park.</td>
<td>0.24</td>
</tr>
<tr>
<td>Illinois</td>
<td>Project for replacement of Keller Memorial Bridge, Decatur, AL.</td>
<td>0.06</td>
</tr>
<tr>
<td>Venice, Illinois</td>
<td>Feasibility Study on Fort Loudon Dam Bridge on U.S. Highway 231 in Lenoir City, TN.</td>
<td>0.15</td>
</tr>
<tr>
<td>Decatur, Alabama</td>
<td>Improvement of U.S. Highway #41 in Monroe and Blount Counties, TN.</td>
<td>0.17</td>
</tr>
<tr>
<td>Lenoir City, Tennessee</td>
<td>Improvement of U.S. 69 in New Madrid, Stoddard, Carter and Butler Counties, MO.</td>
<td>0.21</td>
</tr>
<tr>
<td>Blount City, Tennessee</td>
<td>Construction of roads and bridge to provide access to Rose Bluff Industrial Area, Lake Charles, LA.</td>
<td>0.41</td>
</tr>
<tr>
<td>Missouri</td>
<td>For improvement and extension of Ambassador Caffery Parkway in Louisiana.</td>
<td>0.14</td>
</tr>
<tr>
<td>Richfield, Minnesota</td>
<td>Construction of U.S. RT 68 Bypass in Clark, Champaign and Logan Counties.</td>
<td>0.15</td>
</tr>
<tr>
<td>North Minnesota</td>
<td>For various 3-lane Projects in Allegheny, PA.</td>
<td>0.12</td>
</tr>
<tr>
<td>Richfield, Minnesota</td>
<td>Construction of a new highway from Allentown, PA to Interstate 80 in Pennsylvania.</td>
<td>0.13</td>
</tr>
<tr>
<td>Florida</td>
<td>Construction and reconstruction of Forest Highway 11 connecting Aurora-Noyes Lakes and Silver Bay, MN.</td>
<td>0.95</td>
</tr>
<tr>
<td>Florida</td>
<td>7th Street Reconstruction Project, Richfield, MN.</td>
<td>1.11</td>
</tr>
<tr>
<td>Florida</td>
<td>Improvements on Highway 14 in Franklin and Lincoln Counties, MS.</td>
<td>0.95</td>
</tr>
<tr>
<td>Illinois</td>
<td>Upgrading of U.S. Highway 68 from County line of Pike and Walthall Counties, MS to Lamar County, MS.</td>
<td>0.06</td>
</tr>
<tr>
<td>Mt. Vernon, Illinois</td>
<td>Upgrading Highway 61 from Natchez, MS to Louisiana State line.</td>
<td>0.35</td>
</tr>
<tr>
<td>Illinois</td>
<td>Upgrading Highway 64 from Brookhaven, MS to U.S. 49 in Collins, MS.</td>
<td>0.21</td>
</tr>
<tr>
<td>Richfield, Minnesota</td>
<td>Construction of Mississippi River Bridge at Muscatine.</td>
<td>0.24</td>
</tr>
<tr>
<td>Florida</td>
<td>To upgrade State RT 71 from State RT 10 to State RT 8.</td>
<td>0.29</td>
</tr>
<tr>
<td>Florida</td>
<td>To upgrade Florida State RT 347 from State RT 8 to State RT 10.</td>
<td>4.73</td>
</tr>
<tr>
<td>Illinois</td>
<td>Tollway feasibility study for East St. Louis to Carbondale, IL.</td>
<td>0.12</td>
</tr>
<tr>
<td>Illinois</td>
<td>Extension of 4th Street from IL RT 15 to County Road 10.</td>
<td>0.56</td>
</tr>
<tr>
<td>Illinois</td>
<td>Reconstruction of Feather Trail Road from Utica Road Interchange to IL 37, Pulaski County, IL.</td>
<td>1.11</td>
</tr>
<tr>
<td>Illinois</td>
<td>Restoring IL RT 1 from Cone-In-Rock to north of Grafton.</td>
<td>1.88</td>
</tr>
<tr>
<td>Illinois</td>
<td>Upgrading IL RT 13 in Williamson County, IL.</td>
<td>7.58</td>
</tr>
<tr>
<td>Williamson County, Illinois</td>
<td>For improvements to IL 13 from Williamson-Saline County line to Harrisburg, IL.</td>
<td>4.00</td>
</tr>
<tr>
<td>Salle County, Illinois</td>
<td>Replacement of Winchester Bridge, Winchester, IL.</td>
<td>0.53</td>
</tr>
<tr>
<td>Winchester, New Hampshire</td>
<td>Ledgeport Bridge reconstruction.</td>
<td>7.85</td>
</tr>
<tr>
<td>Hanover, New Hampshire</td>
<td>U.S. 19-23 Improvement project, Asheville, NC.</td>
<td>1.11</td>
</tr>
<tr>
<td>Asheville, North Carolina</td>
<td>Belmont Street Bridge Replacement, Niles, OH.</td>
<td>1.22</td>
</tr>
<tr>
<td>Niles, Ohio</td>
<td>Bridge Street Bridge replacement, Struthers, OH.</td>
<td>1.29</td>
</tr>
<tr>
<td>North Carolina</td>
<td>U.S. 131, St. Joseph County.</td>
<td>6.05</td>
</tr>
<tr>
<td>St. Joseph County, Michigan</td>
<td>U.S. 31 upgrade, Holland, Ottawa County.</td>
<td>17.44</td>
</tr>
<tr>
<td>Berrien County, Michigan</td>
<td>I-465 Interchange improvement at State Route 1103</td>
<td>1.3</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Granville County, NC.</td>
<td>4.6</td>
</tr>
<tr>
<td>Manchester, New Hampshire</td>
<td>Manchester Road improvements.</td>
<td>1.7</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Wetlands mitigation package for New Hampshire.</td>
<td>4.0</td>
</tr>
<tr>
<td>Bedford Springs, Pennsylvania</td>
<td>To improve U.S. 65 from Harrison, Arkansas to Missouri Line.</td>
<td>10.4</td>
</tr>
<tr>
<td>De Soto, New Hampshire</td>
<td>To improve Phoenix Avenue in the vicinity of the Ft. Smith Airport, Ft. Smith, Arkansas.</td>
<td>7.79</td>
</tr>
<tr>
<td>Arkansas</td>
<td>To study bypass alternatives for U.S. 71 in the vicinity of Bella Vista, Arkansas.</td>
<td>0.30</td>
</tr>
<tr>
<td>Arkansas</td>
<td>To construct an access road along Old U.S. 228 to the Springs Project and to construct other facilities to facilitate movement of traffic within the site and construction of a parking facility to be associated therewith.</td>
<td>15.7</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Construction of a replacement bridge across the White River.</td>
<td>2.55</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Complete construction of 2 interchanges on the Highway 63 Bypass at Junction.</td>
<td>5.7</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Design and engineering improvements for State Rd. 9 between State Rd. 920 and State Rd. 926.</td>
<td>0.16</td>
</tr>
<tr>
<td>Arkansas</td>
<td>For construction of a new road through area in the vicinity of I-55 to Alexandria, Louisiana.</td>
<td>1.17</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Widen Highway FM-364 from a 2-Lane to a 4-Lane road.</td>
<td>10.4</td>
</tr>
<tr>
<td>CITY/STATE</td>
<td>RURAL ACCESS</td>
<td>AMOUNT in millions</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>58. Farmington Hills, Michigan</td>
<td>To widen 12-mile road corridor in the vicinity of Farmington Hills, Michigan</td>
<td>2.5</td>
</tr>
<tr>
<td>59. Laredo, Texas</td>
<td>Expand capacity of 2-lane highway, construct interchanges and connector highways</td>
<td>7.4</td>
</tr>
<tr>
<td>60. Montevideo, Colorado</td>
<td>Upgrade form to market road serving Ute Indian Reservation</td>
<td>2.9</td>
</tr>
<tr>
<td>61. Lubbock, Texas</td>
<td>Initiate feasibility and route studies and preliminary engineering and design for highway to connect Lubbock with Interstate 20</td>
<td>2.9</td>
</tr>
<tr>
<td>62. Rosenberg, Texas</td>
<td>To purchase right-of-way for Highway 36 Bypass West of Rosenberg, Texas</td>
<td>0.9</td>
</tr>
<tr>
<td>63. Angloetn, Texas</td>
<td>For various activities associated with relocation of Highway 288 in vicinity of Angloetn, Texas</td>
<td>0.9</td>
</tr>
<tr>
<td>64. Mentor, Ohio</td>
<td>For construction of an interchange on State Rt. 815 at I-90 in Mentor, Ohio</td>
<td>4.7</td>
</tr>
<tr>
<td>65. W. Central, Illinois</td>
<td>For widening of U.S. 34 between Burlington, Iowa and Monmouth, Illinois</td>
<td>1.9</td>
</tr>
<tr>
<td>66. Illinois</td>
<td>To make improvements including construction of a bridge on U.S. 67 in NW Illinois</td>
<td>2.4</td>
</tr>
<tr>
<td>67. Monongahela Valley, Pennslyvania</td>
<td>Design, acquire right-of-way and reconstruct 5.1 miles of 4-Lane divided highway from Monongahela Borough to Speerville, Pennsylvania</td>
<td>12.0</td>
</tr>
<tr>
<td>68. Dauphin County, Pennsylvania</td>
<td>Replace existing bridge over the west fork of the Snake River including a 5 foot elevated walkway</td>
<td>0.8</td>
</tr>
<tr>
<td>69. Rutherford County, Tennessee</td>
<td>To improve Rt. 104 from Furnace Road to Pound Road in the Wayne County Area of New York</td>
<td>6.4</td>
</tr>
<tr>
<td>70. Wayne County, New York</td>
<td>Construct 2 additional expressway lanes from Chatauqua Lake Bridge to Pennsylvania Border</td>
<td>17.0</td>
</tr>
<tr>
<td>71. Chatauqua County, New York</td>
<td>To reimburse the State of North Carolina for construction and repair of the Piner Bridge, North Carolina</td>
<td>3.0</td>
</tr>
<tr>
<td>72. North Carolina</td>
<td>Construct interchange link between I-95 and I-40 in vicinity of Wilson and Goldsboro, North Carolina</td>
<td>6.3</td>
</tr>
<tr>
<td>73. North Carolina</td>
<td>To study grade separations along 10 miles of KC Railroad along U.S. 71 in Jackson County, Missouri</td>
<td>0.16</td>
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<tr>
<td>74. Bossier City, Louisiana</td>
<td>Widen 14 mile segment of U.S. 15 from 2 to 4 lanes.</td>
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<tr>
<td>75. Pennsylvania</td>
<td>I-415 Improvements Project</td>
<td>4.1</td>
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<tr>
<td>76. Overland Park, Kansas</td>
<td>Riverside Expressway improvements</td>
<td>5.3</td>
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<tr>
<td>77. Fairmont, West Virginia</td>
<td>State Rt. 14 Improvement Projects, Columbia River Gorge, Washington</td>
<td>6.6</td>
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<td>78. Washington</td>
<td>Pennsylvania Industrial Park access, Washington County, Pennsylvania</td>
<td>6.2</td>
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<tr>
<td>79. Pennsylvania</td>
<td>Chadville Improvement Project, Southern Fayette County, Pennsylvania</td>
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<tr>
<td>80. Pennsylvania</td>
<td>U.S. Rt. 219 Meyersdale Bypass</td>
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<tr>
<td>81. Pennsylvania</td>
<td>U.S. Rt. 22 improvements, Monroeville to Ebensburg</td>
<td>30.3</td>
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<tr>
<td>82. Pennsylvania</td>
<td>Laurel Valley Expressway, Blairsville, Pennsylvania</td>
<td>6.7</td>
</tr>
<tr>
<td>83. Pennsylvania</td>
<td>Boundless Railroad Relocation Project</td>
<td>5.0</td>
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<tr>
<td>84. Brownsville, Texas</td>
<td>Southern Connector Highway, Greene County, South Carolina</td>
<td>2.6</td>
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<tr>
<td>85. South Carolina</td>
<td>Rt. 18 Route Study, Medina, Ohio</td>
<td>0.4</td>
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<tr>
<td>86. Ohio</td>
<td>U.S. Rt. 250 Bypass Study, Norwalk, Ohio</td>
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<td>87. Ohio</td>
<td>Mankato South Rt. Improvements, Mankato, Minnesota</td>
<td>10.8</td>
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<td>88. Mankato, Minnesota</td>
<td>U.S. 119 Upgrading, Pike County, Kentucky</td>
<td>7.6</td>
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<tr>
<td>89. Kentucky</td>
<td>U.S. Rt. 127 Upgrading, Jackson County, Michigan</td>
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<td>90. Michigan</td>
<td>U.S. Trunk Highway 212 improvement project, Eden Prairie/Cologne, Minnesota</td>
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<td>91. Eden Prairie &amp; Cologne, Minnesota</td>
<td>Rt. 30 extension: East Canton/Ontario, Ohio</td>
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<td>92. Ohio</td>
<td>Raton-Clayton Rd., Clayton, New Mexico</td>
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<tr>
<td>93. New Mexico</td>
<td>Jicarilla Apache State Road, New Mexico</td>
<td>1.5</td>
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<td>94. New Mexico</td>
<td>Tularosa Trail Highway, Navajo County, Arizona</td>
<td>5.9</td>
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<td>95. Arizona</td>
<td>U.S. Rt. 222 Relocation, Lehi, County, Pennsylvania</td>
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<td>96. Pennsylvania</td>
<td>Pennsylvania Rt. 22 Extension, Northampton County, Pennsylvania</td>
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<td>97. Pennsylvania</td>
<td>Highway 92 Relocation Study, South Central Kentucky</td>
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<td>U.S. 27 Improvements, Jasper County, Kentucky</td>
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<td>99. Kentucky</td>
<td>U-2519/X-2 Highway, Cumberland, North Carolina</td>
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<td>100. North Carolina</td>
<td>Adams Dairy Parkway Project, Blue Springs, Missouri</td>
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<td>101. Missouri</td>
<td>Lawrence Circumferential Roadway, Douglas County, Kansas</td>
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<td>Oakland Expressway, Eastern Shores, Kansas</td>
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<td>103. Kansas</td>
<td>Highway 63 improvements, Columbia, Missouri</td>
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<td>104. Missouri</td>
<td>Highway Improvements, Mason County, Kansas</td>
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<td>105. West Virginia</td>
<td>West Virginia Extension/U.S. 222 Reconstruction, Berks County, Pennsylvania</td>
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<tr>
<td>106. Pennsylvania</td>
<td>For construction of the Alton Bypass from the vicinity of Alton and Godfrey, Illinois</td>
<td>4.4</td>
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<tr>
<td>107. Illinois</td>
<td>For construction of the Alton Bypass from the vicinity of Alton and Godfrey, Illinois</td>
<td>4.4</td>
</tr>
</tbody>
</table>
(1) PURPOSE.—The purpose of this subsection is to provide funds for projects that enhance urban access and urban mobility.

(2) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out urban access and urban mobility projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project.

(3) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(4) FEDERAL SHARE.—The Federal share payable on account of any project under this subsection shall be 80 percent of the cost thereof.

(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

(6) ADVANCE CONSTRUCTION.—When a State has obligated all funds allocated under this subsection for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended.

(8) URBAN ACCESS AND URBAN MOBILITY PROJECTS.—
<table>
<thead>
<tr>
<th>City/State</th>
<th>Urban access &amp; mobility</th>
<th>Amount in millions</th>
<th>City/State</th>
<th>Urban access &amp; mobility</th>
<th>Amount in millions</th>
<th>City/State</th>
<th>Urban access &amp; mobility</th>
<th>Amount in millions</th>
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<td>15. Burns, Illinois</td>
<td>To improve Doolan</td>
<td>1.7</td>
<td>27. Chambersburg, Pennsylvania</td>
<td>To improve the</td>
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<td>37. Parsippany, New Jersey</td>
<td>Construct interchange</td>
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<td>17. Harvey, Illinois</td>
<td>Illinois 1</td>
<td>2.1</td>
<td></td>
<td>To complete</td>
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<td>39. Omaha, Nebraska</td>
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<td>43. Hartford, Connecticut</td>
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<td>23. Portage, Indiana</td>
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<td>1.0</td>
<td>34. Middlesex, New Jersey</td>
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<td>24. Hobart, Lake Station And</td>
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<td>35. Perth Amboy &amp; Woodbridge</td>
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<td>4.3</td>
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<td>crossings may</td>
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<td>City/State</td>
<td>Urban access &amp; mobility</td>
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<td>Urban access &amp; mobility</td>
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<tr>
<td>Chattanooga, Tennessee</td>
<td>Construct an urban diamond interchange to improve capacity and a connector road</td>
<td>3.1</td>
<td>Chicago, Illinois</td>
<td>183rd Street Reconstruction, Chicago, Illinois</td>
<td>1.5</td>
<td></td>
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</tr>
<tr>
<td>Commerce, California</td>
<td>To relocate a portion of Atlantic Blvd. in the vicinity of Telegraph Rd. as part of a grade separation project</td>
<td>4.7</td>
<td>Chicago, Illinois</td>
<td>111th Street Reconstruction, Chicago, Illinois</td>
<td>2.5</td>
<td></td>
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<tr>
<td>Scranton, Pennsylvania</td>
<td>Realignment 3,000 feet of Rte. 41, Scranton Expressway to connect with Mulberry Street</td>
<td>7.2</td>
<td>Munice, Indiana</td>
<td>State Rd. 67 Widening</td>
<td>4.7</td>
<td></td>
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</tr>
<tr>
<td>Long Island, New York</td>
<td>Southern State Parkway Improvement; Exit 23 Ridge Project Schenectady, New York</td>
<td>4.6</td>
<td>Columbus, Indiana</td>
<td>Columbus Extramary project, Columbus, New York</td>
<td>5.7</td>
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<tr>
<td>New York</td>
<td>Upgrade interchanges on I-485, including Virginia Mistressing Bowl</td>
<td>7.5</td>
<td>New Jersey</td>
<td>Rt. 17/4 Interchange Project, Paramus, New Jersey</td>
<td>6.4</td>
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<tr>
<td>Capital Beltway, Springfield, Virginia</td>
<td>Upgrade interchanges on I-87</td>
<td>5.7</td>
<td>New York</td>
<td>Grade separation projects (1)</td>
<td>6.6</td>
<td></td>
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<tr>
<td>Chicago, Illinois</td>
<td>Right-of-way preservation projects (Eisenhower &amp; Stevenson Connectors)</td>
<td>4.3</td>
<td>New York</td>
<td>Preservation of Rail Corridor (North Shore Rail Line), Staten Island</td>
<td>6.7</td>
<td></td>
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<tr>
<td>Chicago, Illinois</td>
<td>Museum of Science &amp; Industry: Various intermodal facilities, Chicago</td>
<td>3.5</td>
<td>Maryland</td>
<td>Improvement of U.S. Route 1 in Baltimore County, Maryland</td>
<td>68.1</td>
<td></td>
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</tr>
<tr>
<td>Chicago, Illinois</td>
<td>Chicago Skyway Bridge, Chicago</td>
<td>14.2</td>
<td>Camden, New Jersey</td>
<td>Renovation of South Jersey Port Corporation's Beckett Street Terminal</td>
<td>69.3</td>
<td></td>
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</tr>
<tr>
<td>Chicago, Illinois</td>
<td>McCormick Road Bridge reconstruction, Chicago</td>
<td>9.2</td>
<td>Washington, D.C.</td>
<td>Design and construction of noise barriers along Southeast/Southwest Freeway and Anacostia Freeway</td>
<td>70.2</td>
<td></td>
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</tr>
<tr>
<td>Chicago, Illinois</td>
<td>Roosevelt Rd. and Bridge Improvements, Chicago</td>
<td>11.8</td>
<td>Anaheim, California</td>
<td>Construction of public HOV facilities to provide public access to I-5 in the vicinity of the Anaheim Regional Transportation Intermodal Complex</td>
<td>71.9</td>
<td></td>
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<tr>
<td>Chicago, Illinois</td>
<td>State Street Mall Improvements, Chicago</td>
<td>14.2</td>
<td>Anaheim, California</td>
<td>Construction of public HOV facilities on the I-5 in the vicinity of the Anaheim Regional Transportation Intermodal Complex</td>
<td>71.9</td>
<td></td>
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<tr>
<td>Chicago, Illinois</td>
<td>Cicero Avenue Improvements, vicinity of Chicago</td>
<td>1.1</td>
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</tbody>
</table>

(3) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.
CONGRESSIONAL RECORD — HOUSE
H 11561

November 26, 1991

Innovative techniques of highway construction and finance. Each State in which 1 of the projects authorized by subsection (b) is located shall select and use, in carrying out such project, innovative techniques in highway construction or finance. Such techniques may include state-of-the-art technology for pavement, safety, or other aspects of highway construction; innovative financing techniques; or accelerated procedures for construction.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the innovative projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1996 to carry out each such project the amount listed for each such project:

<table>
<thead>
<tr>
<th>CITY/STATE</th>
<th>INNOVATIVE PROJECTS</th>
<th>AMOUNT in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cadiz, Ohio</td>
<td>Construction of 4-lane Limited Access Highway from Cadiz, OH to Interstate 70</td>
<td>20.0</td>
</tr>
<tr>
<td>2. Maryland</td>
<td>Construction of Durham Road Bridge #75 in Harford County, MD</td>
<td>0.5</td>
</tr>
<tr>
<td>3. Maryland</td>
<td>Construction of a replacement bridge at Furnace Road Bridge #47, Harford County, MD</td>
<td>0.6</td>
</tr>
<tr>
<td>4. Maryland</td>
<td>Construction of a replacement bridge at South Hampton Road Bridge #47, Harford County, MD</td>
<td>1.0</td>
</tr>
<tr>
<td>5. Maryland</td>
<td>Construction of a replacement bridge at Wheel Road Bridge #3, Harford County, MD</td>
<td>1.0</td>
</tr>
<tr>
<td>6. Maryland</td>
<td>Construction of a replacement bridge at Waterfront Bridge #63, Harford County, MD</td>
<td>1.1</td>
</tr>
<tr>
<td>7. Baltimore County, Maryland</td>
<td>Replacement of Papermill Road Bridge #123 in Cockeysville Area of Baltimore, MD</td>
<td>5.3</td>
</tr>
<tr>
<td>8. Southern, Oklahoma</td>
<td>Testing of effectiveness of recyclable materials on a resurfacing project on U.S. 70 in Southern, OK</td>
<td>2.1</td>
</tr>
<tr>
<td>9. Tulsa, Oklahoma</td>
<td>Upgrade U.S. 75 to Expressway standards, Tulsa, OK</td>
<td>14.0</td>
</tr>
<tr>
<td>10. Atlanta, Georgia</td>
<td>For various transportation improvements in connection with the 1996 Olympics, including the city of Atlanta's advanced traffic management system (IVHS)</td>
<td>58.1</td>
</tr>
<tr>
<td>11. Chicago, Illinois</td>
<td>Computerized infrastructure management systems, Chicago, IL</td>
<td>4.3</td>
</tr>
<tr>
<td>12. Oceanside, California</td>
<td>Construction of A, B, and C segments of State Route 78, CA</td>
<td>16.4</td>
</tr>
<tr>
<td>13. Carlsbad, California</td>
<td>Improvements to the interchange at Palomar Airport Road and Interstate 5</td>
<td>3.4</td>
</tr>
<tr>
<td>14. Danville, Virginia</td>
<td>To replace bridges on Main and Worsham Streets in Danville, VA</td>
<td>10.0</td>
</tr>
<tr>
<td>15. Mokena, Illinois</td>
<td>For construction of Wolf Road to an area between Lake Road and U.S. 20 in Mokena, IL</td>
<td>1.4</td>
</tr>
<tr>
<td>16. Frankfort, Illinois</td>
<td>Village of Frankfort Road improvements projects</td>
<td>1.3</td>
</tr>
<tr>
<td>17. Plainfield, Illinois</td>
<td>Replacement of E J &amp; E Viaduct over IL Rte 59 and Desoto River Triveway</td>
<td>1.0</td>
</tr>
<tr>
<td>18. Romersville, Illinois</td>
<td>Replacement of 155th Street Bridge, Romersville, IL</td>
<td>5.9</td>
</tr>
<tr>
<td>19. Water Street, Pennsylvania</td>
<td>Construction of a 2 lane bypass around the Borough of Water Street on U.S. 22 in Pennsylvania</td>
<td>8.0</td>
</tr>
<tr>
<td>20. Hollidaysburg, Pennsylvania</td>
<td>To relocate U.S. 22 around the Borough of Hollidaysburg, Pennsylvania</td>
<td>52.9</td>
</tr>
<tr>
<td>21. Lewistown, Pennsylvania</td>
<td>For safety improvements on the Narrows to eliminate potential problems brought on by rock slides</td>
<td>1.6</td>
</tr>
<tr>
<td>22. Pennsylvania</td>
<td>To relocate U.S. 22 North of Lewistown, Pennsylvania</td>
<td>58.2</td>
</tr>
<tr>
<td>23. Reedsville, Pennsylvania</td>
<td>For construction of a 4 lane highway between Reedsville and Seven Mountains, Pennsylvania</td>
<td>35.1</td>
</tr>
<tr>
<td>24. Pennsylvania</td>
<td>To relocate section of railroad tracks between Harrisburg and Shippensburg, Penns onsylvania to eliminate 3 at-grade crossings and to make connection to an existing railroad line</td>
<td>14.4</td>
</tr>
<tr>
<td>25. Roaring Spring, Pennsylvania</td>
<td>To upgrade 2 lanes by adding a center turning lane to a section of Pennsylvania 39 from New U.S. 228 to the intersection at Roaring Spring, Pennsylvania</td>
<td>8.8</td>
</tr>
<tr>
<td>26. Altoona, Pennsylvania</td>
<td>To widen and extend Chestnut Avenue from Altoona to Janesville, Pennsylvania</td>
<td>7.12</td>
</tr>
<tr>
<td>27. Bedford County, Pennsylvania</td>
<td>To widen Rte. 70 from the Naraqua to Bedford to Mt. Dallas, Pennsylvania</td>
<td>48.0</td>
</tr>
<tr>
<td>28. Blackburg, Virginia, Montgomery County</td>
<td>Design, acquire right-of-way and construct a widened bridge on Route 30 over the Canal</td>
<td>6.9</td>
</tr>
<tr>
<td>29. Mobile, Alabama</td>
<td>Construction of 6 mile 4 lane highway to demonstrate intelligent/vehicle highway systems</td>
<td>5.9</td>
</tr>
<tr>
<td>30. Mobile, Alabama</td>
<td>Construction of the West Tunnel Feha Interchange on I-10 from Virginia Street to Mobile River Tunnel, Mobile, Alabama</td>
<td>15.0</td>
</tr>
<tr>
<td>31. Pennsylvania</td>
<td>To widen U.S. Rte. 202 from King of Prussia to Montgomeryville, Pennsylvania</td>
<td>8.9</td>
</tr>
<tr>
<td>32. Geline, Illinois</td>
<td>To conduct environmental, preliminary engineering, and design studies to widen a 47 mile stretch of U.S. 29 to 4 lanes</td>
<td>2.0</td>
</tr>
<tr>
<td>33. Armane County, Michigan</td>
<td>To improve the interchange at I-90 and I-65, Michigan</td>
<td>4.7</td>
</tr>
<tr>
<td>34. Brooks, Jim Wells, and Live Oak Counties, Texas</td>
<td>To construct an I-40 interchange at Napa in Montgomery, Alabama and connect I-40 to I-65 and I-85</td>
<td>11.8</td>
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<tr>
<td>CITY/STATE</td>
<td>INNOVATIVE PROJECTS</td>
<td>AMOUNT in million</td>
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<tr>
<td>36. North Dakota</td>
<td>To design computerized system to inventory and manage supply system bridge repairs or replacement state-wide; begin repair activities.</td>
<td>8.9</td>
</tr>
<tr>
<td>37. Los Angeles, California</td>
<td>For preliminary work on a project to enhance the capacity of I-5 in Los Angeles and Orange County from the downtown area to the State Route 21 interchange in Buena Park.</td>
<td>6.7</td>
</tr>
<tr>
<td>38. Mendon, Illinois</td>
<td>To construct 14.8 miles of Highway 336 from Illinois Route 61 near Mendon, Illinois to West Point Road.</td>
<td>5.0</td>
</tr>
<tr>
<td>39. Brigham City, Utah</td>
<td>Construct 3 miles of new and improved highways connecting Clarkston, Washington with Lewis.</td>
<td>3.9</td>
</tr>
<tr>
<td>40. Missouri</td>
<td>To widen I-55 between Route M and Route 67 in Jefferson County, Missouri.</td>
<td>5.1</td>
</tr>
<tr>
<td>41. Jefferson County, Missouri</td>
<td>To upgrade 7.9 miles of Missouri Highway 21 in Jefferson County, Missouri.</td>
<td>5.1</td>
</tr>
<tr>
<td>42. St. Louis, Missouri</td>
<td>To construct a 4-Lane outer bypass connecting I-55 and I-44 in St. Louis and Jefferson County, Missouri.</td>
<td>7.6</td>
</tr>
<tr>
<td>43. Hillsborough, Florida</td>
<td>Widen and enhance safety and drainage features of I-4 from Tampa to the Hillsborough County Line.</td>
<td>24.5</td>
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<tr>
<td>44. Wichita, Kansas</td>
<td>To construct a 4 lane access controlled highway and interchange at Oliver Street.</td>
<td>6.6</td>
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<tr>
<td>45. Brigham City, Utah</td>
<td>To construct an interchange on I-15 at Forest St. in Brigham City, Utah.</td>
<td>3.6</td>
</tr>
<tr>
<td>46. Utah</td>
<td>For the upgrading of U.S. 89 in Davis and Weber Counties, Utah.</td>
<td>3.0</td>
</tr>
<tr>
<td>47. Grand Rapids, Michigan</td>
<td>For construction of a bypass around Grand Rapids, Michigan connecting I-96 and I-196.</td>
<td>6.9</td>
</tr>
<tr>
<td>48. Suffolk County/Long Island, New York</td>
<td>Avoid eroding costly areas through selective blacktopping through high noise road segments.</td>
<td>2.0</td>
</tr>
<tr>
<td>49. Suffolk County, New York</td>
<td>Evaluate suitability of composting and recycling for use on federal-aid highway medians and perimeters.</td>
<td>0.4</td>
</tr>
<tr>
<td>50. Springfield, South Dakota</td>
<td>Plan, engineer and construct a bridge across the Missouri River to connect South Dakota Route 17 to Nebraska Highway 12.</td>
<td>4.7</td>
</tr>
<tr>
<td>51. Vermillion, South Dakota</td>
<td>Engineer and construct a bridge crossing the Missouri River in the vicinity of Vermillion, South Dakota.</td>
<td>3.6</td>
</tr>
<tr>
<td>52. Pennsylvania</td>
<td>Design, engineer and construct 2 exits off Interstate 81, 1-10 from Scranton to Scranton, Pennsylvania.</td>
<td>16.7</td>
</tr>
<tr>
<td>53. Geneseo, Michigan</td>
<td>Widen and improve pavement in Mundy Township, from Baldwin Rd. to Cook Rd.</td>
<td>0.16</td>
</tr>
<tr>
<td>54. Flint, Michigan</td>
<td>Engineer, design and construct improved and widened 5-Lane road.</td>
<td>0.5</td>
</tr>
<tr>
<td>55. Flint, Michigan</td>
<td>Engineer, design and construct 1.0 mile of 5-Lane roadway.</td>
<td>0.9</td>
</tr>
<tr>
<td>56. Flint, Michigan</td>
<td>Right-of-way acquisition, relocation and construction of 3 mile roadway.</td>
<td>3.1</td>
</tr>
<tr>
<td>57. Salem, Oregon</td>
<td>To construct the Salem Bypass around Salem, Oregon.</td>
<td>6.0</td>
</tr>
<tr>
<td>58. Montgomeryville, Pennsylvania</td>
<td>To improve U.S. 292 from Montgomeryville to Davidson, Pennsylvania.</td>
<td>10.8</td>
</tr>
<tr>
<td>59. Amherst/Erie County, New York</td>
<td>Widen 2 miles of Route 561 from 2 lanes to 4 lanes in Chatham and rehabilitate 4 mile stretch of Route 78.</td>
<td>7.6</td>
</tr>
<tr>
<td>60. Idaho</td>
<td>To improve the Brigham County Rd. from Washington State Line to Lewiston, Idaho.</td>
<td>5.3</td>
</tr>
<tr>
<td>61. Mojave, California</td>
<td>Widen and reconstruct bridge on CALTRANS highway 33 in California.</td>
<td>1.8</td>
</tr>
<tr>
<td>62. Fremont, Iowa</td>
<td>For construction of Iowa highway #2 from Sidney, Iowa to I-29 in Fremont County, Iowa.</td>
<td>8.7</td>
</tr>
<tr>
<td>63. Council Bluffs, Iowa</td>
<td>Construct extension of Interstate 69 to link Evansville and Indianola, Indiana.</td>
<td>3.8</td>
</tr>
<tr>
<td>64. Indiana</td>
<td>U.S. 62 Ohio River Bridge.</td>
<td>15.5</td>
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<tr>
<td>65. Aberdeen, Ohio</td>
<td>U.S. 67 Jacksonville Bypass.</td>
<td>15.8</td>
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<tr>
<td>66. Jacksonville, Florida</td>
<td>St. Louis County, Washington HOV Lanes.</td>
<td>13.5</td>
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<tr>
<td>68. Portland/S. Portland, Maine</td>
<td>Highway 63 Improvements, Waterloo to New Hampton, Iowa.</td>
<td>15.1</td>
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<tr>
<td>69. Iowa</td>
<td>Aerospace Technology Park Access Rd., Brook Park, Ohio.</td>
<td>14.2</td>
</tr>
<tr>
<td>70. Brook Park, Ohio</td>
<td>RT 154 Holister Bypass, San Benito, California.</td>
<td>14.9</td>
</tr>
<tr>
<td>71. California</td>
<td>RT 101, Prunedale, California.</td>
<td>4.2</td>
</tr>
<tr>
<td>72. Monterey, California</td>
<td>RT 21 Viaduct, Newark, New Jersey, City of Newark's Project.</td>
<td>14.8</td>
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<tr>
<td>73. New Jersey</td>
<td>RT 21 widening, Newark, New Jersey, City of Newark's Project.</td>
<td>13.9</td>
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<tr>
<td>74. New Jersey</td>
<td>U.S. 64 widening in Chatham and Woke County, North Carolina.</td>
<td>5.3</td>
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<tr>
<td>75. North Carolina</td>
<td>I-41/Industrial Park South Interchange, Sullivan County, Tennessee.</td>
<td>5.8</td>
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<tr>
<td>76. Tennessee</td>
<td>Foothills Parkway: Pittman Center to Cosby, Tennessee.</td>
<td>12.2</td>
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<tr>
<td>77. Tennessee</td>
<td>Kelly Avenue extension, Akron, Ohio.</td>
<td>26.8</td>
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<tr>
<td>78. Ohio</td>
<td>Elyon Bypass, Elyon, Pennsylvania.</td>
<td>26.8</td>
</tr>
<tr>
<td>79. Exton, Pennsylvania</td>
<td>Black Warrior River Bridge, Tuscaloosa County, Alabama.</td>
<td>6.4</td>
</tr>
<tr>
<td>CITY/STATE</td>
<td>INNOVATIVE PROJECTS</td>
<td>AMOUNT in millions</td>
</tr>
<tr>
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</tr>
<tr>
<td>Brooklyn Park, Minnesota</td>
<td>Highway 610 crossover project, Brooklyn Park, Minnesota</td>
<td>36.0</td>
</tr>
<tr>
<td>California</td>
<td>I-80/Alvord-Riles Road Interchange, Union City, California</td>
<td>9.5</td>
</tr>
<tr>
<td>Merriamville, Washington</td>
<td>Interstate 5 interchange improvement: 88th Street, Merriamville, Washington</td>
<td>1.9</td>
</tr>
<tr>
<td>Myrtle Beach, South Carolina</td>
<td>Carolina Boys Parkway, Myrtle Beach, South Carolina</td>
<td>5.9</td>
</tr>
<tr>
<td>Bakersfield, California</td>
<td>U.S. 99 improvements including 6 lane bridge and approaches, Panorama, Mississippi</td>
<td>4.3</td>
</tr>
<tr>
<td>Santa Fe Springs, California</td>
<td>Route 58 improvements, Bakersfield, California</td>
<td>4.7</td>
</tr>
<tr>
<td>Hoquiam, Washington</td>
<td>Norwalk Bldg, grade separation, Santa Fe Springs</td>
<td>4.3</td>
</tr>
<tr>
<td>Traverse City, Michigan</td>
<td>Gray's Harbor Industrial Corridor Bridge, Hoquiam, Washington</td>
<td>4.7</td>
</tr>
<tr>
<td>Nevada</td>
<td>Traverse City Bypass, Traverse City, Michigan</td>
<td>4.5</td>
</tr>
<tr>
<td>Durham County, North Carolina</td>
<td>Lamontile Highway widening, Elk County, Nevada</td>
<td>2.4</td>
</tr>
<tr>
<td>West Sacramento, California</td>
<td>U.S. 99 Extension, in vicinity of Reno, Nevada</td>
<td>14.8</td>
</tr>
<tr>
<td>Carson City, Nevada</td>
<td>Carson City Bypass, Carson City, Nevada</td>
<td>7.6</td>
</tr>
<tr>
<td>Columbus, Ohio</td>
<td>I-77 North outerbelt widening, Franklin County, Ohio</td>
<td>10.2</td>
</tr>
<tr>
<td>St. Thomas, Virgin Islands</td>
<td>Feasibility study of constructing a second road to the west end of the island</td>
<td>1.7</td>
</tr>
<tr>
<td>Illinois</td>
<td>DeQuincy Highway Bridge</td>
<td>1.0</td>
</tr>
<tr>
<td>Tamarack Street Extension</td>
<td>East Chicago Marina Access Road</td>
<td>8.5</td>
</tr>
<tr>
<td>Ohio</td>
<td>Hybrid Bus Facility</td>
<td>3.6</td>
</tr>
<tr>
<td>Hybrid Bus Facility</td>
<td>Rehabilitation of Bridge on U.S. 224 near State Route 618</td>
<td>1.0</td>
</tr>
<tr>
<td>Arkansas</td>
<td>North Belt Freeway Project, Thornton, Arkansas</td>
<td>1.0</td>
</tr>
<tr>
<td>Ft. Worth, Texas</td>
<td>I-35 Eastwood Interchange, Ft. Worth, Texas</td>
<td>17.8</td>
</tr>
<tr>
<td>Illinois</td>
<td>Illinois 17 road replacement, 1.2 miles west of Spear Road to Illinois 17, 5.3 miles</td>
<td>1.8</td>
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<tr>
<td>Lory, Illinois</td>
<td>U.S. 159 road replacement, North of Hennepin Street to South of Gilmore Street in Lory; 1.6 miles</td>
<td>1.0</td>
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<tr>
<td>Ford County, Illinois</td>
<td>U.S. 14 replacement, 11 miles east of Forrest to Ford County Line; 8.6 miles</td>
<td>1.8</td>
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<tr>
<td>Illinois</td>
<td>U.S. 24 road replacement: Crescent City to Illinois 1, in Wadesa; 6.3 miles</td>
<td>2.5</td>
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<tr>
<td>Emington, Illinois</td>
<td>Emington Spur road replacement Illinois 47 to Emington, 5.8 miles Emington, Illinois</td>
<td>6.5</td>
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<tr>
<td>Illinois</td>
<td>New Lenox Road Improvement</td>
<td>7.2</td>
</tr>
<tr>
<td>Illinois</td>
<td>Shorewood Roadway Improvements</td>
<td>1.3</td>
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<tr>
<td>Illinois</td>
<td>Bridge painting of various moveable bridges to prevent rusting, Chicago, Illinois</td>
<td>2.8</td>
</tr>
<tr>
<td>Huntingdon County, Pennsylvania</td>
<td>Landscaping, resurfacing, repair and replacement of curbs and gutters, bridge cleaning and repair of lights and redesigning and installation of new signs historic 28 mile Boulevard, Chicago, Illinois</td>
<td>6.5</td>
</tr>
<tr>
<td>Illinois</td>
<td>Improvements to highway U.S. 131, north of Cadillac</td>
<td>5.4</td>
</tr>
<tr>
<td>Cadillac, Michigan</td>
<td>Accelerated construction of a four-lane divided freeway on Route 117</td>
<td>4.2</td>
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<tr>
<td>Corpus Christi to Angleton, Texas</td>
<td>Construct new multi-lane freeway</td>
<td>41.7</td>
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<tr>
<td>Fort Worth, Texas</td>
<td>Construction of an overpass and frontage road at the Fort Worth Hillwood/1-35 interchange</td>
<td>12.3</td>
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<tr>
<td>West Sacramento, California</td>
<td>Construction of Industrial Boulevard over Sacramento River Barge Canal in West Sacramento, California</td>
<td>1.3</td>
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<tr>
<td>Baltimore County, Maryland</td>
<td>I-695 Improvements in Baltimore County, Maryland</td>
<td>23.8</td>
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<tr>
<td>Hampton Roads, Virginia</td>
<td>I-64 Crossing of Hampton Roads</td>
<td>5.9</td>
</tr>
<tr>
<td>Calvert City, Illinois</td>
<td>Reconstruction of 15th Street and 156th Place from Burkham Avenue to State line</td>
<td>1.3</td>
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<tr>
<td>Frankfort Township, Illinois</td>
<td>Improvements of streets in Frankfort Township</td>
<td>3.5</td>
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<tr>
<td>Illinois</td>
<td>Road Improvement, U.S. 150/I-80/I-1 from Beloit to South of Westville</td>
<td>3.0</td>
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<tr>
<td>Alabama</td>
<td>Road Improvement, U.S. 45 from Streep to Tolowa</td>
<td>4.6</td>
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<tr>
<td>Norwalk of Paulsboro, New Jersey</td>
<td>Patton Island Bridge Project</td>
<td>4.7</td>
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<tr>
<td>Minnesota</td>
<td>Construction of new bridge to improve safety</td>
<td>2.3</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Completion of Cross-Rampe Expressway (Trunk Highway 69)</td>
<td>13.0</td>
</tr>
<tr>
<td>Hinckley, Minnesota</td>
<td>Safety and capacity improvements to Trunk Highway 44 and relocation of County Road 124</td>
<td>2.0</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Trunk Highway 53 to 550</td>
<td>5.5</td>
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<tr>
<td>Minnesota</td>
<td>Trunk Highway 169, Grand Rapids to Hot City</td>
<td>9.0</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Trunk Highway 61, Schroeder to Grand Marais</td>
<td>18.0</td>
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<tr>
<td>Wisconsin</td>
<td>Improvements to Highway 61, Oskahon to Green Bay</td>
<td>41.7</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Improvements to Highway 18, Chippewa Falls to State Trunk Hwy. 73</td>
<td>28.3</td>
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<tr>
<td>Wisconsin</td>
<td>Trunk Highway 37 and Hughes Rd.</td>
<td>6.5</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Route 120 widening in vicinity of Lock Haven</td>
<td>4.0</td>
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<tr>
<td>Pennsylvania</td>
<td>Replace U.S. 15 bridge across Togo River</td>
<td>3.7</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Wythe Narrows Rd. (U.S. 6)</td>
<td>3.6</td>
</tr>
<tr>
<td>CITY/STATE</td>
<td>INNOVATIVE PROJECTS</td>
<td>AMOUNT in millions</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Chicago, Illinois</td>
<td>Improvements on Kennedy Expressway, except that the allocation percentages under this section shall not apply to this project and, in lieu thereof, 1/3 of the funds for such projects shall be available for obligation in each of fiscal years 1992, 1993, and 1994</td>
<td>175.0</td>
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<tr>
<td>South Carolina</td>
<td>Southern Connector Highway Improvements in Greenville County; Highway 17 Bridge Replacement Projects over Cooper River, Charleston; Carolina Bay Parkway Improvements, Myrtle Beach (funds to be equitably divided among these facilities)</td>
<td>11.0</td>
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<tr>
<td>South Carolina</td>
<td>Rail Corridor Removal and Revitalization in Columbia, South Carolina</td>
<td>4.0</td>
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<tr>
<td>Rhode Island</td>
<td>For design and construction of a stormwater retrofit on I-95 and other highway runoff programs to protect Narragansett Bay</td>
<td>13.0</td>
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<tr>
<td>South Kingstown, Rhode Island</td>
<td>For historic renovation and development of an intermodal center at the Kingston Railroad Station</td>
<td>2.0</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>For historic rehabilitation of the Albion Bridge and Albion Trestle Bridge</td>
<td>2.0</td>
</tr>
<tr>
<td>Newport, Rhode Island</td>
<td>To develop the marine mode of the intermodal Gateway Transportation Center</td>
<td>6.0</td>
</tr>
<tr>
<td>Bristol, Rhode Island</td>
<td>For road improvements in Bristol, Rhode Island</td>
<td>2.0</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>An applied technology demonstration in advanced technology demonstrations in advanced driver information systems, with a special emphasis on display instrumentation and information communications technology, to be carried out in cooperation with the Center for Advanced Domestic and Communications Technologies at the University of the Arts</td>
<td>2.0</td>
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<tr>
<td>Vermont</td>
<td>Construction of a highway from U.S. 7, North of Bennington, Vermont southwest to NY 7 in Hoosick, NY</td>
<td>20.0</td>
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<tr>
<td>Woonsocket, Rhode Island</td>
<td>For construction of Route 99 Extension</td>
<td>2.0</td>
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<tr>
<td>Woonsocket, Rhode Island</td>
<td>For reconstruction of Park Avenue, Seekonk, South, South Comstock Parkway, Wildflower Drive, Aqueduct Road and Maple Street</td>
<td>0.35</td>
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<tr>
<td>Cranston, Rhode Island</td>
<td>For reconstruction and repaving of streets in Woonsocket</td>
<td>5.7</td>
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<tr>
<td>Rhode Island</td>
<td>For operating expenses of the Rhode Island Public Transit Authority</td>
<td>18.0</td>
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<tr>
<td>Newport, Rhode Island</td>
<td>To study corridor protection for New Hampshire Route 18</td>
<td>2.0</td>
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<tr>
<td>New Hampshire</td>
<td>To provide congestion relief on U.S. 302 in New Hampshire Route 18</td>
<td>6.3</td>
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<tr>
<td>North Conway, New Hampshire</td>
<td>To widen U.S. 317 10-15 miles Billerica to Concord</td>
<td>7.0</td>
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<tr>
<td>Kansas</td>
<td>To construct Hutchinson bypass between U.S. 50 and K-96, Hutchison, Kansas</td>
<td>24.4</td>
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<tr>
<td>Kansas</td>
<td>For reconstruction of county roads not on the State Highway System by the Kansas Department of Transportation</td>
<td>70.0</td>
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<tr>
<td>Wyoming</td>
<td>For the rehabilitation, renovation, reconstruction, resurfacing, safety improvements, and modernization on the existing 1,063 mile Interstate system in Virginia to be distributed by the Commonwealth Transportation Board, to the maximum extent possible, on an equitable basis</td>
<td>62.5</td>
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<tr>
<td>Minnesota</td>
<td>Bonneville County, Minnesota Bloomington Ferry Bridge C.S.A.H., 18 Replacement Project Bloomington, MN</td>
<td>18.0</td>
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<tr>
<td>Minnesota</td>
<td>Nicollet County, Minnesota C.S.A.H., 47 for roadway stabilization and rockfall control, North Dakota</td>
<td>3.0</td>
</tr>
<tr>
<td>Minnesota</td>
<td>St. Cloud, Minnesota T.H. 15 bridge across Mississippi River and Interchange with T.H. 10</td>
<td>3.0</td>
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<tr>
<td>Minnesota</td>
<td>Minnesota Safety Initiative Program (funded at $2,000,000) to demonstrate the safety benefits of retroreflective pavement markings, signs, and other projects for nighttime and older drivers</td>
<td>11.8</td>
</tr>
<tr>
<td>New York</td>
<td>Hillside Viaduct: upgrade, repair, &amp; paint</td>
<td>11.0</td>
</tr>
<tr>
<td>New York</td>
<td>Ferry Landing, Battery Park: Reconstruction of Ferry landing within Battery Park</td>
<td>0.5</td>
</tr>
<tr>
<td>New York</td>
<td>Foley Square Flood Protection Improvements: &amp; construction activities for Foley Square development</td>
<td>5.53</td>
</tr>
<tr>
<td>New York</td>
<td>Franklin Delano Roosevelt Drive: To reconstruct &amp; improve several sections of Franklin Delano Roosevelt Drive</td>
<td>10.0</td>
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<tr>
<td>New York</td>
<td>Grading &amp; surfacing, from U.S. 1 North of Mt. Lebanon, southern to NY Route 17 at Croton, and to NY Route 17 at McVicker, and for EAS 3328 from NY 1 to ND</td>
<td>11.0</td>
</tr>
<tr>
<td>New York</td>
<td>Surfacing from I-95 north &amp; east through Smithtown, from north to NY Route 9</td>
<td>4.0</td>
</tr>
</tbody>
</table>
Surfacing of FAS 1822 from FAS 1812 to I-29, & FAS 1823 from FAS 1824 to ND 15. surfacing of FAS 1833 to I-29, & FAS 1823 from FAS 1824 to ND 15.

Grading & surfacing from Wahpeton to the Froedtert Mill Plant.

Grading & surfacing from Bismarck to ND Highway 43.

Grading & surfacing of FAS 2570 from U.S. 85 west 12 miles.

Grading & surfacing of FAS 5215 from FAS 5208 north to the county line, & from U.S. 52, one mile west of Manfred, north to FAS 5208.

Grading & surfacing of FAS 4916 from ND 200 east to the Red River.

Grading & surfacing of ND 3041 east 10.6 miles & from ND 20 west 5.5 miles; & of FAS 1417 from ND 20 south about 8 miles.

Grading & surfacing, starting at ND 49 on the Ward County line south 4 miles & then east 2 miles.

Grading & surfacing of FAS 2022 from ND 49 southwesterly to ND 3033.

Surfacing of FAS 5017 from Berwick southerly to the Nelson County line & FAS 5022 from Fordsville east to ND 18.

Grading & surfacing of FAS 4132 from FAS 1127, FAS 1111 from ND 11 south to FAS 1124, & FAS 1127 from ND 11 north to Guelph.

Grading & surfacing of FAS 0717 from Lignite south to ND 50.

For a bypass from ND 1609 around the westside of Fort Lincoln State Park.

Grading & surfacing from U.S. 281 around the access loop road in the Fort Pierre Gardens.

Grading & surfacing of FAS 3331 from ND 204 at Hesler southerly to ND 25, & FAS 3304 from FAS 3311 east to FAS 3318.

Grading & surfacing at County Rd. 5 from U.S. 2 southerly to ND 1804.

Reconstruct 1.6 total of 0.9 miles of SH-22 (FAP-14) beginning at M.P. 0.5 in the City of Plummer in Benewah County to M.P. 0.4, and two additional segments located on Perdue Hill from approximately M.P. 3.0 to M.P. 4.9 and M.P. 5.7 to M.P. 6.7.

Reconstruct 1.3 mile section of U.S. 99 (FAP-325) in Lemhi County at the Idaho/Montana border.

23 U.S.C. 120(6) shall be applicable to the Federal share payable of the cost of such project.

Rehabilitate existing pavement structure for a total of 14.5 miles of Idaho Forest Highway 50, the St. Joe River Road between St. Maries and the Benewah/Shoshone County Line.

Construction of SH-339 (FAP-17) beginning at M.P. 0.0 in the City of Plummer in Benewah County to M.P. 1.1, and two additional segments located on Perdue Hill from approximately M.P. 3.0 to M.P. 4.9 and M.P. 5.7 to M.P. 6.7.

Reconstruct 1.7 mile section of U.S. 40 (FAP-53) between the communities of Montpelier and Geneseo.

Incorporation of an extension of Bypass, in the vicinity of U.S. 431 and Alabama State Hwy. 21 north of Anniston to the Golden Springs interchange on I-20.

Additional funding for Corning Bypass (Route 11), except any excess funds from the $28.4 million in total funding for this project shall be available for construction of two additional expressway lanes from Chataqua Lake Bridge to Pennsylvania border.

Construction of the Shilo I-90 interchange.

Construction of the Missoula Airport I-90 interchange.

Design & initial construction of a new I-280 Maumee River crossing to replace the Craig Memorial Bridge.

Rehabilitation or replacement: The Gold Star Bridge over the Yellow Mill Channel (Bridgetown); the Bridge over the Whiskey River (New Haven).

Design & Construction of interstate standard highway from Rocky Mount, NC to Elizabeth City, NC. & for the upgrading of I-64 from Raleigh, NC to Rocky Mount, NC & I-40 from Elizabeth City to Norfolk. A substantial portion of the funding should be used for the Rocky Mountain to Elizabeth segment.

<table>
<thead>
<tr>
<th>CITY/STATE</th>
<th>INNOVATIVE PROJECTS</th>
<th>AMOUNT in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steele/Gripp County, North Dakota</td>
<td>Grading &amp; surfacing of FAS 4612 &amp; FAS 2012 from ND 22 to ND 45</td>
<td>2.9</td>
</tr>
<tr>
<td>Grand Forks County, North Dakota</td>
<td>Surfacing of FAS 1122 from FAS 1121 to I-29, &amp; FAS 1123 from FAS 1124 to ND 15</td>
<td>2.6</td>
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<tr>
<td>Richland County, North Dakota</td>
<td>Grading &amp; surfacing from Wahpeton to the Froedtert Mill Plant</td>
<td>0.6</td>
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<tr>
<td>Ward/McHenry County, North Dakota</td>
<td>Grading &amp; surfacing of FAS 1538 &amp; FAS 2546 from U.S. 83 to ND 41</td>
<td>4.5</td>
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<tr>
<td>Bottineau County, North Dakota</td>
<td>Grading &amp; surfacing from Bismarck to ND Highway 43</td>
<td>2.4</td>
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<tr>
<td>McKenzie County, North Dakota</td>
<td>Grading &amp; surfacing of FAS 7570 from U.S. 85 west 12 miles</td>
<td>2.3</td>
</tr>
<tr>
<td>Wells County, North Dakota</td>
<td>Grading &amp; surfacing of FAS 5215 from FAS 5208 north to the county line, &amp; from U.S. 52, one mile west of Manfred, north to FAS 5208</td>
<td>2.5</td>
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<tr>
<td>Trell County, North Dakota</td>
<td>Grading &amp; surfacing of FAS 4916 from ND 200 east to the Red River</td>
<td>2.8</td>
</tr>
<tr>
<td>Eddy County, North Dakota</td>
<td>Grading &amp; surfacing from FAS 1417 from ND 20 south about 8 miles</td>
<td>2.5</td>
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<tr>
<td>Renville/Ward County, North Dakota</td>
<td>Grading &amp; surfacing, starting at ND 49 on the Ward County line south 4 miles &amp; then east 2 miles</td>
<td>0.9</td>
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<tr>
<td>Morton County, North Dakota</td>
<td>Grading &amp; surfacing of FAS 2022 from ND 49 southeasterly to ND 3033</td>
<td>3.1</td>
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<tr>
<td>Walsh County, North Dakota</td>
<td>Surfacing of FAS 5017 from Berwick southerly to the Nelson County line &amp; FAS 5022 from Fordsville east to ND 18</td>
<td>2.5</td>
</tr>
<tr>
<td>Dickey County, North Dakota</td>
<td>Grading &amp; surfacing of FAS 1127, FAS 1111 from ND 11 south to FAS 1124, &amp; FAS 1127 from ND 11 north to Guelph</td>
<td>4.0</td>
</tr>
<tr>
<td>Burke County, North Dakota</td>
<td>Grading &amp; surfacing of FAS 0717 from Lignite south to ND 50</td>
<td>4.4</td>
</tr>
<tr>
<td>Morton County, North Dakota</td>
<td>For a bypass from ND 1609 around the westside of Fort Lincoln State Park</td>
<td>3.2</td>
</tr>
<tr>
<td>Reolette County, North Dakota</td>
<td>Grading &amp; surfacing from U.S. 281 around the access loop road in the Fort Pierre Gardens</td>
<td>1.9</td>
</tr>
<tr>
<td>Oliver County, North Dakota</td>
<td>Grading &amp; surfacing of FAS 3331 from ND 204 at Hesler southerly to ND 25, &amp; FAS 3304 from FAS 3311 east to FAS 3318</td>
<td>2.9</td>
</tr>
<tr>
<td>Williams County, North Dakota</td>
<td>Grading &amp; surfacing at County Rd. 5 from U.S. 2 southerly to ND 1804</td>
<td>2.5</td>
</tr>
<tr>
<td>Plummer, Idaho</td>
<td>Reconstruct a total of 1.6 miles of SH-22 (FAP-14) beginning at M.P. 0.5 in the City of Plummer in Benewah County to M.P. 1.1, and two additional segments located on Perdue Hill from approximately M.P. 3.0 to M.P. 4.9 and M.P. 5.7 to M.P. 6.7</td>
<td>3.6</td>
</tr>
<tr>
<td>Lemhi County, Idaho</td>
<td>Reconstruct 1.3 mile section of U.S. 40 (FAP-53) in Lemhi County at the Idaho/Montana border. 23 U.S.C. 120(6) shall be applicable to the Federal share payable of the cost of such project.</td>
<td>25.6</td>
</tr>
<tr>
<td>St. Maries, Idaho</td>
<td>Rehabilitate existing pavement structure for a total of 14.5 miles of Idaho Forest Highway 50, the St. Joe River Road between St. Maries and the Benewah/Shoshone County Line</td>
<td>3.4</td>
</tr>
<tr>
<td>Lewiston, Idaho</td>
<td>Construct a 1.6 mile segment of SH-339 (FAP-17) beginning at M.P. 0.0 in the City of Plummer in Benewah County to M.P. 1.1, and two additional segments located on Perdue Hill from approximately M.P. 3.0 to M.P. 4.9 and M.P. 5.7 to M.P. 6.7</td>
<td>3.9</td>
</tr>
<tr>
<td>Bear Lake County, Idaho</td>
<td>Reconstruct 1.8 mile section of U.S. 40 (FAP-53) between the communities of Montpelier and Geneseo</td>
<td>18.5</td>
</tr>
<tr>
<td>Alabama</td>
<td>Improvements to Anniston Eastern Bypass, in the vicinity of U.S. 431 and Alabama State Hwy. 21 north of Anniston to the Golden Springs interchange on I-20. Additional funding for Corning Bypass (Route 11), except any excess funds from the $28.4 million in total funding for this project shall be available for construction of two additional expressway lanes from Chataqua Lake Bridge to Pennsylvania border on Route 17</td>
<td>11.0</td>
</tr>
<tr>
<td>Corning, New York</td>
<td>Construction of the Shilo I-90 interchange</td>
<td>2.4</td>
</tr>
<tr>
<td>Billings, Montana</td>
<td>Construction of the Missoula Airport I-90 interchange</td>
<td>11.0</td>
</tr>
<tr>
<td>Missoula, Montana</td>
<td>Design &amp; Initial construction of a new I-280 Maumee River crossing to replace the Craig Memorial Bridge</td>
<td>9.7</td>
</tr>
<tr>
<td>Orlando, Florida</td>
<td>Relief &amp; right-of-way acquisition &amp; guidance construction</td>
<td>37.0</td>
</tr>
<tr>
<td>Toledo, Ohio</td>
<td>Rehabilitation or replacement: The Gold Star Bridge over the Thames River I-95 between New London &amp; Groton; the Bridge over the Yellow Mill Channel (Bridgetown); &amp; the Tominson Bridge on Rte. 1 over the Quinnipiac River (New Haven)</td>
<td>62.0</td>
</tr>
<tr>
<td>New London-Groton Bridgeport/New Haven, Connecticut</td>
<td>Design &amp; Construction of interstate standard highway from Rocky Mount, NC to Elizabeth City, NC. &amp; for the upgrading of I-64 from Raleigh, NC to Rocky Mount, NC &amp; I-40 from Elizabeth City to Norfolk. A substantial portion of the funding should be used for the Rocky Mountain to Elizabeth segment</td>
<td>30.0</td>
</tr>
<tr>
<td>Raleigh/Rocky Mount/Elizabeth City, North Carolina</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. Long Beach, California...... Interchange at Terminal Island Freeway and Ocean Boulevard..... 11.8
2. Wilmington/ Los Angeles, California...... Widening of Anaheim Street Vialeet..... 11.8
3. Wilmington/ Los Angeles, California...... Grade Separation Project of Pacific Coast Highway near Alameda Suite..... 11.8
4. Compton City/ Los Angeles County, California...... Widening of Alameda Street and grade separation between Rt. 91 and Del Amo Boulevard..... 11.8
5. Pennsylvania...... Reconstruction of the Old Delaware Avenue Service Road..... 2.4
6. Philadelphia, Pennsylvania...... Study of upgraded State Route 53 off U.S. 15 leading to improved Andmore Airport..... 2.5
7. Andmore, Oklahoma...... To relocate Van Dyke Street and construct a road depression under the rampway at Natchel Road of the Detroit City Airport ($1.000,000 of the Federal funds shall be for the relocation of Van Dyke Street)..... 4.3
8. Detroit, Michigan...... To widen U.S. 27 miles of U.S. 27 from the Zoological Society to the interchange to accommodate future use and right-of-way..... 11.8
9. E. Haven/ Wallingford, Connecticut...... Improvement of highway and transit projects in East Haven/ Wallingford, Connecticut ($8.8 million for East Haven Route 68, $2.4 million for Wallingford Route 53, and 2.7 million for Wallingford Oakdale)..... 10.1
10. St. Louis, Missouri...... Rehabilitation of Eden Bridge, St. Louis, Missouri..... 8.9
11. Atlanta, Georgia...... Study of 5-Points Intermodal Terminal/ Atlanta, Georgia..... 2.4
13. Northern California...... Purchase right-of-way as and when required to accommodate future use and right-of-way..... 11.3
14. Portland, Oregon...... To widen U.S. 26 from the Zoo interchange to the Schuyler Interchange to accommodate future use and right-of-way..... 11.3
15. Los Angeles, California...... For construction of a multi-modal transit parkway that includes both highway and transit improvements on Santa Monica Blvd. from the Van Nuys Boulevard to Hollywood Freeway, Los Angeles, California..... 8.9

(c) Allocation Percentages.—8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in each of fiscal years 1992, 1993, 1994, 1995, and 1997.

(d) Federal Share.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) Delegation to States.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) Advance Construction.—When a State which has been delegated responsibility for construction of a project under this section—

(i) has obligated all funds allocated under this section for construction of such project; and

(ii) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except those procedures and requirements which limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) Reports.—Not later than 1 year after completion of a project under this section, the State in which such project is located shall submit to the Secretary a report on the Innovative techniques used in carrying out such project and on the results obtained through the use of such techniques.

(h) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended.

(i) Purpose.—The purpose of this section is to provide for the construction of innovative intermodal transportation projects.

(j) Authorization of Priority Projects.—The Secretary is authorized to carry out the Priority Projects described in this subsection. Subject to subsection (f), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

A study of the feasibility of rehabilitation of the South Washington Street Bridge in Binghamton, NY, to identify plans & specifications for repair or feasible.

Advanced composite bridge deck demonstration at Catholic University.

For any highway improvement projects eligible for funding under title 23, United States Code ($2.7 million for East Haven Route 68, $2.4 million for Wallingford Route 53, and $2.7 million for Wallingford Oakdale).

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<table>
<thead>
<tr>
<th>City/Style</th>
<th>Intermodal projects</th>
<th>Amount in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jacksonville, Florida</td>
<td>Construct new I-295 interchange and arterial access road to link Jacksonville's airport terminals and the interstate.</td>
<td>7.1</td>
</tr>
<tr>
<td>Ontario, California</td>
<td>Conduct environmental studies and preliminary engineering for the western and northern portions of the project linking McCarran International Airport with I-15.</td>
<td>3.8</td>
</tr>
<tr>
<td>Allegheny County, Pennsylvania</td>
<td>For an expansion of the existing Martin Luther King Jr. Busway in the vicinity of Allegheny County, Pennsylvania to serve the Greater Pittsburgh International Airport and adjoining communities.</td>
<td>21.7</td>
</tr>
<tr>
<td>Pierce County, Washington</td>
<td>Conduct feasibility study and analyze expanding Tacoma Narrows Bridge and other transportation alternatives between State Rd. 18 and I-5.</td>
<td>0.7</td>
</tr>
<tr>
<td>San Jose, California</td>
<td>Upgrade I-47 from 4 to 8 lanes including 2 HOV Lanes, a new freeway interchange and local circulation system for San Jose International Airport.</td>
<td>14.8</td>
</tr>
<tr>
<td>American Samoa</td>
<td>Rehabilitate 8 miles of Tai Road from Pago Pago to Fagatogo, American Samoa.</td>
<td>1.1</td>
</tr>
<tr>
<td>Manu'a Island, American Samoa</td>
<td>Rehabilitate and otherwise improve 8 miles of roadway from Ofo to Oloa and Site.</td>
<td>1.2</td>
</tr>
<tr>
<td>Spokane, Washington</td>
<td>Conduct feasibility study of future transportation needs of Southeastern Washington.</td>
<td>6.8</td>
</tr>
<tr>
<td>Detroit, Michigan</td>
<td>To provide for the construction of an access road to Detroit Metropolitan Airport including access on the southern end of the airport in order to provide a link to I-275.</td>
<td>26.1</td>
</tr>
<tr>
<td>Pittsburgh, Pennsylvania</td>
<td>For design and construction of an exclusive busway linking Pittsburgh and the Pittsburgh International Airport.</td>
<td>8.8</td>
</tr>
<tr>
<td>St. Louis, Missouri</td>
<td>To construct a multi-modal transportation facility in St. Louis, Missouri.</td>
<td>5.9</td>
</tr>
<tr>
<td>Orange &amp; Rockland, New York</td>
<td>To construct park and ride facilities and establish innovative traffic management system, measures to promote efficient transportation usage.</td>
<td>4.7</td>
</tr>
<tr>
<td>Philadelphia, Pennsylvania</td>
<td>To improve mobility for a variety of traffic flow projects in the vicinity of the Pennsylvania Convention Center. Philadelphia, Pennsylvania.</td>
<td>9.5</td>
</tr>
<tr>
<td>Ormond, California</td>
<td>To extend Rice Rd., widen Hueneme Rd. and construct Rt. 1/Rice Rd. interchange in order to improve access to Port Hueneme, Ormond, California.</td>
<td>8.9</td>
</tr>
<tr>
<td>Los Angeles, California</td>
<td>To improve ground access from Sepulveda Blvd. to Los Angeles, California.</td>
<td>9.95</td>
</tr>
<tr>
<td>Mt. Vernon, New York</td>
<td>To construct an intermodal facility at the Mt. Vernon Rail Station, Mt. Vernon, New York.</td>
<td>7.1</td>
</tr>
<tr>
<td>Orange County, New York</td>
<td>1-87/1-44 Stuart Airport Interchange Project...</td>
<td>15.7</td>
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<tr>
<td>Missisippi</td>
<td>1-29 Interchange at Prairie...</td>
<td>3.4</td>
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<tr>
<td>Jackson, Mississippi</td>
<td>Jackson Airport Connectors...</td>
<td>3.1</td>
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<tr>
<td>Palmade, California</td>
<td>Avenue F8 Improvements...</td>
<td>3.6</td>
</tr>
<tr>
<td>Lafayette, Indiana</td>
<td>Lafayette Railroad Relocation Project...</td>
<td>24.3</td>
</tr>
<tr>
<td>Provo, Utah</td>
<td>South Access Rd. to Provo Municipal Airport...</td>
<td>1.0</td>
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<tr>
<td>Pennsylvania</td>
<td>Eastside Connector Project/Port of Erie Access, Erie County, Pennsylvania...</td>
<td>7.5</td>
</tr>
<tr>
<td>Kansas City, Missouri</td>
<td>Bruce Watkins Roadway Improvements...</td>
<td>19.9</td>
</tr>
<tr>
<td>Missouri</td>
<td>Smith Riverfront Expressway, Kansas City, Missouri...</td>
<td>12.7</td>
</tr>
<tr>
<td>Portland, Oregon</td>
<td>Columbia Slough Intermodal Expansion Bridge, Portland, Oregon...</td>
<td>2.1</td>
</tr>
<tr>
<td>Ft. Worth, Texas</td>
<td>Ft. Worth Intermodal Center...</td>
<td>12.4</td>
</tr>
<tr>
<td>Gary, Indiana</td>
<td>Extension of U.S. Highway 12/20 to Lake Michigan...</td>
<td>2.2</td>
</tr>
<tr>
<td>Carson/Los Angeles County, California</td>
<td>Grade Separation Project at Sepulveda Boulevard and Alameda Street...</td>
<td>9.5</td>
</tr>
<tr>
<td>Williamson, Travis, Caldwell, and Guadalupe, Texas</td>
<td>Feasibility studies including the effect of closing Bexarann AFB on traffic corridor, Route studies, preliminary engineering, and right-of-way acquisition for Alternate Route to relieve I-35 traffic congestion...</td>
<td>5.2</td>
</tr>
</tbody>
</table>
(b) Funding.—There is authorized to be appropriated to the Secretary to carry out this section $240,000 for fiscal year 1993, after September 30, 1992, of the Highway Trust Fund (other than the Mass Transit Account), which shall be available until expended. All of the provisions of chapter 1 of title 23, United States Code, shall apply to the funds provided under this section. This section shall not be subject to any obligation limitation.

PART B—NATIONAL RECREATIONAL TRAILS FUND ACT

SEC. 1301. SHORT TITLE.

This part may be cited as the "Symms National Recreational Trails Act of 1991".

SEC. 1302. NATIONAL RECREATIONAL TRAILS FUNDING PROGRAM.

(a) In General.—The Secretary, in consultation with the Secretary of the Interior, shall set aside amounts available in the Fund shall remain available until expended.

(b) Allocation percentages.—8 percent of the amount allocated by subsection (b) for each project authorized by this Act shall be available for obligation in fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

(c) Delegation to States.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(d) Advance construction.—When a State has been delegated responsibility for construction of a project under this section:

(1) the Governor of the State has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(e) Allocability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

(f) Highway and Mass Transit Projects.—Such project authorized by this section or by any other section of this Act is a highway or an urban mass transit project.

SEC. 1109. INFRASTRUCTURE AWARENESS PROGRAM.

(a) In General.—For the purpose of creating an awareness by the public and State and local governments of the nature of the Nation’s infrastructure and to encourage and stimulate efforts by the public and such governments to undertake studies and projects to improve the infrastructure, the Secretary is authorized to fund the production of a documentary in cooperation with a not-for-profit national public television station.
(2) USE NOT PERMITTED.—A State may not use moneys received under this Act for—
(a) condemnation of any kind of interest in property or
(b) construction of any recreational trail on National Forest System lands for motorized uses unless such lands:
(I) have been allocated for uses other than wilderness by an Act of Congress, and
(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan;
(c) construction of any recreational trail on Bureau of Land Management lands for motorized uses other than wilderness by an Act of Congress, and
(d) construction of any recreational trail on Federal lands that:
(I) have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to use other than wilderness by an Act of Congress, and
(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan;
(e) construction of any recreational trail on Bureau of Land Management lands for motorized uses unless such lands:
(I) have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to use other than wilderness by an Act of Congress, and
(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan;
(f) construction of any recreational trail on Bureau of Land Management lands for motorized uses unless such lands:
(I) have been allocated for uses other than wilderness by an Act of Congress, and
(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; and
(g) construction of any Recreational Trail on Federal lands for motorized uses unless such lands:
(I) have been allocated for uses other than wilderness by an approved Forest land and resource management plan;
(II) construction of any Recreational Trail on Bureau of Land Management lands for motorized uses unless such lands:
(I) have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to use other than wilderness by an Act of Congress, and
(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan;
(h) construction of any Recreational Trail on Bureau of Land Management lands for motorized uses unless such lands:
(I) have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to use other than wilderness by an Act of Congress, and
(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; and
(i) construction of any Recreational Trail on Bureau of Land Management lands for motorized uses unless such lands:
(I) have been allocated for uses other than wilderness by an Act of Congress, and
(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan.

(3) GRANTS.—(A) IN GENERAL.—A State may provide moneys received under this Act as grants to private individuals, organizations, city and county governments, and other government entities as approved by the State after considering guidance from the recreational trail advisory board establishing the requirements for funding under subsection (d).

(B) COMPLIANCE.—A State that issues such grants under subparagraph (A) shall establish measures to verify that recipients comply with the specific conditions for the use of grant moneys.

(C) ASSURED ACCESS TO FUNDS.—Except as provided under paragraphs (B) and (B)(1), not less than 30 percent of the moneys received annually by a State under this Act shall be reserved for uses relating to motorized recreation on lands other than lands that are used primarily for non-motorized recreation.

(D) DIVERSIFIED TRAIL USE.—(1) IN GENERAL.—To the extent practicable and consistent with other requirements of this section, a State shall expend moneys received under this Act in a manner that gives preference to project proposals which—
(a) provide for the greatest number of compatible recreational purposes including, but not limited to, those described under the definition of "recreational trail" in subsection (g)(5); or
(b) provide for recreational trail facilities that can accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective until such time as a State has allocated not less than $500,000 of moneys received under this Act in a manner that gives preference to project proposals which—
(a) provide for the greatest number of compatible recreational purposes including, but not limited to, those described under the definition of "recreational trail" in subsection (g)(5); or
(b) provide for recreational trail facilities that can accommodate motorized and non-motorized recreational trail use.

(E) COMPLIANCE.—(1) IN GENERAL.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of section 1633(c)(1)(A).

(2) EXCEPTION.—Any State with a total land area of less than three million five hundred thousand acres, and in which nonhighway recreational facilities account for less than 1 percent of all such facilities use in the United States, shall be exempted from the requirements of paragraph (4) of this subsection upon application to the Secretary of the Treasury and upon contracting with that entity that it meets the conditions of this paragraph.

(F) CONTINUING RECREATIONAL USE.—At the time moneys made available pursuant to this Act may be treated as Land and Water Conservation Fund moneys for the purposes of section 615(f)(3) of the Land and Water Conservation Fund Act.

(G) RETURN OF MONEYS NOT EXPENDED.—(A) Except as provided in subparagraph (B), moneys paid to a State that are not expended or committed to projects for a fiscal year, shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d).

(B) If approved by the State recreational trail advisory board satisfying the requirements of section 1633(c)(1)(A), any moneys received by a State under this Act for a fiscal year that are not expended or committed to projects for a fiscal year, shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d).

(H) COORDINATION OF ACTIVITIES.—(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this Act is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (e). Nothing in this Act shall preclude any other activity and plans and policies established by such agencies pursuant to the Act.

(2) COOPERATION BY PRIVATE PERSONS.—(A) WRITTEN ASSURANCE.—As a condition to making available moneys for work on recreational trails that would otherwise be used on privately owned land, a State shall obtain written assurance that the owner of the property will cooperate with the State and participate as necessary in order to be considered for reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of any duties required by this section.

(B) PUBLIC ACCESS.—Any use of a State's allocated moneys on private lands must be accompanied by an easement or other legally enforceable agreement that ensures public access to the recreational trail improvements funded by those moneys.

(I) DEFINITIONS.—For the purposes of this section—
(1) ELIGIBLE STATE.—The term "eligible State" means a State that meets the requirements stated in subsection (f).

(2) FUND.—The term "Fund" means the National Recreational Trails Trust Fund established by section 551 of the Internal Revenue Code of 1986 (as added by section 1633(b)(1) of this Act).

(3) NONHIGHWAY RECREATIONAL TRAIL.—The term "nonhighway recreational trail" has the meaning specified in section 1633(a)(2)(A) of the Internal Revenue Code of 1986.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) RECREATIONAL TRAIL.—The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, nonsnowmobile recreation, snowmobiling, or similar fitness activities, trail biking, overnight and long-distance backcountry, snowmobiling, aquatic or water activities, or the use of a four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a "National Recreational Trail" designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

(6) MOTORIZED RECREATION.—The term "motorized recreation" may not include motorized recreation by persons with disabilities, such as self-propelled wheelchairs, at the discretion of each State.

SEC. 190A. NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the National Recreational Trails Advisory Committee.

(b) MEMBERS.—There shall be 11 members appointed by the Administrator, consisting of—
(1) 8 members appointed by the Secretary from nominations submitted by recreational trail user organizations, each representing the following recreational trail uses:
(A) hiking,
(B) cross-country skiing,
(C) off-highway motorcycling,
(D) snowmobiling,
(E) backpacking,
(F) all terrain vehicle riding,
(G) bicycling,
(H) four-wheel driving,
(I) nonmotorized recreation, including, but not limited to, persons with disabilities, and
(J) governmental members of the advisory committee.

(c) CHAIRMAN.—The Chair of the advisory committee shall be a non-voting member.

(d) SUPPORT FOR COMMITTEE ACTIVITY.—Any amount set aside for purposes of this Act to support activity specified in subsection (b)(2) shall be available for purposes of this section.

(e) MEETINGS.—The advisory committee must meet at least twice annually to—
(1) review utilization of allocated moneys by States;
(2) establish and review criteria for trail-side and trailhead facilities that qualify for funding under this Act; and
(3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this Act.

(f) ANNUAL REPORT.—The advisory committee shall present to the Secretary an annual report on its activities.

(g) REIMBURSEMENT FOR EXPENSES.—Non-governmental members of the advisory committee shall serve without pay, but to the extent that the Fund makes available to the committee under section 1633(b)(1) of this Act, shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(1) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this Act, the Secretary shall prepare and submit to the House of Representatives and the Senate a report on the Federal Recreational Trails Program and a detailed account of the recommendations to Congress.
TITLE II—HIGHWAY SAFETY
PART A—HIGHWAY SAFETY GRANT PROGRAMS

SEC. 201. SHORT TITLE.
This part may be cited as the "Highway Safety Act of 1991."  

SEC. 202. NATIONAL HIGHWAY SAFETY PROGRAMS.
(a) Uniform Guidelines.—Section 402(a) of title 23, United States Code, is amended by inserting after the third sentence the following:

"(e) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the United States."

(b) Administrative Requirements and Use of Technology for Traffic Enforcement.—Section 404 of such title is amended by striking subsection (a) and inserting the following new subsection:

"(a) The Secretary shall establish a comprehensive national program for the use of technology for traffic enforcement.

(b) Use of technology for traffic enforcement shall encourage States to use such technology to develop traffic enforcement strategies that address the causes of traffic crashes and result in significant reductions in the number of traffic crashes and traffic-related fatalities and injuries."

(c) Waiver.—The Secretary may waive the requirement of paragraph (b) in any State whenever the Secretary determines that there is an insufficient number of local traffic enforcement agencies to use such technology, to carry out the program in such States.

(d) General Authority: Drugs, Alcohol, and Driver Behavior.—Section 403 of such title is amended by striking subsection (A) and inserting the following new subsection:

"(A) The Secretary may agree to provide not more than 80 percent of the cost of any research project to be conducted under this section, and the Secretary may require funds for the project to be used for purposes of this section, and the Secretary may require additional funding from the State in which the project is to be conducted."
CONGRESSIONAL RECORD—HOUSE

November 26, 1991

"(e) Basic Grant Eligibility.—A State is eligible under this section in a fiscal year only if such State provides for 4 or more of the following:

(1) Establishes an expedited driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

(A) if a law enforcement officer has probable cause under State law to believe that a person has committed an alcohol-related traffic offense and such person is determined, on the basis of a chemical test, to have been under the influence of alcohol while operating the motor vehicle or refuses to submit to such a test as proposed by the officer, the officer shall serve such person with a written notice of suspension or revocation of the driver's license of such person and take possession of such driver's license;

(B) if the notice of suspension or revocation referred to in subparagraph (A) shall provide information on the administrative procedures under which the State may suspend or revoke the license of a person for operating a motor vehicle while under the influence of alcohol and shall specify any rights of the operator under such procedures;

(C) the State shall provide, in the administration referred to in paragraph (b), for due process of law, including the right to an administrative review of a driver's license suspension or revocation within the time period specified in subparagraph (F);

(D) after serving notice and taking possession of a driver's license in accordance with subparagraph (A), the law enforcement officer immediately shall report to the State entity responsible for administering drivers' licenses all information relevant to the action taken in accordance with this clause;

(E) in the case of a person who, in any 5-year period beginning after the date of enactment of this section, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to a chemical test, the law enforcement officer, the State entity responsible for administering drivers' licenses, and any local entity responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer shall—

(i) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period and

(ii) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

(F) the suspension and revocation referred to in subparagraph (D) shall take effect not later than 30 days after the day on which the person first received notice of the suspension or revocation in accordance with subparagraph (B);

(2) A State shall be eligible to receive a basic grant under this section if the State is eligible for a basic grant in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section for a basic grant in the fiscal year and provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in an accident resulting in the loss of human life, as determined by the Secretary, or bodily injury, has committed an alcohol-related traffic offense.

"(f) Supplemental Grants.—

(1) Blood Alcohol Concentration for Persons Over Age 21.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a supplemental grant in the fiscal year and makes available to each law enforcement officer unconditionally $50 to conduct breath tests of his or her blood, breath, or urine for the purpose of determining the blood alcohol concentration or the presence of controlled substances in the blood of persons under the influence of alcohol or controlled substances.

(ii) a similar amount of the fines or surcharges collected in this section if the State is eligible for a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a supplemental grant in the fiscal year and makes available to each law enforcement officer unconditionally $50 to conduct breath tests of his or her blood, breath, or urine for the purpose of determining the blood alcohol concentration or the presence of controlled substances in the blood of persons under the influence of alcohol or controlled substances.

(iii) any person who operates a motor vehicle upon the highways of the State shall be deemed to be driving while intoxicated when such person is determined to have been under the influence of alcohol or any controlled substance, or any combination of alcohol and controlled substances, while operating the motor vehicle while driving a motor vehicle shall be deemed to be driving while intoxicated.

(i) the driver's license of a person shall be suspended promptly, for a period of not less than 90 days in the case of a first offender and not less than 1 year in the case of any repeat offender, when a law enforcement officer has probable cause under State law to believe such person has committed a traffic offense relating to controlled substances and such person has determined, on the basis of 1 or more chemical tests, to have been under the influence of alcohol or controlled substances use, and such person (ii) is determined, on the basis of 1 or more chemical tests, to have been under the influence of alcohol or controlled substances while driving a motor vehicle, or (iii) refuses to submit to such a test as proposed by the officer;

(iv) has in effect a law which provides that—

(A) any person convicted of a first violation of driving under the influence of controlled substances or alcohol, or both, shall receive—

(B) a mandatory license suspension for a period of not less than 90 days and

(C) either an assignment of 100 hours of community service or a minimum sentence of imprisonment for 48 consecutive hours;

(ii) any person convicted of a second violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a conviction for the same offense shall receive a mandatory minimum sentence of 1 year and license revocation for not less than 1 year;

(iii) any person convicted of a third or subsequent violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a prior conviction for the same offense shall receive a mandatory minimum sentence of 2 years and license revocation for not less than 3 years.

(ii) any person convicted of driving with a suspended or revoked license or in violation of a restriction imposed as a result of a conviction for driving under the influence

(iii) any person convicted of driving with a suspended or revoked license or in violation of a restriction imposed as a result of a conviction for driving under the influence

(iv) any person convicted of driving with a suspended or revoked license or in violation of a restriction imposed as a result of a conviction for driving under the influence
of controlled substances or alcohol, or both, shall receive a mandatory sentence of imprisonment for at least 30 days, and shall be given a hearing and determination of guilt before an additional period of license suspension or revocation not less than the period of suspension or revocation resulting in offenses punishable under the laws of the State, and the term "controlled substance" shall mean any substance which is a controlled substance under any State or Federal law. A violation of this provision shall be a felony punishable by imprisonment for not less than five years, in addition to the loss of license and the period of suspension or revocation resulting from the offense.

"(c) Reappportionment of noneligible state funds.—If a State is not eligible for a basic grant under this section, the Secretary, acting through the Highway Safety Administration, shall reallocate funds to the other States that are eligible for a basic grant under this section.

"(d) Reappportionment of nontaxable state funds.—If, by virtue of the fiscal condition of the State, the Secretary determines that the State is not eligible for a basic grant under this section, the Secretary shall adjust the funds allocated to the State to such extent as determined by the Secretary, and the remainder shall be apportioned according to the provisions of this section.

"(e) Credit for state and local expenditures.—The expenses of the State, the local agencies, and the local governments of a political subdivision of the State, as well as the expenses of any political subdivision of the State, may be credited toward the expenses required to be incurred under this section in the amount of any funds, including Federal funds, that the State or the local agencies or the local government has or may have been allocated under this Act. Such credit shall be made in the manner provided in section 409 of title 23, United States Code, as in effect on the day before the date of enactment of this Act, and shall be subject to the provisions of the Federal-aid highway program.

"(f) Funding for fiscal years 1993-1997.—From sums made available to carry out section 109 of title 23, United States Code, not less than $25,000,000 for fiscal years 1993 through 1997 shall be apportioned to the States eligible to receive such funds under such section, as amended by this Act, for carrying out projects under such section.

"(g) States eligible for grants under section 410 before date of enactment.—A State which, before the date of enactment of this Act, was eligible to receive a grant under section 410 of title 23, United States Code, as in effect on the day before such date of enactment, may elect to receive in a fiscal year grants under such section in an amount not less than the amount of such grant for the fiscal year in effect on the day before such date of enactment, and the terms of such grant for the fiscal year in effect on the day before such date of enactment shall be applied to such grant for the fiscal year in effect on the day before such date of enactment.

"(h) States eligible for grants under section 109 before date of enactment.—A State which, before the date of enactment of this Act, was eligible to receive a grant under section 109 of title 23, United States Code, as in effect on the day before such date of enactment, may elect to receive in a fiscal year grants under such section in an amount not less than the amount of such grant for the fiscal year in effect on the day before such date of enactment, and the terms of such grant for the fiscal year in effect on the day before such date of enactment shall be applied to such grant for the fiscal year in effect on the day before such date of enactment.

"(i) Reappportionment of nontaxable state funds.—If, by virtue of the fiscal condition of the State, the Secretary determines that the State is not eligible for a basic grant under this section, the Secretary shall adjust the funds allocated to the State to such extent as determined by the Secretary, and the remainder shall be apportioned according to the provisions of this section.

"(j) Inconsistent provisions.—If the Secretary determines that a provision of chapter 1 of title 23, United States Code, as in effect on the day before the date of enactment of this Act, is inconsistent with this Act, such provision shall not apply to funds authorized to be appropriated to carry out this Act.

"(k) Reappportionment of nontaxable state funds.—If, by virtue of the fiscal condition of the State, the Secretary determines that the State is not eligible for a basic grant under this section, the Secretary shall adjust the funds allocated to the State to such extent as determined by the Secretary, and the remainder shall be apportioned according to the provisions of this section.

"(l) Credit for state and local expenditures.—The expenses of the State, the local agencies, and the local governments of a political subdivision of the State, as well as the expenses of any political subdivision of the State, may be credited toward the expenses required to be incurred under this section in the amount of any funds, including Federal funds, that the State or the local agencies or the local government has or may have been allocated under this Act. Such credit shall be made in the manner provided in section 409 of title 23, United States Code, as in effect on the day before the date of enactment of this Act, and shall be subject to the provisions of the Federal-aid highway program.
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section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), whose use the Secretary has determined poses a risk to transportation safety.

SEC. 2107. NATIONAL DRIVER REGISTER ACT—

Section 211(b) of the National Driver Register Act of 1982 (23 U.S.C. 401 note) is amended—

(1) by striking "and" the second place it appears; and

(2) by inserting before the period at the end of the section the following: "and not to $4,000,000 for fiscal year 1992. From sums made available to carry out section 402 of title 23, United States Code, the Secretary shall establish a new standard and an unloaded vehicle weight of 5,500 pounds or less."

SEC. 2500. SHORT TITLE.

This part may be cited as the "National Traffic and Motor Vehicle Safety Act of 1993".

SEC. 2501. GENERAL PROVISIONS.

(a) In General.—Sums authorized for fiscal year 1992 by sections 2005(1), 2005(3), and 2006(c) of this Act and section 211(b) of the National Driver Register Act of 1982 shall be subject to the obligation limitation established by section 102 of this Act for fiscal year 1992.

(b) Obligation Limitation.—If an obligation limitation is placed on sums authorized to be appropriated or made available after September 30, 1991, and shall not apply to sums appropriated or made available on or before such date of enactment.

SEC. 2502. EFFECTIVE DATE; APPLICABILITY.

Except as otherwise provided, this title, including the amendments made by this title, shall take effect on the date of the enactment of this Act, and shall apply to any regulation, rule, or action initiated after September 30, 1991, and shall not apply to funds appropriated or made available on or before such date of enactment.

SEC. 2503. ACTIONS AND ACTIONS.

(a) In General.—Sums authorized for fiscal year 1992 by sections 2005(1), 2005(3), and 2006(c) of this Act and section 211(b) of the National Driver Register Act of 1982 shall be subject to the obligation limitation established by section 102 of this Act for fiscal year 1992.

SEC. 2504. COMPLETION OF RULEMAKING.

(a) PERIOD.—Action under paragraphs (1) through (4) of section 2503 which was begun under subparagraph (A) shall be completed within 26 months of the date of publication of an advance notice of proposed rulemaking or 18 months of the date of publication of a notice of proposed rulemaking. The Secretary may not extend the period for completion of a rulemaking initiated by the issuance of a notice of proposed rulemaking if the Secretary determines on the basis of such advanced notice and the comments received thereon that the contemplated action should not be taken under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), including the provisions of section 103 of such Act (15 U.S.C. 1382), and the Secretary publishes the reasons for such determination consistent with chapter 5 of title 5, United States Code.

(b) COMPLIANCE.—

(1) PERIOD.—Action under paragraph (1) through (4) of section 2503 which was begun under subparagraph (A) shall be completed within 26 months of the date of publication of an advance notice of proposed rulemaking or 18 months of the date of publication of a notice of proposed rulemaking. The Secretary may not extend the period for completion of a rulemaking initiated by the issuance of a notice of proposed rulemaking if the Secretary determines on the basis of such advanced notice and the comments received thereon that the contemplated action should not be taken under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), including the provisions of section 103 of such Act (15 U.S.C. 1382), and the Secretary publishes the reasons for such determination consistent with chapter 5 of title 5, United States Code.

(2) ACTIONS.—A rulemaking under paragraphs (1) through (4) of section 2503 shall be considered completed when the Secretary promulgates a final rule or when the Secretary decides not to promulgate a rule which decision may include deferral of the action or reinitiation of the action.

(c) Purpose of this Subsection.—The term "leased motor vehicle" means any motor vehicle which is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of the notification.

(d) LIMITATION ON SALE OR LEASE OF CERTAIN VEHICLES.—Section 154 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1414) is amended by adding at the end the following:

"(d) If the Secretary determines that a notification sent by a manufacturer pursuant to subsection (c) of this section has not resulted in an adequate number of vehicles or items of equipment being returned for remedy, the Secretary may direct the manufacturer to send a second notification in such manner as the Secretary may by regulation prescribe.

(e) Any lessor who receives a notification required by section 151 or 152 pertaining to any leased motor vehicle shall send a copy of such notice in such manner as the Secretary may by regulation prescribe.

(f) For purposes of this subsection, the term "leased motor vehicle" means any motor vehicle which is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of the notification.

SEC. 2505. IMPLEMENTATION OF REPEAL OR FAILURE TO COMPLY.—Section 153 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413) is amended by adding at the end the following:

"(d) If notification is required under section 151 or 152 pertaining to any leased motor vehicle and has been furnished by the manufacturer to a dealer of motor vehicles with respect to any new motor vehicle or new item of replacement equipment in the dealer's possession or reprocessing, the Secretary may promulgate a final rule or when the Secretary decides not to promulgate a rule which decision may include deferral of the action or reinitiation of the action.

(e) Any lessor who receives a notification required by section 151 or 152 pertaining to any leased motor vehicle shall send a copy of such notice in such manner as the Secretary may by regulation prescribe.

(f) For purposes of this subsection, the term "leased motor vehicle" means any motor vehicle which is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of the notification.

SEC. 2506. GENERAL PROVISIONS.

(a) Definitions.—As used in this part—

(1) "motor vehicle" means a motor vehicle with motive power, except a trailer, designed for carrying more than ten persons;

(2) "multipurpose passenger vehicle" means a motor vehicle with motive power (except a trailer), designed to carry 10 persons or fewer, which is constructed either on a truck chassis or with special features for occasional off-road operation;

(3) the term "passenger car" means a motor vehicle with motive power (except a multiple purpose passenger vehicle, motorcycle, or trailer), designed for carrying 10 persons or fewer;
"(2) in the case of notification required by an order under section 152(b), enforcement of the order has been restrained in an action to which section 155(a) applied or such order has been vacated. Nothing in this subsection shall be construed to prohibit any dealer from offering for sale or lease such vehicle or item of equipment manufactured on or after the date specified in the applicable schedule established by the Secretary or any person or court as indicating an intention by Congress to affect change, or modify in any way the liability of, if any, of a motor vehicle manufacturer under applicable law in the case of such vehicle or item of equipment with or without inflatable restraints."

SEC. 2504. AUTOMATIC CRASH PROTECTION AND SAFETY BELT USE. *(Amended)*

(a) Amendment of Standard.—

(1) Specifications.—Notwithstanding any other provision of law or rule, the Secretary shall promulgate automatic crash protection and safety belt systems for passenger cars, trucks, buses, and multipurpose passenger vehicles which shall provide for, among other things:

(A) that the vehicle is equipped with an inflatable restraint referred to as an "airbag" and a lap and shoulder belt in either or both of the front outboard seating positions;

(B) that the airbag is a supplemental restraint;

(C) that it does not substitute for lap and shoulder belts which must also be correctly used; (D) that such seating position to provide restraint or protection not only from frontal crashes but other types of crashes or accidents; and

(2) Data.—Including the driver, should always wear their lap and shoulder belts, where available, or other safety belts, whether or not there is an inflatable restraint.

SEC. 2505. CRASH PROTECTION AND SAFETY BELT USE. *(Amended)*

(2) (b) In developing the plan and establishing test-basis a 5-year plan for testing Federal Motor Vehicle Safety Standards that are capable, in the Secretary's judgment, of being tested. In developing the plan and establishing testing priorities, the Secretary shall take into consideration such factors as the Secretary deems appropriate, consistent with the purposes of Title II and the Secretary's other responsibilities under this Act. The Secretary may at any time adjust such priorities to conform to the Secretary's judgment. The initial plan shall be the Secretary's judgment. The initial plan may be the 5-year plan for compliance testing in effect on the date of enactment of this subsection.

SEC. 2506. REAR SEATBELTS. *(Amended)*

The Secretary shall expend such portion of the funds authorized to be appropriated under the National Traffic and Motor Vehicle Safety Act of 1966, as the Secretary deems necessary for the purpose of disseminating information to consumers regarding the manner in which passenger cars may be retrofitted with lap and shoulder rear seatbelts.

SEC. 2507. BRAKE PERFORMANCE STANDARDS FOR PASSENGER CARS. *(Amended)*

Not later than December 31, 1993, the Secretary, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966, shall publish an Advance Notice of Proposed Rulemaking to consider the need for any additional brake performance standards for passenger cars, including antilock brake systems. The Secretary shall complete such rulemaking (in accordance with section 2502(b)(2)(B)(I)(iv) not later than 36 months from the date of issuance of such Advance Notice of Proposed Rulemaking in order to facilitate and encourage innovation and early application of economical and effective brake systems for all such vehicles, the Secretary shall, as part of the rulemaking, consider any such brake system adopted by a manufacturer.

SEC. 2508. AUTOMATIC CRASH PROTECTION AND SAFETY BELT USE. *(Amended)*

(a) Amendment of Standard.—

(1) Specifications.—Notwithstanding any other provision of law or rule, the Secretary shall promulgate, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966 (to the extent such Act is not in conflict with the provisions of this section), an amendment to Federal Motor Vehicle Safety Standard 208 issued under such Act to provide that the automatic occupant crash protection system for the front outboard designated seating positions of each new, new truck, new bus, and multipurpose passenger vehicle (other than walk-in van-type trucks and vehicles designed to be exclusively sold to the United States Postal Service with a maximum weight rating of 5,000 pounds or less and an unloaded vehicle weight of 5,500 pounds or less, and

(b) new passenger car manufactured on or after the dates specified in the applicable schedule established by the Secretary or any person or court as indicating an intention by Congress to affect change, or modify in any way the liability of, if any, of a motor vehicle manufacturer under applicable law in the case of such vehicle or item of equipment with or without inflatable restraints.

(b) Construction.—Nothing in this section shall be construed to require any person or court, as altering or affecting any other provision of law administered by the Secretary and applying to such vehicles, such trucks, buses, or multipurpose passenger vehicles or as establishing any precedent regarding the development and promulgation of any Federal Motor Vehicle Safety Standard. Nothing in this section or in the amendments made under this section to Federal Motor Vehicle Safety Standard 208 shall be construed by any person or court as indicating an intention by Congress to affect change, or modify in any way the liability of, if any, of a motor vehicle manufacturer under applicable law in the case of such vehicle or item of equipment with or without inflatable restraints.

(c) Report.—The Secretary shall biennially report, beginning October 1, 1992 and ending October 1, 1999, on the actual effectiveness of an occupant restraint system defined as the percentage reduction in fatalities or injuries of restrained occupants, as compared to unrestrained occupants, for the combination of inflated restraints and lap and shoulder belts, for inflated restraints alone, and for lap and shoulder belts alone. The Secretary, in consultation with the Secretary of Labor and the Secretary of Defense, shall also provide data and analysis of restraint use in each State, by Federal, State, and local law enforcement officers, by military personnel, by Federal and State employees other than law enforcement officers, and by the public.
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(1) AMENDMENT TO TITLE 23—The Secretary, in cooperation with the Administrator of General Services and the heads of other appropriate Federal agencies and consistent with applicable provisions of Federal procurement law and available appropriations, shall establish a program requiring that all passenger cars acquired after September 30, 1994, for use by the Federal Government be equipped, to the maximum extent practicable, with driver-side inflatable restraints and that all passenger cars acquired after September 30, 1996, for Federal Government use be equipped, to the maximum extent practicable, with inflatable restraints for both the driver and front seat outboard seating positions.

SEC. 2505. HEAD INJURY IMPACT STUDY. The Secretary, in the case of any head injury protection matters not subject to section 2503(b), shall include a statement of any actions proposed rulemaking or a notice of proposed rulemaking and completing such rulemaking as soon as possible thereafter.

SEC. 3002. AMENDMENTS TO URBAN MASS TRANSIT ACT OF 1964. The Federal Transit Administration shall be deemed to be a reference to the "Federal Transit Administration".

SEC. 3003. AMENDMENT TO SHORT TITLE OF URBAN MASS TRANSPORTATION ACT OF 1964. (a) In General.—The Act is amended by striking "Urban Mass Transportation Administration" and inserting "Federal Transit Administration".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Urban Mass Transportation Administration of the Department of Transportation shall be deemed to be a reference to the "Federal Transit Administration".

SEC. 3004. FEDERAL TRANSIT ADMINISTRATION. (a) REDENOMINATION.—The Urban Mass Transportation Administration of the Department of Transportation shall be known and designated as the "Federal Transit Administration".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Urban Mass Transportation Administration shall be deemed to be a reference to the "Federal Transit Administration".

(c) AMENDMENTS TO TITLE 49.—(1) Amendment to Title 49. Section 203(a) of title 49, United States Code, is amended by striking "Urban Mass Transportation Administration" and inserting "Federal Transit Administration".

(2) Amendment to section heading. The heading for section 107 of such title is amended to read as follows: "107. Federal Transit Administration".

(d) AMENDMENT TO TITLE 5.—The analysis for chapter 1 of title 5 of title 5, United States Code, is amended by striking the item relating to section 107 and inserting the following: "107. Secretary of Transportation".

(e) AMENDMENTS TO TITLE 23.—(1) Section 2301 is amended by striking the heading "Urban Mass Transportation Administration" and inserting "Federal Transit Administration".

(2) Section 2307 is amended by striking the heading "Urban Mass Transportation Administration" and inserting "Federal Transit Administration".

SEC. 3005. FINDINGS AND PURPOSES. (a) FINDINGS.—Section 3(a) is amended— (1) by inserting "Federal“ before "Transit Act"; and (2) by adding at the end the following new paragraph: "(4) that significant transit improvements are necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the country.

(b) PURPOSES.—Section 2(b) of the Act (49 U.S.C. App. 101(b)) is amended— (1) in paragraph (2) by striking "and" and inserting a semicolon; (2) in paragraph (3) by striking the period at the end and inserting the following: "(E) transit projects which are planned, designed, and carried out to meet the special needs of elderly persons and persons with disabilities; and", (b) CORRIDOR DEVELOPMENT.—Section 3(a)(1) is further amended by adding at the end the following new subparagraph: "(F) the development of corridors to support fixed guideway systems, including protection of rights-of-way through acquisition, construction of dedicated bus and high occupancy vehicle lanes, construction of park and ride lots, and any other nonmunicipal capital improvements that the Secretary may determine would result in increased transit usage in the corridor.

(c) GRANDFATHERED LETTERS OF INTENT. The Secretary may extend the period and inserting the following new sentence: "The remainder of the net project cost of a planned extension to a fixed guideway system may include the cost of inventory stock previously purchased if the applicant demonstrates to the satisfaction of the Secretary that— (1) such purchase was made solely with non-Federal funds; and (2) such purchase was made for use on the extension.

(d) FISCAL CAPACITY CONSIDERATIONS.—Section 302 is amended— (1) by striking subsections (b), (c), (d), (f), (h), and (i) and redesignating subsections (b) and (c) respectively as subsections (b) and (c), respectively; and (2) by adding at the end the following new subsection: "(d) FISCAL CAPACITY CONSIDERATIONS.—If the Secretary gives prior approval to the funding of projects which include more than the non-Federal share required by subsection (a), the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

SEC. 3006. MAJOR CAPITAL INVESTMENT PROGRAM. (a) ELDERSLY PERSONS AND PERSONS WITH DISABILITIES.—Section 3(a)(1) is amended by striking subsection (e) and inserting the following new paragraph: "(E) transit projects which are planned, designed, and carried out to meet the special needs of elderly persons and persons with disabilities; and", (b) AMENDMENTS.—Section 3(a)(4) is amended— (1) by striking paragraph (3) and inserting the following new paragraph: "(3) such purchase was made solely with non-Federal funds; or (2) such purchase was made for use on the extension;

"(C) 20 percent shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities; (b) any Federal law.

(d) FEDERAL SHARE.—Section 3(a)(1) is amended— (1) by striking "75 percent" and inserting "80 percent"; and (2) by inserting before the period at the end of the second sentence the following: "shall include a statement of any actions

SEC. 107. GRANDFATHERED LETTERS OF INTENT. The Secretary may extend the period and inserting the following: "The remainder of the net project cost of a planned extension to a fixed guideway system may include the cost of inventory stock previously purchased if the applicant demonstrates to the satisfaction of the Secretary that— (1) such purchase was made solely with non-Federal funds; and (2) such purchase was made for use on the extension.

SEC. 3007. CAPITAL GRANTS. AMENDMENT TO PROVIDE FOR EARLY NINETY-TWO WORK CONTRACTS AND FULL FUNDING GRANT AGREEMENTS. Section 3(a)(4) is amended— (1) by inserting "(A)" after "(4)'; (2) in the fifth sentence by inserting "not less than" after "complete"; and (3) by adding after the sixth sentence the following: "(B) The Secretary is authorized to enter into a full funding grant agreement with an applicant, which agreement shall— (i) establish the terms and conditions of Federal financial assistance; (ii) establish the maximum amounts of Federal financial assistance for such projects; (iii) cover the period of time to completion of the project, including any period that may extend beyond the period of any applicable Federal real estate takeover provisions; and (iv) facilitate timely and efficient management of such project in accordance with Federal law."
An agreement under subparagraph (B) shall obligate an amount of available budget authority specified in law and may include a commitment, contingent upon the future availability of budget authority, to obligate an additional amount or additional amounts from future available budget authority specified in law. The agreement shall specify that the contingent commitment does not constitute an obligation of the United States. The future availability of budget authority referred to in the first sentence of this subparagraph shall be specified in law in advance for commitments entered into under subparagraph (B). Any interest and other financing costs of efficiently carrying out the project or a portion thereof within a reasonable period of time shall be considered as a cost of carrying out the project under a full funding grant agreement; except that eligible costs shall not be greater than the costs of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a form satisfactory to the Secretary, that the applicant has shown due diligence in seeking the most favorable financing terms. The total amount obligated in a full funding grant agreement for a fixed guideway project shall be sufficient to complete not less than an operable segment.

It is authorized to enter into an early systems work agreement with an applicant if a record of decision pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary determines that there is reason to believe—

(i) a full funding grant agreement will be entered into for the project; and

(ii) the terms of the early systems work agreement will promote ultimate completion of the project and the associated system.

The early systems work agreement shall obligate an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of project implementation, including land acquisition, timely procurement of system elements for which specifications are determined, and other factors as traffic congestion, increased accessibility, and economic viability, air pollution, noise pollution, congestion, air quality, energy consumption, and all associated environmental impacts and mitigation costs necessary to implement each alternative analyzed; and

(d) shall consider the direct and indirect costs of each alternative; and

(e) shall account for costs related to such factors as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated environmental impacts and mitigation costs necessary to implement each alternative analyzed; and

(f) shall identify and consider transit supportive land use planning and development criteria, and consider other factors, including the degree to which the project increases the mobility of the transit-dependent population of the affected area, the economic development and other factors that the Secretary deems appropriate to carry out the purposes of this Act.

(ii) project justification—Project justification shall be conducted to reflect differences in local land costs, construction costs, and operating costs.
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"(C) FINANCIAL COMMITMENT.—The degree of
local financial commitment shall be consid-
ered acceptable only if—
(i) the proposed project plan provides for
the availability of funds, including Federal, local,and
corporate funds, that the Secretary determines to be
reasonably sufficient to cover unanticipated cost overruns;
(ii) each proposed local source of capital
and essential operating services is stable, reliable,
and available within the proposed project
timeframe; and
(iii) local resources are available to operate
the project on a continuing basis includ-
ing essential feeder bus and other services
necessary to achieve the projected rider-
ship levels without requiring a reduction in existing
transit services in order to operate the
project.

"(D) STABILITY ASSESSMENT.—In assessing
the stability, reliability, and availability of
proposed sources of local funding, the Secre-
tary shall consider—
(i) existing grant commitments;
(ii) any debt obligations which exist or
are proposed by the recipient for the pro-
posed project; and
(iii) any debt obligations which exist or
are proposed by the applicant for the
project.

"(E) PROJECT ADVANCEMENT.—No project
shall be advanced from an alternatiives analysis
or preliminary engineering unless the Secre-
tary finds that the proposed project meets
the requirements of this section and there is
a reasonable chance that the project will
continue to meet these requirements at the
conclusion of preliminary engineering.

"(F) EXCEPTIONS.—

"(I) In general.—A fixed guideway system or
extension shall not be subject to the
requirements of this subsection and the
simultaneous evaluation of such projects in
more than one corridor in a metropolitan area
shall not be required if (i) the project is
located within an extreme or severe non-
attainment area and is a transportation con-
control measure, as defined by the Clean Air
Act, that is required to carry out an appro-
priate program of projects as determined by
the Secretary.

"(II) Expedited procedures.—In the case of
a project that is (i) located within a non-
attainment area that is not an extreme or severe
nonattainment area, (ii) a transportation con-
control measure, as defined by the Clean Air
Act, and (iii) required to carry out an
approved State Implementation Plan, the
simultaneous evaluation of projects in more
than one corridor in a metropolitan area
shall not be limited and the Secretary shall
make determinations under this subsection
with expedited procedures that will promote
timely implementation of the State Imple-
mation Plan.

"(G) EXCLUSION FOR CERTAIN PROJECTS.—
That portion of a project (including any
components thereof) on an existing right-of-way
financed entirely with high-
way funds made available under the Fed-
eral-Aid Highway Act of 1991 shall not be sub-
ject to the requirements of this subsection.

"(H) PROJECT IMPLEMENTATION.—A project
funded pursuant to this subsection shall be
implemented by means of a full funding
grant agreement.

SEC. 301. ASSESSED TIMETABLE FOR PROJECT
REVIEW.

(a) In general.—Section 3(a) is amended
by striking paragraph (6) and inserting the
following new paragraphs:

"(I) ASSIGNED TIMETABLE FOR PROJECTS IN AL-
TERNATIVES ANALYSIS STAGE.—For
any new fixed guideway project that the Secre-
tary permits to advance into the alternati-
ves analysis stage of project review, the
Secretary shall cooperate with the applicant
in preparing an alternatives analysis and in preparing
a timetable for preliminary engineering, and
shall approve the draft environmental
impact statement for circulation not later
than 45 days after the date on which such
statement is submitted to the Secretary by the ap-
licant.

"(II) PRELIMINARY ENGINEERING STAGE.—
Following circulation of the draft environmen-
tal impact statement, the Secretary shall
approve the project to advance to the
draft environmental impact study (as set forth
in Public Law 101-516). The Secretary
shall cooperate with the applicant to
approve the final design stage of such
project.

"(III) FULL FUNDING GRANT AGREEMENT.—
The Secretary finds the project is consistent with the
criteria set forth in subsection (i).

"(IV) FINAL DESIGN STAGE.—The Secretary
shall issue an award of decision and permit
a project to advance to the final design stage
of construction not later than 120 days after
the date of completion of the final environ-
mental impact study for such project.

"(V) EXCLUSION FOR CERTAIN PROJECTS.—For
the purposes of this paragraph, any interrelated
projects shall include the following:

"(A) the New Jersey Urban Core Project as
defined by the Federal Transit Act Amend-
ment No. 1991 and as defined in House
Report 101-584; and the Hillsboro extension
to the Westside Light Rail Project as set
forth in Public Law 101-516.

"(B) EXCLUSION FOR CERTAIN PROJECTS.—For
the purposes of this paragraph, any interrelated
projects shall include the following:

"(I) the proposed project plan provides for
the availability of funds, including Federal, local,and
corporate funds, that the Secretary determines to be
reasonably sufficient to cover unanticipated cost overruns;
(ii) each proposed local source of capital
and essential operating services is stable, reliable,
and available within the proposed project
timeframe; and
(iii) local resources are available to operate
the project on a continuing basis includ-
ing essential feeder bus and other services
necessary to achieve the projected rider-
ship levels without requiring a reduction in existing
transit services in order to operate the
project.

"(D) STABILITY ASSESSMENT.—In assessing
the stability, reliability, and availability of
proposed sources of local funding, the Secre-
tary shall consider—
(i) existing grant commitments;
(ii) any debt obligations which exist or
are proposed by the recipient for the pro-
posed project; and
(iii) any debt obligations which exist or
are proposed by the applicant for the
project.

"(E) PROJECT ADVANCEMENT.—No project
shall be advanced from an alternatiives analysis
or preliminary engineering unless the Secre-
tary finds that the proposed project meets
the requirements of this section and there is
a reasonable chance that the project will
continue to meet these requirements at the
conclusion of preliminary engineering.

"(F) EXCEPTIONS.—

"(I) In general.—A fixed guideway system or
extension shall not be subject to the
requirements of this subsection and the
simultaneous evaluation of such projects in
more than one corridor in a metropolitan area
shall not be required if (i) the project is
located within an extreme or severe non-
attainment area and is a transportation con-
control measure, as defined by the Clean Air
Act, that is required to carry out an appro-
priate program of projects as determined by
the Secretary.

"(II) Expedited procedures.—In the case of
a project that is (i) located within a non-
attainment area that is not an extreme or severe
nonattainment area, (ii) a transportation con-
control measure, as defined by the Clean Air
Act, and (iii) required to carry out an
approved State Implementation Plan, the
simultaneous evaluation of projects in more
than one corridor in a metropolitan area
shall not be limited and the Secretary shall
make determinations under this subsection
with expedited procedures that will promote
timely implementation of the State Imple-
mation Plan.

"(G) EXCLUSION FOR CERTAIN PROJECTS.—
That portion of a project (including any
components thereof) on an existing right-of-way
financed entirely with high-
way funds made available under the Fed-
eral-Aid Highway Act of 1991 shall not be sub-
ject to the requirements of this subsection.

"(H) PROJECT IMPLEMENTATION.—A project
funded pursuant to this subsection shall be
implemented by means of a full funding
grant agreement.
embracing various modes of transportation for providing a connector for commuter rail trains and other subway lines to the proposed Second Avenue subway. The Dallas Area Rapid Transit Authority light rail elements of the New System Plan, which consists of the following elements: the locally preferred alternative for the South Oak Cliff corridor; the South Oak Cliff corridor extension; the West Oak Cliff corridor—Westmoreland; the North Central corridor—Park Lane; the North Central corridor—Richardson, Plano and Garland extensions; the Pleasant Grove corridor—Buckner; and the Carrollton corridor—Farmers Branch and Las Colinas terminal.

(2) Such other programs as may be designated in law or by the Secretary.

(b) Transitional Provision.—In the case of a project (including programs of interrelated projects) that, as of the date of enactment of this Act, is at a particular stage of project review under section 313a(6) of the Federal Transit Act, the timetables applicable to subsequent stages of project review contained in such section shall take effect on the date of enactment of this Act.

SEC. 811. METROPOLITAN PLANNING.

The Act is amended by striking section 8 and inserting the following new section:

"SEC. 8 METROPOLITAN PLANNING.

(a) General Comments.—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize the mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall include procedures for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation, and of any program or project pertaining thereto, in such a manner as to encourage the continuing, cooperative, and comprehensive development of a modal transportation system for the State, and, beyond the State, with the metropolitan areas, and the Nation. Such plans and programs shall be consistent with any State law in effect on the date of enactment of this Act, including, inter alia, any law relating to State, regional, or local energy conservation programs, goals, and objectives.

(b) Need to Relieve Congestion and Prevent Congestion from Occurring Where It Does Not Now Exist.—The likely effect of transportation policies on land use and development is the consistency of transportation plans and programs with the provisions of all applicable short- and long-term land use and development plans.

(c) The need for connectivity of roads within the metropolitan area with roads outside the metropolitan area. The transportation needs identified through use of the management systems required by section 303 of this title.

(d) Preservation of Existing Transportation Facilities and, Where Practical, Ways to Prevent Congestion from Occurring Where It Does Not Now Exist.—The overall social, economic, energy, and environmental effects of transportation facilities, including the need to prevent destruction or loss of such facilities, and the need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.

(e) The need for connectivity of roads within the metropolitan area with roads outside the metropolitan area. The transportation needs identified through use of the management systems required by section 303 of this title.

(f) Preservation of Existing Transportation Facilities and, Where Practical, Ways to Prevent Congestion from Occurring Where It Does Not Now Exist.—The overall social, economic, energy, and environmental effects of transportation facilities, including the need to prevent destruction or loss of such facilities, and the need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.

(g) Preservation of Existing Transportation Facilities and, Where Practical, Ways to Prevent Congestion from Occurring Where It Does Not Now Exist.—The overall social, economic, energy, and environmental effects of transportation facilities, including the need to prevent destruction or loss of such facilities, and the need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.

(h) Preservation of Existing Transportation Facilities and, Where Practical, Ways to Prevent Congestion from Occurring Where It Does Not Now Exist.—The overall social, economic, energy, and environmental effects of transportation facilities, including the need to prevent destruction or loss of such facilities, and the need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.

(i) Preservation of Existing Transportation Facilities and, Where Practical, Ways to Prevent Congestion from Occurring Where It Does Not Now Exist.—The overall social, economic, energy, and environmental effects of transportation facilities, including the need to prevent destruction or loss of such facilities, and the need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.
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“(15) Capital investments that would result in increased security in transit systems.

“(16) Development Long Range Plan.—A metropolitan planning organization shall prepare, and update periodically, a long range plan for the metropolitan area and for each metropolitan area designated as a transportation management area, in accordance with the requirements of this subsection.

“(17) Long Range Plan.—A long range plan under this section shall be in a form that the Secretary determines to be appropriate and shall, at a minimum:

(A) Identify transportation facilities (including rail) necessary to limit major roadways, transit, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the long range plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

(B) Establish a transportation improvement program that demonstrates how the long-range plan can be implemented, indicates resources from public and private sources that are reasonably expected to be available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including such techniques as value capture, tolls and congestion pricing.

(C) Assess capital investment and other measures necessary to—

(I) maintain the preservation of the existing metropolitan transportation system, including requirements for operational improvements, rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit facilities; and

(II) make the most efficient use of existing transportation facilities to enhance vehicle congestion and maximize the mobility of all users.

(D) Indicate as appropriate proposed transportation enhancement activities.

(E) Describe the regional transportation agencies required to develop a metropolitan transportation improvement plan under section 150 of title 49, United States Code.

(2) Transportation Improvement Programs.—In metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act, the metropolitan planning organization designated for such area shall provide citizens, affected public agencies, representatives of transportation agencies, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the long range plan, in a manner that the Secretary determines to be appropriate.

(3) Publication of Long Range Plan.—Each long range plan prepared by a metropolitan planning organization shall be published in the Federal Register and made available for public review and comment.

(4) Transportation Improvement Program.—The metropolitan planning organization designated for a metropolitan area, in cooperation with the State and affected transit operators, shall develop a transportation improvement program for the area for which such organization is designated. In developing the program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employees, representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program. The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization.

“(2) Priority of Projects.—The transportation improvement program shall include the following:

(A) A priority list of projects and project segments to be carried out within each 3-year period after the initial adoption of the transportation improvement program for the area.

(B) A financial plan that demonstrates how the transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including value capture, tolls, and congestion pricing.

(3) Selection of Projects.—Except as otherwise provided in subsection (i)(4), project selection in metropolitan areas for projects involving Federal participation shall be made by the State in cooperation with the metropolitan planning organization and shall be in conformance with the transportation improvement program for the area.

(4) Major Capital Investments.—Not later than 6 months after the date of enactment of this section, the Secretary shall initiate a technical assistance program to provide grants for transportation improvement projects involving Federal participation under this Act for transportation management areas that provide for the development of abbreviated

(5) Included Projects.—A transportation improvement program for a metropolitan area developed under this subsection shall include projects within the area which are proposed for funding under this title and the Federal Transit Act and which are consistent with the requirements of Federal law, and (2) there is a reasonable probability that full funding for such projects can reasonably be anticipated to be available in the time period contemplated for completion of the project.

(6) Notice and Comment.—Before approving a transportation improvement program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agencies, private providers of transportation, and other interested parties with a reasonable notice of and an opportunity to comment on the proposed program.

(7) Designation.—The Secretary shall designate the metropolitan area to each metropolitan area as a transportation management area as necessary to develop and implement a transportation improvement program.

(8) Selection of Projects.—Within a transportation management area, the transportation improvement program under this section shall include a transportation improvement program for effective management of existing and transportation facilities for the area designated as a transportation management area.

(9) Coordination with Clean Air Act.—Within a transportation management area, the transportation improvement program under this section shall include a transportation improvement program for effective management of existing and transportation facilities eligible for funding under the Federal Transit Act.

(10) Coordination with Federal Transit Act.—Within a transportation management area, the transportation improvement program under this section shall include a transportation improvement program for effective management of existing and transportation facilities eligible for funding under the Federal Transit Act. The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section.

(11) Selection of Projects.—All projects carried out within the boundaries of a transportation management area are subject to Federal participation in accordance with the requirements of this title (excluding projects undertaken under the National Highway System and pursuant to the Bridge and Interchange Maintenance programs) or pursuant to the Federal Transit Act shall be selected by the metropolitan planning organization designated for such area in consultation with the State and in conformance with the transportation improvement program for such area and shall be in conformance with the transportation improvement program for such area.

(12) Participation by Interested Parties.—The Secretary shall assure that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable provisions of Federal law, and shall so certify at least once every 3 years. The Secretary may make such certification only if (1) a metropolitan planning organization is complying with the requirements of section 133 and other applicable requirements of Federal law, and (2) there is a reasonable probability that funding for such projects can reasonably be anticipated to be available in the time period contemplated for completion of the project.

(13) Notice and Comment.—Before approving a transportation improvement program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agencies, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

(14) Program for Certain Areas.—For metropolitan areas not designated as transportation management areas under this section, the Secretary may provide for the development of abbreviated...
metropolitan transportation plans and programs that the Secretary determines to be appropriate to achieve the purposes of this section. Failing to do so may result in the project being disallowed or non-transportation related air quality problems, in such areas. In no event shall the Secretary determine that vehicle miles traveled in non-urbanized areas are required to be achieved by actions that reduce revenue from the transportation system.

(2) FORMULA ALLOCATION TO ALL METROPOLITAN AREAS.—The Secretary shall apportion 60 percent of the amount made available under section 21(c) to States for all metropolitan areas in the United States, and 40 percent of the amount made available for a highway project under this Act shall be transferred and administered by the Secretary in accordance with the requirements of title 23, United States Code.

(3) SUPPLEMENTAL ALLOCATION.—The Secretary shall apportion 20 percent of the amount made available under section 21(c)(1) to States and metropolitan areas for metropolitan planning organizations, metropolitan transportation plans and programs required under subparagraph (B) for metropolitan planning organizations, metropolitan transportation plans and programs required under subparagraph (B) for metropolitan planning organizations.

(4) FEDERAL SHARE PAYABLE.—The Federal share payable for activities under this paragraph shall be 80 percent except where the Secretary determines that it is in the Federal interest not to require a State or local match.

(5) HOLD HARMLESS.—The Secretary shall ensure, to the maximum extent practicable, that no metropolitan planning organization is allocated less than the amount if received by the metropolitan planning organization under section 21(c) of the Clean Air Act.

(6) ELIGIBILITY.—The Secretary is authorized to transfer funds made available to metropolitan planning organizations under this section to States to supplement allocations to metropolitan planning organizations according to procedures approved by the Secretary.

(7) ELIMINATION OF STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(1) to require a metropolitan planning organization the authorization to impose legal requirements on any transportation provider, or project not eligible under this title or the Federal Transit Act; or

(2) to affect the management of a transportation agency.

(8) GRANTS.—

(1) IN GENERAL.—The Secretary is authorized to contract for and make grants to States and local public bodies and agencies for the planning, engineering, design, and evaluation of public transportation projects and for other technical services. Activities assisted under this subsection may include—

(A) studies relating to management, operations, capital requirements, and economic feasibility;

(B) evaluation of previously funded projects; and

(2) OTHER similar services assisted preliminary transportation projects for the construction, acquisition, or improvement of facilities and equipment.

(9) Criteria.—A grant, contract, or work

agreement under this section shall be made in accordance with criteria established by the Secretary.

(10) PRIVATE ENTERPRISE.—The plans and programs required by this section shall encourage the maximum extent practicable the participation of private enterprise. Where facilities and equipment to be acquired which are already being used in service in the urban area, the program must provide that they shall be so improved through modernization, replacement, or rehabilitation (or any combination of these) that they will better serve the transportation needs of the area.

(11) Use For Comprehensive Planning.—

(1) The Secretary shall ensure, to the extent practicable, that amounts made available under section 21(c)(1) (A) and (B) of this section are used to support transportation and other transportation related air quality problems in such areas. In no event shall the Secretary determine that vehicle miles traveled in non-urbanized areas are required to be achieved by actions that reduce revenue from the transportation system.

(2) Annual Submissions.—Section 9(a)(2)d is amended by inserting after the first sentence the following new sentence: "Such certification may be used for a highway project only if such funds are not needed for highway projects and such funds are used for the State or local share of highway projects under this section."
(1) by striking "1988," and inserting "1991;"
(2) by striking "of less than 200,000 population" the first place it appears; and
(3) by inserting after "calendar year" the following: "; except that such increase may not exceed 2.5 percent in any one fiscal year.

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SEC. 3020. FEDERAL SHARE FOR ADA AND CLEAN AIR ACT COMPLIANCE.

Section 12 is further amended by inserting at the end the following new subsection:

"(k) ELIGIBILITY FOR PROJECTS.

(1) In general.—In order to advance new technologies and lower the cost of constructing new transit systems, the Secretary shall allow the solicitation for a turnkey system project to be funded under this Act to be conditionally awarded before Federal requirements have been met on the project to the extent that such cost can be justified by the implementation of those Federal requirements. Federal financial assistance under this Act may be made available for such a project when the recipient has complied with relevant Federal requirements.

(2) INITIAL DEMONSTRATION PHASE.—In order to develop regulations applying generally to turnkey system projects, the Secretary is authorized to approve not less than 2 projects for an initial demonstration phase. The recipient of the demonstration projects (and any other projects currently using this procurement method) shall be taken into consideration in the development of the regulations implementing this subsection.

(3) TURNKEY SYSTEM PROJECT DEFINED.—As used in this subsection, the term "turnkey system project" means a project under which a recipient, a consortium of firms, individual firms, or a vendor to build a transit system that meets specific performance criteria and which is operated by the vendor for a turnkey fee.
proved and shall contain an assurance that the program provides for maximum feasible coordination of services assisted under this section with transportation services assisted by other Federal sources.

(5) APPORTIONMENT.—Sums made available for expenditure for purposes of subsection (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 persons and persons with disabilities in each State.

(6) TRANSFER OF AMOUNTS.—Any amounts of a State under section 18(a) that remain available for obligation by the Secretary of Commerce following the 4th year after the date of publication of such Federal census, or the population estimate prepared by the Secretary of Commerce following the 8th year after such date of publication, whichever is the most recent.

SEC. 3022. TRANSFER OF FACILITIES AND EQUIPMENT.

Section 18 is amended by striking subsection (a) and inserting the following:

"(a) TRANSFER OF FACILITIES AND EQUIPMENT.—A State may transfer facilities and equipment acquired with assistance under this section to local governments, public bodies and agencies for the purpose of improving transportation services designed to meet the special needs of elderly persons and persons with disabilities. The Secretary shall make such transfer only to the extent that amounts are provided in advance in appropriations Acts.

(5) LEASING OF VEHICLES.—The Secretary shall, not later than 60 days following the enactment of the Federal Transit Act, issue regulations to allow vehicles purchased under this section to be leased to local governments, public bodies and agencies for the purpose of improving transportation services designed to meet the special needs of elderly persons and persons with disabilities. The Secretary shall make such lease only to the extent that amounts are provided in advance in appropriations Acts.

(6) TRANSFER OF AMOUNTS.—Any amounts of a State under section 18(a) that remain available for obligation by the Secretary of Commerce following the 4th year after the date of publication of such Federal census, or the population estimate prepared by the Secretary of Commerce following the 8th year after such date of publication, whichever is the most recent.

SEC. 3023. INTERCITY BUS TRANSPORTATION.

(a) FORMULA GRANT PROGRAMS.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 505(b) of this Act, $1,200,000,000 for fiscal year 1993, $1,300,000,000 for fiscal year 1994, $1,400,000,000 for fiscal year 1995, $1,330,000,000 for fiscal year 1996, and $1,500,000,000 for fiscal year 1997, to remain available until expended.

(b) USE OF POPULATION ESTIMATES.

Section 21 is amended to read as follows:

"SEC. 21. AUTHORIZATIONS.

(a) Formula Grant Programs.—

(1) From the Trust Fund.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 505(b) of this Act, $1,200,000,000 for fiscal year 1993, $1,300,000,000 for fiscal year 1994, $1,400,000,000 for fiscal year 1995, $1,330,000,000 for fiscal year 1996, and $1,500,000,000 for fiscal year 1997, to remain available until expended.

(b) General Provisions.—In addition to the amounts specified in paragraph (1), there are authorized to be appropriated to carry out section 505(b) of this Act, $20,000,000 for fiscal year 1993, $25,000,000 for fiscal year 1994, $27,000,000 for fiscal year 1995, $30,000,000 for fiscal year 1996, and $33,000,000 for fiscal year 1997, to remain available until expended.

(c) Fiscal Year 1992.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 505(b) of this Act, $265,000,000 for fiscal year 1992, to remain available until expended.

(d) Other Set-Aside.—Before apportionment in each fiscal year of the funds made available or appropriated under subsection (a), an amount equivalent to 3.0 percent of funds made available or appropriated under subsection (a) shall be made available until expended as follows:

(1) 45 percent of such funds shall be made available for metropolitan planning activities under section 6(f);

(2) 20 percent of such funds shall be made available to carry out the State program under section 26(a); and

(3) 35 percent of such funds shall be made available to carry out the national program under section 26(b).

(e) Other Set-Aside.—Before apportionment in each fiscal year of the funds made available or appropriated under subsection (a), an amount equivalent to 7.0 percent of funds made available or appropriated under subsections (a) and (b) shall be made available until expended.

(f) Meals Delivery Service to Homebound Persons.—Transit service providers receiving assistance under this section or section 18(b) may coordinate and assist in providing meals delivery service for homebound persons on a regular basis if the meal delivery services do not conflict with the provisions of transit services or result in a reduction of service to transit passengers.

SEC. 3024. USE OF POPULATION ESTIMATES.

For fiscal year 1992, a grant or contract with funds made available or appropriated under subsection (a), an amount equivalent to 5.0 percent of funds made available or appropriated under subsection (a) shall be made available until expended.
SEC. 201. REPORT ON SAFETY CONDITIONS IN MASS TRANSIT.
Section 201 is amended—
(1) by inserting "SEC. 21A.—" prior to 'in general', after "SEC. 21A.;" and
(2) by adding at the end a new subsection as follows:
"(b) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall transmit to Congress a report containing an evaluation of the extent to which the requirements of this section have been addressed and an estimate of the future transit needs of the Nation, including transit needs in rural areas (particularly access to health care facilities). Such report shall include the following:
"(1) An assessment of needs related to rail modernization, guideway modernization, replacement and purchase of buses and related equipment, construction of bus related facilities, and construction of new fixed guideway systems and extensions for such systems.
"(2) A 5-year projection of the maintenance and modernization needs that will result from aging of existing equipment and facilities, including the need to overhaul or replace existing bus fleets and rolling stock used on fixed guideway systems.
"(3) A 5-year projection of the need to invest in the expansion of existing transit systems to meet changing economic, commuter, and residential patterns.
"(4) An estimate of the level of expenditure needed to address the identified needs identified above.
"(5) An examination of existing Federal, State, and local resources as well as private resources that are or can reasonably be expected to be made available to support public transit.
"(6) The gap between the level of expenditure estimated under paragraph (4) and the level of revenue to meet such needs identified under paragraph (5).
"(b) TRANSFERABILITY STUDY.—
"(1) IN GENERAL.—In January 1993 and in January of every second year thereafter, the Comptroller General shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on implementation of the transferability provisions of section 23(a) of this Act.
"(2) CONTENTS.—The report shall identify, by State, the amount of transit funds transferred for nontransit purposes under such sections during the previous fiscal year and shall include an assessment of the impact of such transfers on the transit needs of individuals and communities within the State. Specific attention shall be given to the impact of such transfers (A) on the State's ability to meet the transit needs of elderly individuals and individuals with disabilities, (B) in the District of Columbia and the Territories of the United States and individuals with disabilities, (C) on U.S. efforts to extend public transit services to unserved rural areas. The report shall also include an examination of the relative levels of Federal transit assistance and services in urban and rural areas in fiscal year 1991 and subsequent fiscal years as a result of transit resources made available under this Act and the Federal Rail Authority Transport Efficiency Act of 1991.
"SEC. 202. PROJECT MANAGEMENT OVERSIGHT.
Section 202 is amended—
(1) by inserting "SEC. 21A.—" and "SEC. 21A.;" in the first and last sentences of subsection (a) respectively; and
(2) by striking "5 percent of the funds made available for any fiscal year to carry out sections 3, 8, or 18 of this Act, or interstate transfer transit projects under section 102(e)(4) of title 23, United States Code, as in effect on September 30, 1991, or a project under the National Capital Transportation Act of 1969 to contract with any person to oversee the construction of some or all of a project under any such section. In addition to such amounts, the Secretary may as necessary use not more than 5 percent of the funds made available for any fiscal year to carry out a major project under section 3 to contract with any person to oversee the construction of such major project."
"SEC. 22. NEEDS SURVEY AND TRANSFERABILITY STUDY.
The Act is further amended by adding at the end the following new section:
"SEC. 22. NEEDS SURVEY AND TRANSFERABILITY STUDY.
"(a) NEEDS SURVEY.—In January 1992 and in January of every second year thereafter, the Comptroller General shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report containing an evaluation of the extent to which the requirements of this section have been addressed and an estimate of the future transit needs of the Nation, including transit needs in rural areas (particularly access to health care facilities). Such report shall include the following:
"(1) An assessment of needs related to rail modernization, guideway modernization, replacement and purchase of buses and related equipment, construction of bus related facilities, and construction of new fixed guideway systems and extensions for such systems.
"(2) A 5-year projection of the maintenance and modernization needs that will result from aging of existing equipment and facilities, including the need to overhaul or replace existing bus fleets and rolling stock used on fixed guideway systems.
"(3) A 5-year projection of the need to invest in the expansion of existing transit systems to meet changing economic, commuter, and residential patterns.
"(4) An estimate of the level of expenditure needed to address the identified needs identified above.
"(5) An examination of existing Federal, State, and local resources as well as private resources that are or can reasonably be expected to be made available to support public transit.
"(6) The gap between the level of expenditure estimated under paragraph (4) and the level of revenue to meet such needs identified under paragraph (5).
"(b) TRANSFERABILITY STUDY.—
"(1) IN GENERAL.—In January 1993 and in January of every second year thereafter, the Comptroller General shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on implementation of the transferability provisions of section 23(a) of this Act.
"(2) CONTENTS.—The report shall identify, by State, the amount of transit funds transferred for nontransit purposes under such sections during the previous fiscal year and shall include an assessment of the impact of such transfers on the transit needs of individuals and communities within the State. Specific attention shall be given to the impact of such transfers (A) on the State's ability to meet the transit needs of elderly individuals and individuals with disabilities, (B) in the District of Columbia and the Territories of the United States and individuals with disabilities, (C) on U.S. efforts to extend public transit services to unserved rural areas. The report shall also include an examination of the relative levels of Federal transit assistance and services in urban and rural areas in fiscal year 1991 and subsequent fiscal years as a result of transit resources made available under this Act and the Federal Rail Authority Transport Efficiency Act of 1991.
"SEC. 23. STATE RESPONSIBILITY FOR FIXED GUIDEWAY SAFETY.
The Act is further amended by adding at the end the following new section:
"SEC. 23. STATE RESPONSIBILITY FOR FIXED GUIDEWAY SAFETY.
"(a) DESIGNED FOR NONTRANSIT PURPOSES.—The Secretary may withhold up to 5 percent of the amount required to be apportioned for use in any State for urbanized areas for any fiscal year beginning after September 30, 1994, if the State in the previous fiscal year has not met the requirements of subsection (b) and the Secretary determines that the State is not making adequate efforts to comply with such subsection.
"(b) REQUIREMENTS.—A State meets the requirements of this section if
"(1) the State establishes and is implementing a safety program plan for each fixed guideway transit system in the State, the plan establishes a safety strategy, safety requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for such system;
"(2) such a program plan identifies an agency of the State with responsibility to—
"(A) require, review and approve, and monitor implementation of such plans; and
"(B) investigate hazardous conditions on such systems and require corrective actions to correct or eliminate such conditions; and
"(3) in any case in which more than 1 State would be subject to this section in connection with a single transit agency, the affected States may designate an entity other than the transit agency to ensure uniform safety standards and enforcement and to meet the requirements of this subsection.
"(c) PERIOD OF AVAILABILITY: EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—
"(1) PERIOD OF AVAILABILITY.—Any funds withheld under subsection (a) from apportionment for use in any State in a fiscal year, shall remain available for apportionment for use in such State until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.
"(2) APPORTIONMENT OF THE FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment for use in a State under paragraph (1), the State meets the requirements of subsection (b), the Secretary shall, on the first day on which the State meets the requirements of subsection (b), apportion to the State the funds withheld under subsection (a) that remain available for apportionment for use in the State.
"(3) LIMITATION ON APPLICABILITY.—This section shall not apply to any fiscal year in which a State failed to meet the requirements of subsection (a).
"SEC. 24. TRANSIT COOPERATIVE RESEARCH FEDERAL TRANSIT ASSISTANCE AND SERVICES IN URBAN AND RURAL AREAS—
The Act is further amended by adding at the end the following new section:
"SEC. 24. TRANSIT COOPERATIVE RESEARCH FEDERAL TRANSIT ASSISTANCE AND SERVICES IN URBAN AND RURAL AREAS—
"(a) WRITTEN APPROVAL FOR FUNDS FOR NONCOMPLIANCE.—The Secretary may withhold up to 5 percent of the amount required to be apportioned for use in any State or urbanized area for any fiscal year beginning after September 30, 1994, if the State in the previous fiscal year has not met the requirements of subsection (b) and the Secretary determines that the State is making adequate efforts to comply with such subsection.
"(b) REQUIREMENTS.—A State meets the requirements of this section if
"(1) the State establishes and is implementing a safety program plan for each fixed guideway transit system in the State, the plan establishes a safety strategy, safety requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for such system;
"(2) such a program plan identifies an agency of the State with responsibility to—
"(A) require, review and approve, and monitor implementation of such plans; and
"(B) investigate hazardous conditions on such systems and require corrective actions to correct or eliminate such conditions; and
"(3) in any case in which more than 1 State would be subject to this section in connection with a single transit agency, the affected States may designate an entity other than the transit agency to ensure uniform safety standards and enforcement and to meet the requirements of this subsection.

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Secretary shall establish an independent search program to be administered as follows:

(A) Independent Governing Board.—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) National Academy of Sciences.—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 Planning and Research.—The remaining 50 percent of that amount shall be apportioned to the States for grants and contracts consistent with the purposes of sections 8, 10, 11, and 20 of this Act.

(A) Apportionment Formula.—Amounts shall be apportioned to the States in the ratio in 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. The Secretary shall apportion not less than 25 percent and not more than 50 percent of that amount.

(B) Limited to Programs.—The Secretary shall apportion funds to States to support activities that the Secretary deems appropriate to the extent of technical, economic, and environmental benefits and pay-back periods.

(3) Advanced fare collection technology.—No grants shall be made available under section 21(c)(4), the Secretary shall make available $1,000,000 in fiscal year 1992 for the purpose of conducting a pilot project, and test advanced fare collection systems. Such project shall be carried out by the Washington Metropolitan Transit Authority.

(4) Inertial navigation technology transfer.—

(A) Project.—There is authorized to be appropriated from amounts available under section 21(c), $1,000,000 for fiscal year 1992 to support an inertial navigation system demonstration project for the purpose of determining a clear and direct financial benefit to an entity under a grant or contract funded under this subsection or subsection (a)(1), as the Secretary deems appropriate.

(B) Federal share.—Where there would be a clear and direct financial benefit to an entity under a grant or contract funded under this subsection or subsection (a)(1), the Secretary may use funds available under subsection (a)(1) to make a Federal share consistent with that benefit.

(C) Suspended light rail system technology pilot project.—

(1) Full funding grant agreement.—Not later than 60 days after the fulfillment of the requirements under paragraph (5), the Secretary shall negotiate and enter into a full funding grant agreement under section 3 of the Urban Mass Transportation Act of 1984 with a public entity selected under paragraph (5) to develop a suspended light rail system technology pilot project.

(2) Project purpose.—The purpose of the project under this subsection shall be to assess the technology for a suspended light rail system and to determine the feasibility and costs of benefits of using such a system for transporting passengers.

(D) Project description.—The project under this subsection shall be to

(1) utilize new rail technology with individual vehicles on a prefabricated, elevated steel guideway;
(2) be stability seeking with a center of gravity for the rail vehicle located below the point of wheel-rail contact; and
(3) utilize vehicles which are driven by overhead lines with high efficiency, low maintenance electric motors for each wheel, operating in a slightly sloped plane from the overhead guideway to rail, to further increase stability, acceleration, and braking performance.

(E) Competition.—

(1) In general.—Notwithstanding any other provision of law, the Secretary shall conduct a national competition to select a public entity with which to enter into a full funding grant agreement under paragraph (1) for construction of the project under this subsection.

(2) Publication of notice.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register notice of the competition to be conducted under this paragraph, together with procedures for public entities to participate.

(F) Award of grants.—The Secretary shall award grants to each of the finalists selected under paragraph (1) for the purpose of proceeding to actual construction. Such grants shall be used by the finalists to participate in the final phase of the competition under this paragraph in accordance with procedures as the Secretary determines are appropriate.

(G) Supplemental funds.—The Secretary may use funds made available under this Act, as the Secretary deems appropriate to the Secretary for special demonstration initiatives.

(3) National Program.—

(A) In general.—The funds made available under section 21(c)(4), shall be available to the Secretary for grants or contracts for the purposes of section 6, 8, 10, 11, or 20 of this Act, as the Secretary deems appropriate.

(B) Special initiatives.—Of the amounts available under paragraph (1), the Secretary shall make available not less than 15,000,000 to fund training-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans with Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this subsection through contracts and grants with public and private sector partners serving persons with disabilities with demonstrated capacity to carry out such activities.

(4) Compliance with ADA.—Of the amounts available under paragraph (1), the Secretary shall make available not less than 15,000,000 to fund training-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans with Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this subsection through contracts and grants with public and private sector partners serving persons with disabilities with demonstrated capacity to carry out such activities.

(5) Special initiatives.—Of the amounts available under paragraph (1), the Secretary shall make available not less than 15,000,000 to fund training-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans with Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this subsection through contracts and grants with public and private sector partners serving persons with disabilities with demonstrated capacity to carry out such activities.

(6) State planning and research.—The remaining 50 percent of that amount shall be apportioned to the States for grants and contracts consistent with the purposes of sections 8, 10, 11, and 20 of this Act.

(A) Apportionment formula.—Amounts shall be apportioned to the States in the ratio in 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. The Secretary shall apportion not less than 25 percent and not more than 50 percent of that amount.

(B) Limited to programs.—The Secretary shall apportion funds to States to support activities that the Secretary deems appropriate to the extent of technical, economic, and environmental benefits and pay-back periods.

(C) State planning and research.—(1) In general.—Funds appropriated from amounts made available under section 3 of the Urban Mass Transportation Act of 1984, for fiscal year 1992 for the purpose of conducting a pilot project to evaluate, develop, and test advanced fare collection systems. Such project shall be carried out by the Washington Metropolitan Transit Authority.

(2) Public-private sector participants.—(A) In general.—The Secretary shall establish a Federal share consistent with the requirements under paragraph (5), the Secretary shall negotiate and enter into a full funding grant agreement under section 3 of the Urban Mass Transportation Act of 1984 with a public entity selected under paragraph (5) to develop a suspended light rail system technology pilot project.

(B) Project purpose.—The purpose of the project under this subsection shall be to assess the technology for a suspended light rail system and to determine the feasibility and costs and benefits of using such a system for transporting passengers.

(5) Project description.—The project under this subsection shall be to

(1) utilize new rail technology with individual vehicles on a prefabricated, elevated steel guideway;
(2) be stability seeking with a center of gravity for the rail vehicle located below the point of wheel-rail contact; and
(3) utilize vehicles which are driven by overhead lines with high efficiency, low maintenance electric motors for each wheel, operating in a slightly sloped plane from the overhead guideway to rail, to further increase stability, acceleration, and braking performance.

(F) Competition.—

(1) In general.—Notwithstanding any other provision of law, the Secretary shall conduct a national competition to select a public entity with which to enter into a full funding grant agreement under paragraph (1) for construction of the project under this subsection.

(2) Publication of notice.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register notice of the competition to be conducted under this paragraph, together with procedures for public entities to participate.

(G) Award of grants.—The Secretary shall award grants to each of the finalists selected under paragraph (1) for the purpose of proceeding to actual construction. Such grants shall be used by the finalists to participate in the final phase of the competition under this paragraph in accordance with procedures as the Secretary determines are appropriate.

(H) Supplemental funds.—The Secretary may use funds made available under this Act, as the Secretary deems appropriate to the Secretary for special demonstration initiatives.

(7) National Program.—

(A) In general.—The funds made available under section 21(c)(4), shall be available to the Secretary for grants or contracts for the purposes of section 6, 8, 10, 11, or 20 of this Act, as the Secretary deems appropriate.

(B) Special initiatives.—Of the amounts available under paragraph (1), the Secretary shall make available not less than 52,000,000 to fund training-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans with Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this subsection through contracts and grants with public and private sector partners serving persons with disabilities with demonstrated capacity to carry out such activities.

(C) Compliance with ADA.—Of the amounts available under paragraph (1), the Secretary shall make available not less than 52,000,000 to fund training-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans with Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this subsection through contracts and grants with public and private sector partners serving persons with disabilities with demonstrated capacity to carry out such activities.

(D) Special initiatives.—Of the amounts available under paragraph (1), the Secretary shall make available not less than 52,000,000 to fund training-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans with Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this subsection through contracts and grants with public and private sector partners serving persons with disabilities with demonstrated capacity to carry out such activities.

(6) Notice to proceed with construction.—Not later than 30 days following the execution of the full funding grant agreement under paragraph (1), the Secretary shall issue a notice to proceed with construction.

(7) Option not to construct.—Not later than the 30th day following the completion of preliminary engineering and design for the project, the public entity selected under paragraph (1) will make a determination on whether or not to proceed to actual construction of the project. If such public entity determines not to proceed to such actual construction—

(A) The Secretary shall not enter into the grant agreement under paragraph (1) unless the entity determines to proceed to actual construction.

(B) The Secretary shall use the amount so credited and all other amounts to be provided under this section to award to entities...
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lected under paragraph (4)(E) grants under section 3 of the Federal Transit Act for construction of the project described in paragraph (1).

Any grants under subparagraph (C) shall be awarded after completion of a competitive process in the case of a grant under paragraph (1).

Such process shall be completed not later than the 150th day following the date of the determination under this subsection.

"(1) FUNDING.—The full funding grant agreement under paragraph (1) shall provide that—

(a) the system vendor for the project under this section shall fund 100 percent of any deficit incurred in operating the project in the first two years of revenue operations of the project and

(b) the system vendor for the project under this section shall fund 50 percent of any deficit incurred in operating the project in the third year of revenue operations of the project.

"(2) FUNDING.—

(A) Not later than 30 days after the date of the enactment of this Act and notwithstanding any other provision of law, the Secretary shall make a grant to the San Francisco Bay Area Rapid Transit District thereinafter in this section referred to as "SCCTD" to conduct preliminary engineering, the Secretary shall approve such, to a Hudson River Waterfront element of the project and the Secretary shall approve the recommended locally preferred alternative for the Tasman Corridor Project after the locally preferred alternative was approved by the Metropolitan Transportation Commission on July 31, 1991, shall be considered eligible project costs under the Federal Transit Act.

(C) Notional Engineering Grant.—

(1) To—Not later than 30 days after the date of the enactment of this Act and notwithstanding any other provision of law, the Secretary shall make a grant to conduct preliminary engineering and to complete an environmental impact statement on the locally preferred alternative for the Tasman Corridor Project and the Secretary shall make a grant to BART to conduct preliminary engineering and to complete an environmental impact statement in accordance with the National Environmental Policy Act on the locally preferred alternative for the Tasman Corridor Project. Such funds shall be $12,750,000; except that the Federal share for all project costs may not exceed 50 percent, unless the matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent.

(D) Strategic Corridor Grant.—Notwithstanding any other provision of law, the Secretary shall approve such construction for BART Phase to Calma.

(E) Not later than 30 days after the date of the enactment of this Act, the Secretary shall approve such construction for BART Phase to Colma.

(F) Not later than 30 days after the date of the completion of preliminary engineering, the Secretary shall approve such construction for the Tasman Corridor Project.

(G) Execution of Contract.—Upon approval of the grant agreement under paragraph (1), the Secretary shall execute a multiyear grant agreement with BART to permit the expenditure of funds for the construction of the Tasman Corridor Project and the Tasman Corridor Project Extension Program (Phase I and Phase II) with SCCTD for the construction of the Tasman Corridor Project.

(H) Federal Share.—

(1) BART EXTENSION.—The grant agreement under subsection (c)(1) shall provide that—

(i) the Secretary shall publish a notice of availability of the draft environmental impact statement, including any proposed revisions to the statement or to the work plan, until a notice of availability of such document is published by the Secretary.

(ii) the grant agreement shall include the allocation of Federal funds for those elements of the project not covered under such grant agreement.
that the Federal share of the project cost for the locally preferred alternative for the BART San Francisco International Airport Extension (Phase la and Phase lb) shall be 75 percent. A locally preferred alternative for the BART Extension (Phase la and Phase lb) shall be the San Francisco International Airport and with SCCTD for the Tasman Corridor Project, including costs for preliminary engineering, shall be 90 percent, unless that matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1578 in a manner that would allow such Federal share to be increased to 90 percent.

(b) PAYMENT.—The grant agreement under subsection (a)(2) shall provide that the Federal share of the cost of the projects shall be paid by the Secretary from amounts provided under the Federal Transit Act for construction of new fixed guideway systems and extensions to fixed guideway systems funded by the Highway Trust Fund.

(1) Not less than $28,500,000 for fiscal year 1990.

(2) Not less than $40,000,000 for fiscal year 1991.

(3) Not less than $100,000,000 for each of fiscal years 1992 through 1995.

(4) Not less than $100,000,000 for each of fiscal years 1996 and 1997.

Appropriations of payments between BART and SCCTD shall be consistent with the Metropolitan Transportation Commission Resolution No. 1578.

(f) ADVANCE CONSTRUCTION.—The grant agreements under subsection (a)(2) shall provide that the Secretary shall reimburse BART and SCCTD from any amounts provided under section 3 of the Federal Transit Act for fiscal years 1992 through 1997 for the Federal share of the net project costs incurred by BART and SCCTD under subsections (a)(1) and (a)(2), including the amount of any interest earned and payable on bonds as provided in section 3 of the Federal Transit Act, as follows:

(1) Not later than September 30, 1994, the Secretary shall reimburse BART and SCCTD a total of $268,500,000 (plus such interest), less amounts provided under subsection (e) for fiscal years 1992 through 1994.

(2) Not later than September 30, 1995, the Secretary shall reimburse BART and SCCTD a total of $368,500,000 (plus such interest), less amounts provided under subsection (e) for fiscal years 1992 through 1995.

(3) Not later than September 30, 1996, the Secretary shall reimburse BART and SCCTD a total of $568,500,000 (plus such interest), less amounts provided under subsection (e) for fiscal years 1992 through 1996.

(g) FULL FUNDING GRANT AGREEMENTS.

(1) SCHEDULE.—Notwithstanding any other provision of law, the Secretary shall negotiate and execute full funding grant agreements that are consistent with Metropolitan Transportation Commission Resolution No. 1578, in connection with Phase 1a to Colma and Phase 1b to the San Francisco International Airport, and with SCCTD for the Tasman Corridor Project according to the following schedule:

(A) Not later than 90 days after the date of completion by SCCTD of preliminary engineering, the Secretary shall execute such agreements.

(B) Upon completion by BART of 85 percent of final design, the Secretary shall execute such agreements for Phase 1a to Colma.

(C) Upon completion by BART of 85 percent of final design, the Secretary shall execute such agreements for Phase 1b to the San Francisco International Airport.

(2) In addition to the $568,500,000 provided under this section, the Secretary shall, subject to annual appropriations, issue full funding grant agreements to complete the projects utilizing the full amount of the unobligated balance in the Mass Transit Account of the Highway Trust Fund.

(3) ALTERNATIVES ANALYSIS.—The Secretary shall permit the Santa Clara County Transit District, in cooperation with the Metropolitan Transportation Commission, to conduct an environmental analysis of potential alternatives and other environmentally preferable alternatives including a possible BART extension from southern Alameda County through downtown San Jose to Santa Clara County.

SEC. 258. QUEENS LOCAL/EXPRESS CONNECTION.

(a) FULL FUNDING GRANT AGREEMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall negotiate and enter into a full funding grant agreement under section 3 of the Federal Transit Act for those elements of the Queens Local/Express Connection which can be fully funded in fiscal years 1992 through 1997. Such grant agreement shall not preclude the allocation of Federal funds for those elements of the project not covered under such grant agreement.

(b) PAYMENT.—The grant agreement under subsection (a) shall provide that the Secretary shall reimburse BART and SCCTD from amounts provided under section 3(k)(1)(B) of the Federal Transit Act as follows:

(1) Not less than $11,000,000 for fiscal year 1992.

(2) Not less than $18,700,000 for fiscal year 1993.

(3) Not less than $72,800,000 for fiscal year 1994.

(4) Not less than $76,300,000 for fiscal year 1995.

(5) Not less than $121,800,000 for fiscal year 1996.

Nothing in this section shall be construed as precluding other Federal funds from being committed to the project.

SEC. 304. CIVILIAN SERVICE AGREEMENT.

(3) The grant agreement under paragraph (1) shall provide that the Secretary shall reimburse BART and SCCTD from any amounts made available under section 3 of the Federal Transit Act for those elements of the Queens Local/Express Connection which can be fully funded in fiscal years 1992 through 1997. Such grant agreement shall not preclude the allocation of Federal funds for those elements of the project not covered under such grant agreement.

(b) PAYMENT.—The grant agreement under subsection (a) shall provide that the Secretary shall reimburse BART and SCCTD from amounts provided under section 3(k)(1)(B) of the Federal Transit Act as follows:

(1) Not less than $71,000,000 for fiscal year 1992.

(2) Not less than $118,700,000 for fiscal year 1993.

(3) Not less than $57,300,000 for fiscal year 1994.

(4) Not less than $56,300,000 for fiscal year 1995.

(5) Not less than $104,600,000 for fiscal year 1996.

Nothing in this section shall be construed as precluding other Federal funds from being committed to the project.

(b) AMOUNT.—The Secretary may use the construction in an amount not to exceed the sum of $355,000,000 plus the difference (if any) between the Federal share specified in paragraph (1) and the Federal share actually provided in those fiscal years.

(c) CONVERSION TO GRANTS.—In the event the Commission uses advance construction authority under this paragraph, the Secretary shall convert that authority into a grant and shall reimburse the Commission, from funds available under section 3 of the Federal Transit Act, for the Federal share of the amounts expended. Such conversion and reimbursement shall be made by the Secretary in fiscal years 1996 and 1997 and shall be equal to the Federal share of the amounts expended by the Commission pursuant to this paragraph (plus any eligible carryover under section 3(d)(2) of the Federal Transit Act).

(4) EAST SIDE EXTENSION.—The amended contract under paragraph (1) shall include a commitment to provide Federal funding for the East Side Extension, subject to completion of alternatives analysis and satisfaction of Federal environmental requirements.

(b) ALTERNATIVES ANALYSIS.—The amended contract under paragraph (1) shall include a commitment to provide Federal funding for the East Side Extension, subject to completion of alternatives analysis and satisfaction of Federal environmental requirements.

(c) PAYMENT.—The amended contract under paragraph (1) shall include a commitment to provide Federal funding for the East Side Extension, subject to completion of alternatives analysis and satisfaction of Federal environmental requirements.

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(b) ALTERNATIVES ANALYSIS.—The amended contract under paragraph (1) shall include a commitment to provide Federal funding for the East Side Extension, subject to completion of alternatives analysis and satisfaction of Federal environmental requirements.
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I. funds shall be provided from the amounts section (b)(3).

2. SUPPLEMENTAL EIS.—Not later than Dec.

3. AMENDMENT TO CONTRACT TO INCLUDE

A. NEGOTIATION.—Immediately upon the comple-

B. EXECUTION.—Not later than June 1, 1994, the Secre-

C. CONTENTS.—The amended contract under sub-

D. APPlicABILITY OF FEDERAL REQUIRE-

E. CRITERIA FOR NEW STARTS.—Minimum Operable Segment-3 shall be deemed to be a project described in and covered by section 303(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, as amended; the Secretary is unable to comply with a

F. COMMISSION.—The term “Commission” means the Los Angeles County Transportation Commission for any successor thereto.

G. MINIMUM OPERABLE SEGMENT-3.—The term “Minimum Operable Segment-3” means that portion of Mini-

H. MINIMUM OPERABLE SEGMENT-3.—The term “Minimum Operable Segment-3” means that portion of the Los Angeles Metro Rail Project which consists of 7 stations and approximately 11.6 miles of heavy rail subway on the following lines:

1. One line running west and northward from the Hollywood station, which consists of 7 stations and approximately 11.6 miles of heavy rail subway on the following lines:

a. One line running west from the Wilshire/Western station to the Pico/San Vi-

c. One line consisting of an initial line of 3 miles in length, without at least 2 stations, beginning at Union Station and running generally east.

2. MISCELLANEOUS MULTIYEAR CONTRACTS.

3. HAWTHORNE, NEW JERSEY-WARWICE, NEW YORK, SERVICE.—No later than 120 days

4. AFTER THE DATE OF THE ENACTMENT OF THIS ACT, THE SECRETARY SHALL NEGOTIATE AND SIGN A MULTIFYEAR GRANT AGREEMENT WITH THE NEW JERSEY TRANSIT AUTHORITY, WHICH DETERMINES THAT THE TOTAL AMOUNT OF ASSISTANCE TO BE PROVIDED UNDER SUCH SECTION 3(k)(1)(B) AS FOLLOWS: (A) NOT LESS THAN $21,000,000 FOR FISCAL YEAR 1992; (B) NOT LESS THAN $55,000,000 FOR FISCAL YEAR 1993; (C) NOT LESS THAN $62,000,000 FOR FISCAL YEAR 1994; (D) NOT LESS THAN $70,000,000 FOR FISCAL YEAR 1995.

5. SALT LAKE CITY LIGHT RAIL PROJECT.—NO LATER THAN APRIL 30, 1992, THE SECRETARY SHALL NEGOTIATE AND SIGN A MULTIFYEAR GRANT AGREEMENT WITH THE SALT LAKE COUNTY TRANSPORTATION AUTHORITY, WHICH DETERMINES THAT THE TOTAL AMOUNT OF ASSISTANCE TO BE PROVIDED UNDER SUCH SECTION 3(k)(1)(B) AS FOLLOWS: (A) NOT LESS THAN $13,000,000 FOR FISCAL YEAR 1992; (B) NOT LESS THAN $16,000,000 FOR FISCAL YEAR 1993; (C) NOT LESS THAN $18,000,000 FOR FISCAL YEAR 1994; (D) NOT LESS THAN $20,000,000 FOR FISCAL YEAR 1995.

6. KANSAS CITY LIGHT RAIL PROJECT.—NO LATER THAN APRIL 30, 1992, THE SECRETARY SHALL NEGOTIATE AND SIGN A MULTIFYEAR GRANT AGREEMENT WITH THE KANSAS CITY AREA TRANSITWAY AUTHORITY, WHICH DETERMINES THAT THE TOTAL AMOUNT OF ASSISTANCE TO BE PROVIDED UNDER SUCH SECTION 3(k)(1)(B) AS FOLLOWS: (A) NOT LESS THAN $10,000,000 FOR FISCAL YEAR 1992; (B) NOT LESS THAN $12,000,000 FOR FISCAL YEAR 1993; (C) NOT LESS THAN $15,000,000 FOR FISCAL YEAR 1994; (D) NOT LESS THAN $16,000,000 FOR FISCAL YEAR 1995.

7. DALLAS LIGHT RAIL PROJECT.—NO LATER THAN APRIL 30, 1992, THE SECRETARY SHALL NEGOTIATE AND SIGN A MULTIFYEAR GRANT AGREEMENT WITH THE DALLAS AREA RAILWAY TRANSIT DISTRICT, WHICH DETERMINES THAT THE TOTAL AMOUNT OF ASSISTANCE TO BE PROVIDED UNDER SUCH SECTION 3(k)(1)(B) AS FOLLOWS: (A) NOT LESS THAN $8,000,000 FOR FISCAL YEAR 1992; (B) NOT LESS THAN $10,000,000 FOR FISCAL YEAR 1993; (C) NOT LESS THAN $12,000,000 FOR FISCAL YEAR 1994; (D) NOT LESS THAN $14,000,000 FOR FISCAL YEAR 1995.

8. SOUTH BOSTON PIER TRANSPORTATION AUTHORITY/LIGHT RAIL PROJECT.—NO LATER THAN JULY 1, 1992, THE SECRETARY SHALL ANNOUNCE AND SIGN A MULTIFYEAR GRANT AGREEMENT WITH THE SOUTH BOSTON PIER TRANSPORTATION AUTHORITY, WHICH DETERMINES THAT THE TOTAL AMOUNT OF ASSISTANCE TO BE PROVIDED UNDER SUCH SECTION 3(k)(1)(B) AS FOLLOWS: (A) NOT LESS THAN $9,000,000 FOR FISCAL YEAR 1992; (B) NOT LESS THAN $11,000,000 FOR FISCAL YEAR 1993; (C) NOT LESS THAN $13,000,000 FOR FISCAL YEAR 1994; (D) NOT LESS THAN $15,000,000 FOR FISCAL YEAR 1995.

9. KANSAS CITY LIGHT RAIL PROJECT.—NO LATER THAN APRIL 30, 1992, THE SECRETARY SHALL NEGOTIATE AND SIGN A MULTIFYEAR GRANT AGREEMENT WITH THE KANSAS CITY AREA TRANSITWAY AUTHORITY, WHICH DETERMINES THAT THE TOTAL AMOUNT OF ASSISTANCE TO BE PROVIDED UNDER SUCH SECTION 3(k)(1)(B) AS FOLLOWS: (A) NOT LESS THAN $10,000,000 FOR FISCAL YEAR 1992; (B) NOT LESS THAN $12,000,000 FOR FISCAL YEAR 1993; (C) NOT LESS THAN $14,000,000 FOR FISCAL YEAR 1994; (D) NOT LESS THAN $16,000,000 FOR FISCAL YEAR 1995.
ment with the Kansas City Area Transportation Authority which includes, from funds made available under section 3(k)(l)(B) of the Federal Transit Act, $6,500,000 in fiscal year 1992, $1,000,000 in fiscal year 1993, and $2,000,000 in fiscal year 1994, to provide for the completion of a conceptual engineering study for a people mover system in Atlanta, Georgia.

(1) ORLANDO STREETCAR (OSCAR) DOWN- TOWN TROLLEY PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the City of Orlando, Florida, which includes, from funds made available under section 3(k)(l)(B) of the Federal Transit Act, not less than $10,000,000 for fiscal year 1992 and not less than $10,000,000 for fiscal year 1993, to provide for the completion of alternatives analysis and preliminary engineering for the Orlando Streetcar Downtown Trolley Project.

(2) DETROIT LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the city of Detroit, Michigan, which includes, from funds made available under section 3(k)(l)(B) of the Federal Transit Act, not less than $10,000,000 for fiscal year 1992 and not less than $10,000,000 for fiscal year 1993, to provide for the completion of alternatives analysis and preliminary engineering for the Detroit Light Rail Project.

(3) BUS AND BUS RELATED EQUIPMENT PURCHASES IN ALO examining the feasibility of providing commuter rail service connecting urban and suburban areas in northeast Ohio.

(2) RAILTRAN COMMUTER RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Dallas and Fort Worth, Texas, which includes, from funds made available under section 3(k)(l)(B) of the Federal Transit Act, $2,400,000 in fiscal year 1992, and $3,200,000 in each of fiscal years 1993 and 1994 to provide for preliminary engineering and construction of improvements to the Dallas/Fort Worth/MetroLink Fixed Rail Project.

(3) TAHOE REGIONAL TRANSPORTATION DISTRICT CARDINAL CITY REIMBURSEMENT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with Tahoe Regional Transportation District, California, which includes, from funds available under section 3(k)(l)(C) of the Federal Transit Act, $500,000 in fiscal year 1992 and $500,000 in fiscal year 1993 to provide for the purchase of 10 buses, a fuel storage tank, a bus washer and 2 service vehicles.

(4) ALMA COMMUTER RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Alma County Transit System, Michigan, which includes, from funds made available to the Northeastern New Jersey urbanized area under section 3(k)(l)(C) of the Urban Mass Transportation Act of 1964, to provide for the completion of alternatives analysis and preliminary engineering for the Alma Commuter Rail Project.

(5) MAIN STREET TRANSIT MALL.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Austin, Texas, which includes, from funds made available under section 3(k)(l)(C) of the Federal Transit Act, $700,000 in fiscal year 1992, and $1,300,000 in fiscal year 1993, to provide for preliminary engineering and construction of an extension to the Main Street Transit Mall.

(6) People Mover.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with PACE (Public Agency Cooperation for Elderly Citizens) for the purchase of 20 buses, 10 wheelchair lifts for urban buses; 20 2-way radios; 29 electronic fareboxes and related equipment; computer terminal equipment and parts; boarding equipment and parts for the Cumbria County Transit System; and a new 400 HP electric motor and related components; and a handicapped pedestrian crossing for the Johnstown Incline.

(7) PURCHASE FOR EUREKA SPRINGS, ARKANSAS.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with Eureka Springs Transit for $63,600 for fiscal year 1992, to provide for the purchase of a motorized bus which is accessible to and usable by individuals with disabilities.

(8) TUCSON DIAL-A-RIDE PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Tucson, Arizona which includes, from funds made available under section 3(k)(l)(C) of the Federal Transit Act, $5,000,000 in fiscal year 1992 to provide for the completion of a conceptual engineering analysis on the Tucson Dial-a-Ride Project.

(9) Long Beach Bus Facility Project.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Long Beach Transportation Company to include, from funds made available under section 3(k)(l)(C) of the Federal Transit Act, $3,575,000 in fiscal year 1992, to provide for the construction of a bus maintenance facility in the service area of such company.

(10) PARK-AND-RIIDE LOT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the Southeastern Pennsylvania Transportation Authority which includes, from funds made available under section 3(k)(l)(C) of the Federal Transit Act, $1,000,000 in fiscal year 1992 to construct a park-and-ride lot in suburban Philadelphia, Pennsylvania.

(11) Nashville Intermodal Terminal.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the Metropolitan Nashville Planning Agency, which includes, from funds made available under section 3(k)(l)(C) of the Federal Transit Act, $7,000,000 in fiscal year 1992 to provide for construction of a multimodal passenger terminal in Nashville, Tennessee.

(12) MAIN STREET TRANSIT MALL.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the State under section 3(k)(l)(C) of the Federal Transit Act, $4,500,000 in fiscal year 1992 to provide for preliminary engineering and construction of an extension to the Main Street Transit Mall.
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23/1/1 (1)(C) of the Federal Transit Act, $1,000,000 in fiscal year 1992 for costs incurred by the Centre Area Transportation Authority between August 1989 and October 1991 in connection with the construction of the Authority Addison Road rail station and bus facility.

(iii) Key West, Florida.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City and County of Key West, Florida, which includes, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $224,000,000 in fiscal year 1992 for the cost of purchasing 3 buses.

(ii) Boston, Massachusetts.—The Secretary shall enter into a grant agreement with the Massachusetts Bay Transportation Authority to provide for the construction of a new major rail terminal in the area of the old South Station.

(iii) Buffalo, New York.—Not later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the Niagara Frontier Transportation Authority for $329,000,000 in fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act to provide for the purchase of buses and related equipment to be distributed among local transit operators. Of this amount, $50,000,000 shall be made available for a study of the feasibility of consolidation of transit services.

(iii) Ann Arbor, Michigan.—Not later than April 30, 1992, the Secretary shall enter into a grant agreement with the Ann Arbor Transportation Authority for $4,500,000 in fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act for the purchase of equipment and software for advanced fare collection technology.

(ii) Bay Area Rapid Transit District Parking.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the Metropolitan Transportation District of the Bay Area in the State of California which includes $26,000,000 to provide for the completion of alternatives analysis, preliminary engineering for the light rail line in East Dublin/Pleasanton BART station.

1111 Baltimore-Washington Transportation Improvements Program.—The Secretary shall carry out the Baltimore-Washington Transportation Improvements Program as follows:

(a) Baltimore-Central Light Rail Extension.—By entering into a full funding grant agreement with the Maryland Department of Transportation to carry out construction of locally preferred alternatives for the Hunt Valley, Baltimore-Washington International Airport, and the Pennsylvania Line extension of the light rail line in Baltimore, Maryland. The grant agreement under this paragraph shall provide that the Federal share shall be paid from funds made available under section 3(k)(1)(B) of the Federal Transit Act as follows:

(A) Not less than $30,000,000 for fiscal year 1993.
(B) Not less than $30,000,000 for fiscal year 1994.

(ii) MARC Extensions.—By entering into a full funding grant agreement with the Metropolitan Washington Division of the Maryland Department of Transportation for service extensions and other improvements, including the purchase of rolling stock and station improvements and expansions. The grant agreement under this paragraph shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act as follows:

(A) Not less than $50,000,000 for fiscal year 1993.
(B) Not less than $50,000,000 for fiscal year 1994.
(C) Not less than $50,000,000 for fiscal year 1995.

(3) LARGO Extension.—By entering into a full funding grant agreement with the State of Maryland or any designated state agency to provide alternative analysis, the preparation of an environmental impact statement and preliminary engineering for a proposed rail transit extension project to be carried out in the Largo, Maryland. The grant agreement under this paragraph shall provide that the Federal share shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act in an amount not less than $326,000,000.

(gg) Milwaukee East-West Corridor Project.—The Secretary shall negotiate and sign a multiyear grant agreement with the State of Wisconsin for $200,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative as identified in the alternatives analysis of the Milwaukee East-West Corridor Project.

(hh) Boston to Portland Transportation Corridor.—If the State of Maine or an agency thereof decides to initiate commuter rail service in the Boston to Portland corridor, the Secretary shall negotiate and sign a multiyear grant agreement with the State of Maine or another agency thereof for $2,400,000 to provide for the construction of the locally preferred alternative.

(iii) Northeast Philadelphia Commuter Rail Study.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Southeastern Pennsylvania Transportation Authority for $1,100,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act for a feasibility study of instituting commuter rail service as an alternative to automobile travel to the Center City Philadelphia.

(jj) Ann Arbor, Michigan.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Ann Arbor Transportation Authority for $4,500,000 from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $12,600,000 for construction of a parking area for the planned East Dublin/Pleasanton BART station.

(kk) Baltimore-Washington Transportation Improvements Program.—The Secretary shall carry out the Baltimore-Washington Transportation Improvements Program as follows:

(a) Baltimore-Central Light Rail Extension.—By entering into a full funding grant agreement with the Metropolitan Washington Division of the Maryland Department of Transportation to provide for the construction of the locally preferred alternative for the Blue Line to Highland Hills. The grant agreement under this paragraph shall provide that the Federal share shall be paid from amounts provided under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to carry out the construction of the locally preferred alternative.

(b) Baltimore to Portland Transportation Corridor.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the State of Oregon for $1,400,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to provide for the construction of the locally preferred alternative.

(c) Atlanta North Line Extension.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Metropolitan Atlanta Rapid Transit Authority which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to provide for the construction of the North Line of the heavy rail rapid transit system in Atlanta, Georgia.

(d) Houston Priority Corridor Fixed GuideWay Project.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Texas Department of Transportation which includes $500,000,000 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to provide for the construction of the locally preferred alternative.

(e) Minneapolis-I-25 Fixed GuideWay Project.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Minneapolis for $326,000,000 in fiscal year 1992 from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964 to provide for the construction of the locally preferred alternative.

(f) Sacramento Light Rail Project.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Sacramento Regional Transit District which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $2,400,000 to provide for the completion of alternatives analysis and preliminary engineering for the light rail system in Sacramento, California.

(g) Philadelphia Cross-Country Metro Rail Project.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Southeastern Pennsylvania Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $1,200,000 to provide for the completion of alternatives analysis and preliminary engineering for the Philadelphia Cross-Country Metro Rail Project.

(h) Cleveland Blue Line Light Rail Extension.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Greater Cleveland Regional Transit Authority which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $2,000,000 to provide for the completion of alternatives analysis and preliminary engineering for an extension of the Blue Line to Hilliard Hills, Ohio.

(i) Dulles Corridor Rail Project.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the State of Virginia, or its assigns, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $1,100,000 to provide for the completion of alternatives analysis and preliminary engineering for an extension of the Dulles Rapid Transit System to Dulles International Airport.
available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $6,000,000 to provide for the completion of alternatives analysis and preliminary engineering for the West Falls Church Washington Metropolitan Area Transit Authority rail station to Dulles International Airport.

SEC. 302. CORE RAPID TRANSIT PROJECT.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the municipality of Seattle, Washington, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $300,000,000 for the Puget Sound Traction Corporation (d/b/a Seattle-Tacoma Commuter Rail).

Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the city of Altoona, Pennsylvania, which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $12,000,000 for construction of the Altoona Pedestrian Crossover in Altoona, Pennsylvania.

SEC. 303. MEGADRADE TRANSIT PARKWAY.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the State of California which includes, from funds made available under section 3(k)(1)(B) of the Urban Mass Transportation Act of 1964, $15,000,000 for construction of a multi-modal transit parkway in western Los Angeles, California.

SEC. 304. GAO REPORT ON CHARTER SERVICE REGULATIONS.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report evaluating the impact of existing charter service regulations. The report shall—

(a) establish that the extent to which the regulations promote or impede the ability of communities to meet the transportation needs of government, civic, charitable, and other community activities which otherwise would not be served in a cost-effective and efficient manner;

(b) recommend to Congress a report recommending to improve current charter service regulations.

SEC. 305. MODIFIED MS SERVICE TO ACCOMMODATE THE NEEDS OF STUDENTS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Southeastern Pennsylvania Transportation Authority for operating assistance under section 9(k)(2)(A) of the Federal Transit Act without limitation. The limitation of operating assistance under section 9(k)(1) or such Act shall not apply to funds made available under this section.

SEC. 306. FORGIVENESS OF CERTAIN OUTSTANDING OBLIGATIONS.—Notwithstanding the fifth sentence of section 4113 of the Federal Transit Act, the outstanding balance on any agreement number PA-03-9002 made to the Southeastern Pennsylvania Transit Authority.

SEC. 307. ELIGIBILITY DETERMINATIONS FOR UNIVERSITY GAMES.—Nothing in the Federal Transit Act, including the regulations issued to carry out such Act, shall be construed to prohibit the use of buses acquired or operated with Federal assistance under such Act to provide tripper bus service in New York City, New York, to accommodate the needs of students, if such buses carry normal designations and clear markings that such buses are open to the general public. For the purposes of this section, the term "tripper bus service" shall have the meaning that has on the date of the enactment of this Act in regulations issued pursuant to the Federal Transit Act and shall include the operation by express buses operating along regular routes and as indicated in published route schedules.

SEC. 308. MILWAUKEE ALTERNATIVES ANALYSIS APPROVAL.—Not later than January 15, 1992, the Secretary shall enter into an agreement with the Wisconsin Department of Transportation to undertake an alternatives analysis for the East-West Central Milwaukee Corridor. The alternatives analysis shall be funded entirely from non-Federal sources.
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TITLE IV—MOTOR CARRIER ACT OF 1991

SEC. 4001. SHORT TITLE.

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

SEC. 4002. MOTOR CARRIER SAFETY GRANT PROGRAM AMENDMENTS.

(a) Contingency State Plans.—Section 402(b)(1) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2302(b)(1)) is amended by striking subsection (C) and inserting the following new subsection:

"(C) ensures that the Federal share of the cost of the enforcement activities being provided shall be used for the enforcement of commercial motor vehicle safety regulations to ensure compliance of such motor vehicles with Federal, State, and local traffic safety and hazardous materials transportation safety regulations; and"

(b) Enforcement of Substantial Violations.—Section 402(d)(2) of such Act is amended—

(1) by striking "every inspection" and inserting "the inspection"; and

(2) by inserting "on or after the date of the inspection" after "in contravention of".

(c) Improving Enforcement of Controlled Substances and Hazards Materials.—Subsection (e) of section 402 of such Act is amended—

(1) by striking paragraph (2) and inserting the following new paragraph:

"(2) by striking the period after subparagraph (E) and inserting "and;"

(2) by striking subparagraph (F) and inserting the following new subparagraph:

"(F) the Secretary, in promoting a reduction in the abuse of alcohol and controlled substances by commercial motor vehicle drivers which arc

on duty in interstate commerce, including the checking of the status of commercial drivers' licenses; and

(3) by striking subparagraph (G) and inserting the following new subparagraph:

"(G) the Secretary, in promoting a reduction in the abuse of alcohol and controlled substances by commercial motor vehicle drivers which are on duty in interstate commerce, including the checking of the status of commercial drivers' licenses; and

(4) by striking subparagraph (H) and inserting the following new subparagraph:

"(H) the Secretary, in promoting a reduction in the abuse of alcohol and controlled substances by commercial motor vehicle drivers which are on duty in interstate commerce, including the checking of the status of commercial drivers' licenses; and

(5) by striking subparagraph (I) and inserting the following new subparagraph:

"(I) the Secretary, in promoting a reduction in the abuse of alcohol and controlled substances by commercial motor vehicle drivers which are on duty in interstate commerce, including the checking of the status of commercial drivers' licenses; and

(d) Federal Share.—Section 403 of such Act (49 U.S.C. App. 2304) is amended by striking paragraph (2) after the word "subparagraph" and inserting the following:

"(2) the Federal share for any inspection shall be determined by the Secretary in accordance with this subsection, after considering the activities and costs of the State in the inspection, and may include--".

(e) Appropriations.—Section 404 of such Act (49 U.S.C. App. 2306) is amended—

(1) by striking the period at the end of subsection (a) and inserting ";";

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) the funds made available by this section shall remain available for obligations incurred under this section for the fiscal year beginning after September 30, 1992, not to exceed $1,500,000 for each of fiscal years 1993, 1994, and 1995 or as soon thereafter as is practicable, for the purposes of section 405."

(f) Administrative Expenses; Allocation Criteria.—

(1) Deduction for Administrative Expenses.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary may deduct, for administration of this section for that fiscal year, the lesser of 15 percent of the funds made available by this section for that fiscal year by subsection (a)(2) or 60 percent of the funds made available by this section for that fiscal year by subsection (a)(2). At least 75 percent of the funds so deducted for administration shall be used for the operation of non-Federal agencies and the development of related training materials, to carry out the purposes of section 405.

(2) Allocation Criteria.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary may reallocate not less than 1,500,000 to make grants to States for the purpose of carrying out the purposes of section 402. At least 75 percent of the funds so reallotted to make grants to States shall be used by the Secretary for the purposes of section 405.

(g) Applicability of Subsection.—This section shall be applied to the fiscal year beginning after September 30, 1992.
”(e) Licensing Requirements.—The Secretary shall obligate funds made available by subsection (a)(2) not less than $1,000,000 for each of fiscal years 1993, 1994, and 1995 to increase enforcement of the licensing requirements of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2701 App. et seq.) by motor carrier safety assistance program officers and employees, including the costs of recruiting, training, and conducting inspections to check the current status of licenses issued pursuant to such Act.

“(f) Research and Development.—The Secretary shall obligate from funds made available by subsection (a)(2) not less than $500,000 for any fiscal year for research, development, and demonstration of technologies, methodologies, analyses, or information systems designed to promote the purposes of section 462 and which are beneficial to all jurisdictions. Such funds shall be announced publicly and awarded competitively, whenever practicable, to any eligible State for up to 100 percent of the State costs, or to other persons as determined by the Secretary.

“(g) Payments to States.—Section 494 of such Act is further amended by adding at the end the following new subsection: “(a) Payments to States. The Secretary shall make payments to a State of costs incurred by it under this section and section 402, as well as to motor carriers within the State. Payments shall not exceed the Federal share of costs incurred as of the date of the voucher.”

(1) Motor Carrier Safety Functions.—There is authorized to be appropriated for the motor carrier safety functions of the Federal Highway Administration $401,000 for fiscal year 1992.

(2) New Formula for Allocation of Funds.—Not later than 6 months after the date of this Act, the Secretary, by regulation, shall develop and implement a new formula and process for the allocation among eligible States of the funds made available by this Act that are intended to support the motor carrier safety assistance program. In conducting such a revision, the Secretary shall take into account ways to provide incentives to States that demonstrate innovative, successful, cost-effective, or cost-effective programs to promote commercial motor vehicle safety and hazardous materials transportation safety. In particular, the Secretary shall place special emphasis on incentives to States that conduct traffic safety enforcement activities that are coupled with motor carrier safety inspections. Pursuant to the revised formula, the Secretary shall also take into account ways to provide incentives to States that increase compatibility of State commercial vehicle safety and hazardous materials transportation regulations with the Federal safety regulations and promote other factors intended to improve the effectiveness and efficiency that the Secretary determines appropriate.

(3) Interstate Compatibility.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall issue final regulations specifying tolerance guidelines and standards for ensuring compatibility of commercial motor vehicle safety law and regulations with the Federal motor carrier safety regulations under the motor carrier safety assistance program.

Such guidelines and standards shall, to the extent practicable, maximize compatibility while ensuring the degree of uniformity that will not diminish transportation safety. In the review of State plans and the grant application submitted under section 135 of title 23, United States Code, as added by this Act, the Secretary shall ensure that such guidelines and standards are applied with consistency with respect to States and across modal lines and standards for ensuring compatibility.

“(h) Commercial Motor Vehicle Information System.—

(1) Information System.—

(1) Registration Systems Review.—Not later than 1 year after the effective date of this section, the Secretary, in cooperation with the States, shall conduct a review of State motor vehicle registration systems pertaining to license fees for commercial motor vehicles in order to determine whether or not such systems could be utilized in carrying out this section.

(2) Establishment.—The Secretary, in cooperation with the States, may establish, as part of the motor carrier safety information network system of the Department of Transportation and an existing State or national clearinghouse and depository of information that will serve as a clearinghouse and depository of information pertaining to the registration and licensing of commercial motor vehicles and the safety fitness of the registrants of such vehicles.

“(j) Operation.—Operation of the information system established under paragraph (3) shall be paid for by a system of user fees.

(2) Drafting Instruction Manuals; 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 States.

(3) Data Collection and Reporting Standards.—The Secretary shall establish standards for data collection and reporting by all States necessary to carry out this section and to ensure the availability and reliability of the information to the Secretary and the States. Such standards shall include the following:

(a) The following categories of information on the safety fitness of the registrant of the commercial motor vehicle and such other information as the Secretary considers appropriate, including data on vehicle inspections and out-of-service orders.

(b) The Secretary shall carry out a project to demonstrate methods of establishing an information system which will link the motor carrier safety information network system that shall be established under part A of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301-2305) and the clearinghouse and depository of information on the safety fitness of the registrant of the commercial motor vehicle and such other information as the Secretary determines appropriate, including data on vehicle inspections and out-of-service orders.

(c) The Secretary shall make grants to States to carry out the project to demonstrate methods of establishing an information system which will link the motor carrier safety information network system that shall be established under part A of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301-2305) and the clearinghouse and depository of information on the safety fitness of the registrant of the commercial motor vehicle and such other information as the Secretary determines appropriate, including data on vehicle inspections and out-of-service orders.

(2) to determine the types of sanctions the Secretary shall make, to the extent feasible, with the States to implement the recommendations referred to in subsection (a), including—

(d) Drafting Instruction Manuals;

(e) Training appropriate State and local officers, including training on accident investigation techniques to determine the probable cause of accidents;

(f) Analyzing and evaluating safety data so as to develop, if necessary, recommended changes to existing safety programs that more effectively would address the causes of truck and bus accidents; and

(g) Such other activities as the Secretary determines are appropriate to carry out the objectives of this section.

(3) Coordination.—The Secretary shall coordinate grants made under this section with the highway safety programs bringing States to carry out the purposes of the Uniform Data Collection and Reporting Program carried out under such section.

(d) Report.—Not later than January 1, 1992, the Secretary shall prepare and submit to Congress a report assessing the cost and benefits and feasibility of the information system established under this section and, if the Secretary determines that such system would be beneficial on a nationwide basis, including recommendations on legislation for the nationwide implementation of such system. Such report shall be included in the budget of the United States submitted to Congress for fiscal year 1992.

(e) Funding.—Funds necessary to carry out this section may be made available by the Secretary as provided in section 409(g)(2) of this title.

“Commercial Motor Vehicle Defined.—For purposes of this section, the term "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in commerce to transport passengers or property—

(1) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(2) if such vehicle is designed to transport more than 16 passengers, including the driver;

(3) if such 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. 2011 et seq.) and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act.”

SEC. 404. Truck and Bus Accident Data Grant Program.

A title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301-2305) is further amended by adding at the end the following new section:

“SEC. 405. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.

A section 494(b) of this title, is further amended by adding at the end the following new section:

“SEC. 406. SINGLE STATE REGISTRATION SYSTEM.

Such Act is further amended by adding at the end the following new section:

“SEC. 407. COMMERCIAL VEHICLES FORMATION REGISTRATION SYSTEM.

SEC. 408. COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM.

SEC. 409. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.

SEC. 410. SINGLE STATE REGISTRATION SYSTEM.

Section 11598 of title 49, United States Code, is amended to read as follows:

SEC. 411. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.

SEC. 412. COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM.

SEC. 413. SINGLE STATE REGISTRATION SYSTEM.

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"S"11593. Registration of motor carriers by a State

(a) Definition.—In this section, the terms "standards," "amended standards," "annually," and "procedures required by regulations of the Interstate Commerce Commission to provide the lawfulness of transportation by a motor carrier referred to in section 10521(a)(1) and (2) of this title.

(b) General Rule.—The requirement of a State that a motor carrier keep a diarization record of, and to pay the fees imposed by, regulations of the Interstate Commerce Commission that are applicable to the State and that are binding on the State and that are in effect on the date of enactment. Such regulations shall take effect by January 1, 1994.

(c) Effective Date of Amendments.—Amendments prescribed under this subsection shall take effect by January 1, 1994.

(d) Interpretation Authority of Commissioner.—Except as otherwise provided in this section, the Commissioner shall be the final authority on any interpretation of this Act.

(e) Limitations.—(1) Commercial motor vehicles combinations whose operations in a State are not prohibited under paragraphs (2) and (3) of this subsection may continue to operate in such State on the highways described in paragraph (1) and (2) of this subsection, except that such restrictions or prohibitions shall be consistent with the requirements of this section and of section 412 and section 416 (a) and (b) of this Act. Any State further restricting or prohibiting the operation of commercial motor vehicle combinations or making such restrictions or prohibitions subject to this subsection, except that such restrictions or prohibitions shall be consistent with the requirements of this section and of section 412 and section 416 (a) and (b) of this Act.

(f) List of State Length Limitations.—In the Federal Register, consisting of all information submitted by the Secretary to the Commissioner on June 1, 1991, or after such action and the Secretary shall publish a notice of such action in the Federal Register.

(g) Limitation of Service.—Within 60 days after the date of the enactment of this Act, the Secretary shall publish a notice of such action in the Federal Register, consisting of all information submitted by the Secretary to the Commissioner on June 1, 1991, or after such action and the Secretary shall publish a notice of such action in the Federal Register.

(h) Limitation of Service.—Within 60 days after the date of the enactment of this Act, the Secretary shall publish a notice of such action in the Federal Register, consisting of all information submitted by the Secretary to the Commissioner on June 1, 1991, or after such action and the Secretary shall publish a notice of such action in the Federal Register.
on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in actual operation on a regular or periodic basis on or before June 1, 1991.

(D) Final List.—Except as modified pursuant to subparagraph (B) or (E) of this subsection, the list shall be published as final in the Federal Register not later than 180 days after the enactment of this Act. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under subparagraph (B) or (E) of this subsection. Any combination of a truck tractor and two or more cargo carrying units, or any combination of a truck tractor and two or more cargo carrying units if such vehicles were in actual operation on a regular or periodic basis in the State (including seasonal operations) in that State on or before June 1, 1991, pursuant to subparagraph (B) or (E) of this subsection, shall make any revision necessary to correct inaccuracies identified under subparagraph (B) or (E) of this subsection before the date of enactment of this Act. In preparing the report, the Secretary shall solicit the views of interested persons, including those persons who are likely to be affected by the rulemaking proceedings. (2) Rulemaking Proceeding.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum training requirements for operators of longer combination vehicles. This training shall include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary.

(STUDY.—The Comptroller General shall make a study of the effectiveness of the efforts of the Secretary to require training of all entry level drivers of commercial motor vehicles. Such study shall include an assessment of on board computing devices, including an assessment of on board computers, anti-lock brakes, and anti-trailer under ride systems to determine the potential for increasing the safety of these technologies as applied to such vehicles.

REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and the Committee on Public Works and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the tests conducted under paragraph (1) to the Committee on Environment and the Committee on Public Works and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(c) Conforming Amendment.—Section 411(e)(1) of such Act is amended by striking "the Safe Highway System Act" and inserting "these highways of the Federal-aid primary system in existence on January 1, 1991.".
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(1) CONSULTATION REQUIREMENT.—The working group established under this section shall consult with members of the motor carrier industry in carrying out subsection (a).

(2) REPORTS.—Not later than 24 months after the date of the enactment of this Act, the working group, under such section shall transmit a report to the Secretary, to the Committee on Commerce, Science, and Transportation of the Senate, to the Committee on Public Works and Transportation of the Senate, and to the Committee on the Judiciary of the House of Representatives, to those States participating in the International Registration Plan in 1991, and those States participating in the International Fuel Tax Agreement and for the purpose of facilitating participation in such plan: and

(a) the purpose of facilitating participation in such plan: and

(3) the purpose of facilitating participation in such plan: and

(b) the expiration of the 365-day period beginning on the first day that the corresponding compliance with such amendment is required of States that are participating in such Agreement, or

(c) the expiration of the 365-day period beginning on the day the relevant official of the Secretary or the working group, as applicable, submits joint recommendations concerning the matters referred to in subsection (a). After transmission of such report, the working group may request that the Secretary provide such findings and conclusions and the joint recommendations as appropriate and transmit a report containing such modifications to the Secretary and such committees.

(3) The report shall contain a detailed statement of the findings and conclusions of the working group, together with its joint recommendations concerning the matters referred to in subsection (a). After transmission of such report, the working group may request that the Secretary provide such findings and conclusions and the joint recommendations as appropriate and transmit a report containing such modifications to the Secretary and such committees.

SEC. 4009. VIOLATIONS OF OUT-OF-SERVICE ORDERS.

(a) Federal Regulations.—The Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2701-2716) is amended by adding at the end the following new section:

"SEC. 12020. VIOLATION OF OUT-OF-SERVICE ORDERS.

(1) Any operator of a commercial motor vehicle who is found to have committed a first violation of an out-of-service order shall be disqualified for a period of not less than 1 year and shall be subject to a civil penalty of not less than $1,000; and

(b) Any employer that knowingly fails, prevents, authorizes, or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall be subject to a civil penalty of not more than $10,000.

(3) Deadlines.—The regulations required under subsection (a) shall be developed pursuant to a rulemaking proceeding initiated within 2 years after the enactment of this section and shall be published not later than 12 months after such date of enactment.

SEC. 410. EXEMPTION OF CUSTOM HARVESTING FARM MACHINERY.

Section 12019(b) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2708(a)(21)) is amended by inserting "and section 12019(b)" before the period at the end.

SEC. 411. COMMON CARRIERS PROVIDING TRANSPORTATION FOR CHARITABLE PURPOSES.

Section 12019(b) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716(b)), relating to the definition of motor vehicle, is amended by inserting "or custom harvesting farm machinery" before the period at the end.

SEC. 1002. Extension of Federal Registration Plan.

Section 4011 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2708(a)(21)) is amended by inserting "and section 12019(b)" before the period at the end.
"(A) a totally blind individual and an accompanying guide or a dog trained to guide the individual; (B) a disabled individual and an accompanying guide or a dog trained to assist the individual, or both, when required because of disability; or (C) a hearing-impaired individual and a dog trained to assist the individual."

SEC. 202. BRAKE PERFORMANCE STANDARDS.

(a) INITIATION OF RULEMAKING.—Not later than May 31, 1993, the Secretary shall initiate rulemaking concerning methods for improving the performance of new commercial motor vehicles, including truck tractors, trailers, and their dollies. Such rulemaking shall include an examination of an interlock scheme for improving brake performance, compatibility, and methods of ensuring effectiveness of brake timing.

(b) LIMITATION WITH RESPECT TO RULES.—Any rule which the Secretary determines to issue regarding improved braking performance pursuant to the rulemaking initiated under this section shall take into account the need for such vehicles to remain compatible with other types of vehicles, shall include articulated vehicles and their manufacturers.

(c) RULEMAKING PROCEDURE.—Any rulemaking under this section shall, consistent with section 229 of the Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2519(b)), be carried out pursuant to, and in accordance with, the notice and comment and Motor Vehicle Safety Act of 1966.

(d) COMPLETION OF RULEMAKING.—The Secretary shall complete the rulemaking within 18 months of the date of the notice, except that the Secretary may extend that period for an additional 6 months after giving notice in the Federal Register of the need for such an extension. Such extension shall not be reviewable.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Secretary under this Act (or preventing the Secretary) from simultaneously initiating a rulemaking concerning methods for improving brake performance in the case of vehicles, other than new manufactured commercial motor vehicles, and for considering the necessity for effective enforcement of any rule relating to any such performance, as part of the rulemaking proceeding and for considering the reliability, maintainability, and durability of any brake equipment.

(f) COMMERCIAL MOTOR VEHICLE DEFINED.—For purposes of this section only, the term "commercial motor vehicle" means any self-propelled or towed vehicle used on highways to transport passengers or property if such vehicle has a gross vehicle weight rating of 26,001 or more pounds.

SEC. 203. DATA COLLECTION POSITIONS.

To help implement the purposes of this title, the Secretary, in fiscal year 1992 shall employ and maintain thereafter 2 additional employees at the headquarters of the Federal Highway Administration in excess of the number of employees authorized for fiscal year 1991 for the Federal Highway Administration.

SEC. 204. COMPLIANCE REVIEW PANEL.

If the Secretary identifies a pattern of violations of State or local traffic safety laws or regulations, Federal occupational safety rules, regulations, standards, or orders, among the drivers of commercial motor vehicles employed by a particular motor carrier, the Secretary shall require that carrier to appoint a safety review panel to determine whether the patterns of violations identified are the result of serious safety deficiencies. Such safety review panel shall include representatives of the Federal, State, and local governments, the motor carrier, and the affected employees. The review panel shall prepare a report setting forth its findings and recommendations to the Secretary.

SEC. 205. SURFACE TRANSPORTATION ADMINISTRATION.

(a) GRANTS.—The Secretary shall make grants to States for the purpose of developing model State intermodal transportation plans under this section which are consistent with the policies set forth in section 302(b) of title 49, United States Code. Such model plans shall include systems for collecting data relating to intermodal transportation, and shall set forth the model for intermodal transportation plans, procedures, and execution.

(b) TRANSMITTAL OF PLANS.—As a condition to receiving a grant under this section, the Secretary shall require each State to provide assurances that the State will transmit to the Secretary a State intermodal transportation plan not later than 18 months after the date of the enactment of this Act.

(c) AGGREGATE AMOUNT.—The Secretary shall reserve, from amounts deducted under section 104(a) of title 23, United States Code, $50,000 for purposes of making grants under this section. The aggregate amount which a State may receive in grants under this section shall not exceed $500,000.

SEC. 206. NATIONAL GOAL TO PROMOTE INTERMODAL TRANSPORTATION.

It is the national goal of the United States to provide the foundation for improved productivity, employment, reduce costs, and improve intermodal transportation. Based on such investigation and study, the Commission shall make recommendations for carrying out the responsibilities of the Secretary described in section 301(3) of title 49, United States Code.

SEC. 207. OFFICE OF INTERMODALISM.

(a) DUTIES OF SECRETARY.—Section 301 of title 49, United States Code (relating to leadership, consultation and cooperation) is amended by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively, and by inserting after paragraph (2) the following new paragraph: (3) coordinate Federal policy on intermodal transportation and initiate policies to promote efficient intermodal transportation in the United States and metropolitan planning organizations.

(b) INTERMODAL TRANSPORTATION ADVISORY BOARD.—

(1) ESTABLISHMENT.—There shall be established within the Office of the Secretary an Intermodal Transportation Advisory Board.

(2) MEMBERSHIP.—The Intermodal Transportation Advisory Board shall consist of the Secretary, or his or her designee, and representatives of the following:

(A) the Federal Highway Administration; (B) the Federal Aviation Administration; (C) the Maritime Administration; (D) the Federal Railroad Administration; and (E) the Federal Transit Administration.

(3) FUNCTIONS.—The Intermodal Transportation Advisory Board shall provide recommendations for carrying out the responsibilities of the Secretary described in section 301(3) of title 49, United States Code.

(a) COFFICE OF INTERMODALISM.—There is established within the Office of the Secretary an Office of Intermodalism.

(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 6 months after the date of the enactment of this Act.

(c) FUNCTION.—The Director shall be responsible for carrying out the responsibilities of the Secretary described in section 301(3) of title 49, United States Code.

(4) INTERMODAL TRANSPORTATION DATA COLLECTING, MAINTENANCE, AND DISSEMINATION.—There is established within the Office of the Secretary a Federal data base to collect, maintain, and disseminate intermodal transportation data through the Bureau of Transportation Statistics. The Director shall coordinate the collection of data through the Bureau of Transportation Statistics and provide for the issuance of standards and guidelines for intermodal transportation data. The database shall include:

(A) information on the volume, value, and type of goods transported by intermodal means; and (B) information on the number of people transported on intermodal means.

The Director shall make information from the database available to the public.

(5) RESEARCH.—The Director shall be responsible for coordinating Federal research on intermodal transportation in accordance with the plan developed pursuant to section 601(b)(2) of this Act and for carrying out additional research needed identified by the Director.

(a) TECHNICAL ASSISTANCE.—The Director shall provide technical assistance to States and to metropolitan planning organizations, for urban areas having a population of 100,000 or more in collecting data relating to intermodal transportation, and to facilitate the collection of such data by such States and metropolitan planning organizations.

(b) ADMINISTRATIVE AND CLERICAL SUPPORT.—The Director shall provide administrative and clerical support to the Intermodal Transportation Advisory Board.

SEC. 208. METROPOLITAN INTERMODAL TRANSPORTATION PLANS.

(a) GRANTS.—The Secretary shall make grants to States for the purpose of developing model State intermodal transportation plans under this section which are consistent with the policies set forth in section 302(b) of title 49, United States Code. Such model plans shall include systems for collecting data relating to intermodal transportation, and shall set forth the model for intermodal transportation plans, procedures, and execution.

(b) TRANSMITTAL OF PLANS.—As a condition to receiving a grant under this section, the Secretary shall require each State to provide assurances that the State will transmit to the Secretary a State intermodal transportation plan not later than 18 months after the date of the enactment of this Act.

(c) AGGREGATE AMOUNT.—The Secretary shall reserve, from amounts deducted under section 104(a) of title 23, United States Code, $50,000 for purposes of making grants under this section. The aggregate amount which a State may receive in grants under this section shall not exceed $500,000.

SEC. 209. SURFACE TRANSPORTATION ADMINISTRATION.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Public Administration to conduct a study of options for organizing the Department of Transportation to increase the effectiveness of program delivery and results. The report of the study shall coordinate among surface transportation-related agencies.

(b) REPORT.—The Secretary shall report to Congress on the findings of the study, continued under subsection (a) and recommend appropriate organizational changes no later than January 1, 1993. No organizational changes shall be implemented until such changes are approved by law.

SEC. 210. NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION.

(a) ESTABLISHMENT.—There is established a National Commission on Intermodal Transportation.

(b) FUNCTION.—The Commission shall make a complete investigation and study of intermodal transportation in the United States and internationally. The Commission shall determine the status of intermodal transportation, the problems that exist with intermodal transportation, and the resources that are needed for achieving intermodal transportation. Based on such investigation and study, the Commission shall recommend changes which should be adopted to achieve the national goal of an efficient intermodal transportation system.

(c) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall specifically investigate and study the following:
(1) INTERMODAL STANDARDIZATION.—The Commission, in coordination with the National Academy of Sciences, shall examine current and potential impediments to intermodal standardization in specific elements of the transportation system. The Commission shall evaluate the potential benefits and relative priority of standardization in each such element and the time period and investment necessary to adopt such standards.

(2) INTERMODAL IMPACTS ON PUBLIC WORKS INFRASTRUCTURE.—The Commission shall examine current and projected market for intermodal transportation, and how such traffic flows affect infrastructural development that will be required to accommodate intermodal transportation, particularly with respect to surface transportation access to airports and ports.

(3) LEGAL IMPEDEMENTS TO EFFICIENT INTERMODAL TRANSPORTATION.—The Commission shall identify legal impediments to efficient intermodal transportation. Specifically, the Commission shall study the relationship between federal, state, and local regulations and state policies for individual modes of transportation and intermodal transportation efficiency.

(4) FINANCIAL ISSUES.—The Commission shall examine impediments to the efficient financing of intermodal transportation improvements. In carrying out such examination, the Commission shall examine (A) the current use of existing sources of funds for connecting individual modes of transportation and for accommodating transfers between such modes, and (B) the use of alternative methods of financing making such improvements. The Commission shall examine current methods of public funding, the desirability of increased flexibility in the use of amounts in Federal transportation trust funds, and increased use of private sources of funding.

(5) NEW TECHNOLOGIES.—The Commission shall study new technologies for improving intermodal transportation and problems associated with incorporating these new technologies into the intermodal transportation system.

(6) DOCUMENTATION.—The Commission shall study problems in documentation resulting from intermodal transfers of freight and cargo, and for accommodating transfers between such modes, and (B) the use of innovative solutions to accommodate these transfers.

(7) RESEARCH AND DEVELOPMENT.—The Commission shall identify the areas relating to intermodal transportation for which continued research and development is needed after the report required by this section is completed, and propose an agenda for carrying out such research and development.

(8) PRODUCTIVITY.—The Commission shall consider the effect of intermodal transportation to transportation rates, transportation costs, and economic productivity.

(9) MEMBERSHIP.—

(A) APPOINTMENT.—The Commission shall be composed of 11 members as follows: (1) the representative appointed by the Speaker of the House of Representatives; (2) members appointed by the minority leader of the House of Representatives; (3) members appointed by the majority leader of the Senate; (4) members appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Members appointed pursuant to paragraph (1) shall be appointed individuals interested in or representing transportation providers, shippers, labor, the financial community, and consumers.

(C) APPOINTMENT.—The Commission shall be appointed for the life of the Commission.

(D) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(E) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

(9) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(10) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(11) ADMINISTRATIVE SUPPORT SERVICES.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(12) OBTAINING OFFICIAL DATA.—The Commission shall obtain, directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry on its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(13) REPORT AND PROPOSED NATIONAL INTERMODAL TRANSPORTATION PLAN.—Not later than September 30, 1993, the Commission shall transmit to Congress a final report on the results of the investigation, and study conducted under this section. The report shall include recommendations of the Commission for implementing the policy set forth in section 402 of title 23, United States Code, including a proposed national intermodal transportation plan and a proposed agenda for implementing the plan.

(14) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under subsection (f). All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the National Archives.
(b) MINIMUM EXPENDITURES ON LONG-TERM RESEARCH PROJECTS.—Not less than 15 percent of the funds made available under this paragraph shall be expended on long-term research projects which are unlikely to be completed within the phase of contract authority for the fiscal year for which they are appropriated and for which the Secretary shall transmit to Congress a report containing such determination on or before July 1, 1992.

(C) The Secretary shall determine whether or not to initiate a construction equipment research and development program directed toward the reduction of costs associated with the construction of highways and mass transit systems. The Secretary shall transmit to Congress a report containing such determination on or before July 1, 1992.

(4) ADMINISTRATION OF FUNDS.—Funds which are subject to paragraph (1) shall be combined and administered by the Secretary as a single fund which shall be available for obligations for the same period as funds apportioned under section 104(b)(1) of this title.

(5) MANDATORY CONTENTS OF RESEARCH PROGRAM.—

(a) INCLUSION OF CERTAIN STUDIES.—The Secretary shall include in the highway research program under subsection (a) studies of economic highway geometrics, structures, and desirable size and weight standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards. The highway research program shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects.

(b) EXPERIMENTAL RESULTS.—

(A) IMPLEMENTATION.—The highway research program under subsection (a) shall include a coordinated long-term program of research for the development of new and innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of existing infrastructure facilities. The Institute may 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 department employees, State and local police, public safety and motor vehicle employees, and United States citizens and foreign nationals engaged or to be engaged in highway work of interest to the United States.

(b) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds which are appropriated to a State for a fiscal year and are subject to paragraph (1) shall be expended by the State for research, development, and technology transfer activities necessary in connection with the planning, design, construction, and maintenance of highways, public transportation, and intermodal transportation systems and study, research, and training activities for the development and conduct of education and training programs relating to highways.

(c) TYPES OF PROGRAMS.—Programs which the Institute may develop and administer may include 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.

(d) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 15 percent of the funds which are appropriated to a State for a fiscal year and are subject to paragraph (1) shall be expended by the State for research, development, and technology transfer activities necessary in connection with the planning, design, construction, and maintenance of highways, public transportation, and intermodal transportation systems and study, research, and training activities for the development and conduct of education and training programs relating to highways.

§321. National Highway Institute

(a) ESTABLISHMENT; DUTIES; PROGRAMS.—

(A) ESTABLISHMENT.—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute (hereinafter in this section referred to as the 'Institute').

(B) DUTIES.—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 department employees, State and local police, public safety and motor vehicle employees, and United States citizens and foreign nationals engaged or to be engaged in highway work of interest to the United States. The Secretary shall administer, through the Institute, 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.

(c) TYPES OF PROGRAMS.—Programs which the Institute may develop and administer may include 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.

(d) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds which are appropriated to a State for a fiscal year and are subject to paragraph (1) shall be expended by the State for research, development, and technology transfer activities necessary in connection with the planning, design, construction, and maintenance of highways, public transportation, and intermodal transportation systems and study, research, and training activities for the development and conduct of education and training programs relating to highways.
Institute is also authorized to carry out its activities or cooperate with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), any other national or international entity, or any other person.

(c) Collection of Fees.—

(1) General Rule.—The Institute may, in accordance with this subsection, assess and collect fees solely to defray the costs of the Institute in developing and administering education and training programs under this section.

(2) Limitation.—Fees may be assessed and collected under this subsection only in a manner which may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount which does not exceed the aggregate amount of the costs referred to in paragraph (1) for the fiscal year.

(3) Persons Subject to Fees.—Fees may be assessed and collected under this subsection only with respect to:

(a) entities for whom education or training programs are developed or administered under this section; and

(b) persons and entities to whom education or training is provided under this section.

(d) Amount of Fees.—The fees assessed and collected under this subsection shall be established in a manner which ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in paragraph (1) which relate to such person or entity.

(e) Funds.—The funds required to carry out this section may be assessed by the Institute only with respect to: 

(1) fees assessed under this subsection under the circumstances specified in section 104(a).

(f) Grants and Contracts.—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements made under the authority of this section.

SEC. 603. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM. 

Chapter 3 of title 23, United States Code, is amended by adding at the end of the following new section:

"325. International highway transportation outreach program.

(a) Authorization.—The Secretary is authorized to carry out a transportation assistance program that will provide highway and transportation assistance to American Indian tribal governments.

(b) Grants and Contracts.—The Secretary may make grants and enter into cooperative agreements for the purpose of providing technical and financial support for these centers, including:

(1) development, monitoring, assessment, and selection of locations at which tests will be conducted. Such guidelines shall ensure that the testing is conducted in a range of climatic, geographic, and environmental conditions, as appropriate for the technology being tested.

(2) development of guidelines for the selection of locations at which tests will be conducted. Such guidelines shall ensure that the selection of locations is based on climate, traffic, geographic, and environmental conditions, as appropriate for the technology being tested. 

(3) establishment, in cooperation with State transportation or highway departments and universities (A) urban technical assistance services, and (B) rural technical assistance programs.

(4) establish and provide technical assistance program centers.

(5) improve the efficiency and performance of existing bridges and the feasibility of, and costs and benefits associated with, replacing or retrofitting bridges and the feasibility of, and costs and benefits associated with, replacing or retrofitting bridges.

(6) offer those Federal Highway Administration technical services which cannot be readily obtained from the United States private sector to be incorporated into Federal Highway Administration programs and projects.

(b) Grants.—The funds required to carry out the provisions of this section shall be taken out of administrative funds deducted under section 104(a). The sum of $6,000,000 per fiscal year for each of the fiscal years beginning in 1995 and thereafter shall be set aside from such administrative funds for the purpose of providing technical and financial support for these centers, including:

(1) development, monitoring, assessment, and selection of locations at which tests will be conducted. Such guidelines shall ensure that the testing is conducted in a range of climatic, geographic, and environmental conditions, as appropriate for the technology being tested.

(2) development of guidelines for the selection of locations at which tests will be conducted. Such guidelines shall ensure that the selection of locations is based on climate, traffic, geographic, and environmental conditions, as appropriate for the technology being tested. 

(3) establishment, in cooperation with State transportation or highway departments and universities (A) urban technical assistance services, and (B) rural technical assistance programs.

(4) establishment, in cooperation with State transportation or highway departments and universities (A) urban technical assistance services, and (B) rural technical assistance programs.

(5) improve the efficiency and performance of existing bridges and the feasibility of, and costs and benefits associated with, replacing or retrofitting bridges and the feasibility of, and costs and benefits associated with, replacing or retrofitting bridges.

(6) offer those Federal Highway Administration technical services which cannot be readily obtained from the United States private sector to be incorporated into Federal Highway Administration programs and projects.
of bridges. Such projects shall be carried out by installing heating equipment on the decks of bridges which are being replaced or rehabilitated or on sections of this equipment is installed under this subsection in a fiscal year shall not exceed $2,500,000.

"(4) ELASTOMER MODIFIED ASPHALT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of Missouri to demonstrate the environmental and safety benefits of elastomer modified asphalt.

"(5) HIGH PERFORMANCE BLENDED HYDRAULIC CEMENT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of New Jersey to demonstrate the durability and construction efficiency of high performance blended hydraulic cement.

"(6) THIN BONDED OVERLAY AND SURFACE LAMINATION OF PAVEMENT.—As part of the program under this subsection, the Secretary shall carry out a project in the New York City Metropolitan Area to demonstrate the feasibility of and costs and benefits associated with the repair, rehabilitation, and lifespan of highways and bridges with overlay. Such projects shall be carried out so as to minimize overlap thickness, minimize initial laidown costs, minimize time out of service, and maximize lifecycle durability.

"(7) ALL WEATHER PavEMENT MARKINGS.—As part of the program under this subsection, the Secretary shall carry out a project to test technologies related to highways shall be carried out on highways on the Federal-aid system.

"(8) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States and localities in carrying out projects under this subsection.

"(9) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this subsection.

"(10) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall not exceed 80 percent.

"(11) FUNDING.—The Secretary shall expend from administrative and research funds authorized under section 104(a) of the Urban Mass Transportation Act of 1964 "$35,000,000 for fiscal years 1992 and $41,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, 1996, and 1997 under this subsection. Of such amounts, in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 the Secretary shall not expend less than $4,000,000 per fiscal year for research on bridge technologies under paragraph (1), not less than $2,500,000 per fiscal year to carry out projects related to thin bonded overlay and surface lamination of pavement systems (including industrywide aggregates and multiyear averages) of transportation-related information. Such statistics shall be used in different regions and for different time periods and to provide data collected under this subsection is controlled for accuracy and disseminated to the States and other interested parties.

"(12) COORDINATING COLLECTION OF INFORMATION.—In order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis,
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"(1) to authorize the Bureau to require any other department or agency to collect data and

(2) to provide the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

SEC. 6006. PROHIBITION ON CERTAIN DISCLOSURES.—Information compiled by the Bureau shall not be disclosed publicly in a manner that would reveal the personal identity of an individual consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade secrets or allow commercial or financial information provided by any person to be associated with such information.

SEC. 6007. TRANSPORTATION STATISTICS.—(a) Transportation Statistics Annual Report.—On or before January 1, 1994, and annually thereafter, the Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c), documentation of methods used to compile and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

(b) Performance of Functions of Director Pending Confirmation.—An individual who, on the date of the enactment of this section, is serving as a full-time officer of the Department to meet such needs and requirements, including the following:

(1) Data collection procedures and capabilities.

(2) Data analysis procedures and capabilities.

(3) Ability of data bases to integrate with one another.

(4) Computer hardware and software capabilities.

(5) Information management systems, including the ability of information management systems to integrate with one another.

(6) Availability and training of the personnel of the Department.

(7) Budgetary needs and resources of the Department for data collection.

(c) Report.—Not later than 18 months after the date of the agreement under subsection (a), the Director shall transmit to Congress a report on the results of the study under this section, including recommendations for improving the Department of Transportation's data collection systems, capabilities, procedures, and analytical hardware and software and recommendations for improving the Department's data collection systems.

SEC. 6008. SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT PLANNING.—(a) Finding.—Congress find that:

(1) despite an annual expenditure in excess of $10,000,000,000 on surface transportation and its infrastructure, the Federal Government has not developed a clear vision of—

(A) how the surface transportation systems of the 21st century will differ from the present;

(B) how they will interface with each other and with other forms of transportation;

(C) how such systems will adapt to changing American population patterns and lifestyles; and

(2) the role of federally funded research and development programs in promoting efficient surface transportation systems are developed and implemented;

(3) the population of the United States is projected to increase by over 30,000,000 people within the next 20 years, mostly in existing major metropolitan areas, which will result in increased traffic congestion with attendant traffic accidents, loss of productive time, and increased cost of transportation unless new technologies are developed to improve public transportation systems within cities and to move people and goods between cities;

(4) 19,000,000 crashes, 4,000,000 injuries, and 45,000 fatalities each year on the Nation's highways are intolerable and substantial research is required in order to develop safer technologies in their most useful and economic forms;

(b) Surface Transportation Research and Development Plan.—(1) Purpose.—The Secretary shall develop an integrated national surface transportation research and development plan (hereinafter in this subsection referred to as the "plan").

(2) Focus.—The plan shall focus on surface transportation systems needed for urban, suburban, and rural areas in the next decade.

(c) Contents.—The plan shall include the following:

(1) Details of the Department's surface transportation research and development programs, including appropriate funding levels and a schedule with milestones, preliminary cost estimates, appropriate work force size, and an estimated cost and goals for the next 3 years for each area of research and development.

(2) A 10-year projection of long-term programs in surface transportation research and development and recommendations for the appropriate source or mechanism for funding research and development funding, taking into account recommendations of the Research and Development Coordinating Council of the National Council on Surface Transportation and the plan of the National Council on Surface Transportation Research.

(3) Recommendations on changes needed in Federal, State, and local government procedures to encourage the adoption of advanced technologies developed as a consequence of the research programs in this Act.
offering potential benefit to the Nation’s surface transportation systems, and the relative priority of such research areas and plans, and develop a plan for national surface transportation research and development which includes short-range and long-range priorities.

(d) Membership.—
(1) Appointment.—The Council shall be composed of 7 members as follows:
(A) Three members appointed by the President.
(B) One member appointed by the Speaker of the House of Representatives.
(C) One member appointed by the minority leader of the House of Representatives.
(D) One member appointed by the majority leader of the Senate.
(E) One member appointed by the minority leader of the Senate.

(ii) Qualifications.—
(A) In general.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals involved in surface transportation research, including representatives of Federal, State, and local government, universities, public, private, and nonprofit research organizations, and organizations representing transportation providers, shippers, labor, and the financial community.
(B) International advisor.—One of the members appointed by the President pursuant to paragraph (1)(A) shall serve as an international research advisor for the Council.

(3) Terms.—Members shall be appointed for the life of the Council.

(4) Vacancies.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(5) Travel expenses.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) CHAIRMAN.—The Chairman of the Council shall be elected by the members.

(f) STAFF.—The Council may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Council, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Council to assist it in carrying out its responsibilities under this section.

(h) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Council, the Administrator of General Services shall provide to the Council, on a reimbursable basis, the administrative support services necessary for the Council to carry out its responsibilities under this section.

(i) OPENING OFFICIAL DATA.—The Council may secure directly from any department or agency of the United States information necessary for it to carry out its responsibilities under this section. Upon request of the Council, the head of that department or agency shall furnish that information to the Council.

(j) REPORTS.—The Council shall transmit to Congress a final report on the results of the investigation and study conducted under this section, including the recommendations of the Council, including a proposed national surface transportation research plan for immediate implementation.

(k) CONCLUSION.—The Council shall terminate on the 180th day following the date of transmittal of the report under subsection (j). All records and papers of the Council shall be delivered to the Administrator of General Services for deposit in the National Archives.

SEC. 6011. RESEARCH ADVISORY COMMITTEE.
(a) Establishment.—Not later than 180 days after the date of transmittal of the report to Congress under section 608, the Secretary shall establish an independent surface transportation research advisory committee (hereinafter referred to as the “advisory committee”).

(b) Purpose.—The advisory committee shall provide ongoing advice and recommendations to the Secretary on the needs, objectives, plans, approaches, content, and accomplishments with respect to short-term and long-term surface transportation research and development. The advisory committee shall also assist in ensuring that such research and development is coordinated with similar research and development being conducted outside of the Department of Transportation.

(c) Membership.—The advisory committee shall be composed of not less than 20 and not more than 30 members appointed by the Secretary from among individuals who are not employees of the Department of Transportation and who are specially qualified to serve in light of their education, training, or experience. A majority of the members of the advisory committee shall be individuals who have experienced, firsthand, the benefits of critical surface transportation research and development. The Secretary in appointing the members of the advisory committee shall consider the diversity of Full Members of Congress, acting Federal, State, and local governments, other public agencies, colleges and universities, public, private, and nonprofit research organizations, and organizations representing transportation providers, shippers, labor, and the financial community.

(d) PAY AND EXPENSES.—Members of the advisory committee shall serve without pay, except that the Secretary may allow any member, while engaged in the business of the advisory committee, a subordinate committee, travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) FUNCTION.—The Secretary shall establish a subordinate committee to the advisory committee to provide advice on advanced highway vehicle technology research and development. The Secretary shall also establish other subordinate committees to provide advice on specific areas of surface transportation research and development. Such subordinate committees shall be subject to subsections (e), (f), and (i) of this section.

(f) Assistance of Secretary.—Upon request of the advisory committee, the Secretary shall provide such information, administrative services, support staff, and supplies as the Secretary determines to be necessary for the advisory committee to carry out its functions.

(g) Reports.—The advisory committee shall, within 1 year after the date of establishment of the advisory committee, and annually thereafter, submit to the Congress a report summarizing its activities under this section.

(h) TERMINATION.—Section 11 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.
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memorize the vision of President Dwight D. Eisenhower in creating the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study under this section.

SEC. 6013. STATE LEVEL OF EFFORT.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary, in cooperation with the Bureau of Transportation Statistics, shall begin a comprehensive study of the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs.

(b) CONTENTS.—The study under subsection (a) shall include collection of data relating to State and local revenues collected and spent on surface transportation programs. Such revenues include income from fuel taxes, toll revenues (including bridge, tunnel, and parkway tolls), fees for permits, fines for violations of State and local laws, property taxes, fees for registration of vehicles, and other State and local revenues considered appropriate.

(c) CONTENTS.—The study under subsection (a) shall include identification of data collected and spent on surface transportation programs, determination of the accuracy of such data, and recommendations for improving the accuracy of such data.

(d) TIMING.—Not later than 18 months after the date of the enactment of this Act, and on or before November 30 of each year thereafter, the Secretary shall transmit to Congress a report on the results of the study under this section.

SEC. 6014. EVALUATION OF STATE PROCUREMENT PRACTICES.

(a) STUDY.—The Secretary shall conduct a study to evaluate whether or not current procurement practices of State governments are adequate to ensure that contracts awarded are in the best interest of the State and that the highest quality services are procured at the lowest overall cost.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with an assessment of the need for establishing a national policy on transportation procurement practices.

SECTIONS 6015. FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.

(a) STUDIES.—The Administrator of the Federal Highway Administration shall conduct studies of the fundamental chemical property and physical property of petroleum asphalts and modified asphalts used in highway construction in the United States. Such studies shall include:

(1) Fundamental physical and rheological property studies.

(2) Asphalt-aggregate interaction studies.

(b) CONTRACTS.—To carry out the studies under subsection (a), the Administrator shall enter into contracts with the Western States Strategic Highway Research Institute of the University of Wyoming in order to conduct the necessary technical and analytical research in coordination with existing programs which evaluate the actual performance of asphalts and modified asphalts in roadways, including the Strategic Highway Research Program.

(c) ANNUAL REPORT TO CONGRESS.—The Administrator shall annually report to Congress regarding the progress of the studies conducted under this section, including findings on activities conducted under this section, together with recommendations for changes in the National Highway System.

SEC. 6016. PURPOSES OF DEPARTMENT TRANSPORTATION AUTHORITY.

(a) STUDIES.—The Administrator shall conduct studies of the fundamental chemical property and physical property of petroleum asphalts and modified asphalts used in highway construction in the United States. Such studies shall include:

(b) CONTRACTS.—To carry out the studies under subsection (a), the Administrator shall enter into contracts with the Western States Strategic Highway Research Institute of the University of Wyoming in order to conduct the necessary technical and analytical research in coordination with existing programs which evaluate the actual performance of asphalts and modified asphalts in roadways, including the Strategic Highway Research Program.

(c) ANNUAL REPORT TO CONGRESS.—The Administrator shall annually report to Congress regarding the progress of the studies conducted under this section, including findings on activities conducted under this section, together with recommendations for changes in the National Highway System.

SEC. 6017. RESEARCH AND DEVELOPMENT AUTHORIZATION.

(a) FUNDING.—For the purposes of construction activities related to this test strip, the Administrator of the National Park Service shall make up to $1,000,000 available from amounts made available from the authorization for park roads and parkways.

(b) REPORT TO CONGRESS.—Not later than November 30, 1995, the Administrator shall transmit to Congress as part of a report on activities conducted under this subsection, including an evaluation of the test strip implemented under this subsection and recommendations for legislative actions to establish a national program to support United States transportation and energy security requirements.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the test strip implemented under this section.

SEC. 6018. PURPOSES OF DEPARTMENT TRANSPORTATION AUTHORITY.

(a) ADVANCED MOTOR VEHICLE RESEARCH AND DEVELOPMENT AUTHORITY.

(b) ESTABLISHMENT.—There is established a National Award for the Advancement of Motor Vehicle Research and Development. The award shall consist of a medal, and a prize of $50,000 for the purpose of recognizing the unique energy and environmental advantages of using shale oil modified asphalts under extreme climatic conditions.

(c) FUNDING.—For the purposes of construction activities related to this test strip, the Administrator of the National Park Service shall make up to $1,000,000 available from amounts made available from the authorization for park roads and parkways.

(d) REPORT TO CONGRESS.—Not later than November 30, 1995, the Administrator shall transmit to Congress as part of a report on activities conducted under this subsection, including an evaluation of the test strip implemented under this subsection and recommendations for legislative actions to establish a national program to support United States transportation and energy security requirements.

(e) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the test strip implemented under this section.

SEC. 6019. PURPOSES OF DEPARTMENT TRANSPORTATION AUTHORITY.

(a) ADVANCED MOTOR VEHICLE RESEARCH AND DEVELOPMENT AUTHORITY.

(b) ESTABLISHMENT.—There is established a National Award for the Advancement of Motor Vehicle Research and Development. The award shall consist of a medal, and a prize of $50,000 for the purpose of recognizing the unique energy and environmental advantages of using shale oil modified asphalts under extreme climatic conditions.

(c) FUNDING.—For the purposes of construction activities related to this test strip, the Administrator of the National Park Service shall make up to $1,000,000 available from amounts made available from the authorization for park roads and parkways.

(d) REPORT TO CONGRESS.—Not later than November 30, 1995, the Administrator shall transmit to Congress as part of a report on activities conducted under this subsection, including an evaluation of the test strip implemented under this subsection and recommendations for legislative actions to establish a national program to support United States transportation and energy security requirements.

(e) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the test strip implemented under this section.

SEC. 6018. PURPOSES OF DEPARTMENT TRANSPORTATION AUTHORITY.

(a) ADVANCED MOTOR VEHICLE RESEARCH AND DEVELOPMENT AUTHORITY.

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(c) FUNDING.—For the purposes of construction activities related to this test strip, the Administrator of the National Park Service shall make up to $1,000,000 available from amounts made available from the authorization for park roads and parkways.

(d) REPORT TO CONGRESS.—Not later than November 30, 1995, the Administrator shall transmit to Congress as part of a report on activities conducted under this subsection, including an evaluation of the test strip implemented under this subsection and recommendations for legislative actions to establish a national program to support United States transportation and energy security requirements.

(e) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the test strip implemented under this section.
be of such design and materials and bear inscriptions as is determined by the Secretary of Transportation.

"(b) PRESENTING AWARD.—The Secretary of Transportation shall periodically make and present the award to domestic motor vehicle manufacturers, suppliers, or Federal laboratories and, in the opinion of the Secretary, have substantially improved domestic motor vehicle development, energy savings, or environmental impact. No person may receive the award more than once every 5 years.

"(c) FUNDING.—The Secretary of Transportation may seek and accept gifts of money from private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, and only such money may be used for that purpose.

SEC. 28. NATIONAL TRANSIT INSTITUTE.

The Secretary shall conduct a study to evaluate the feasibility, costs, and benefits of constructing and operating pneumatic capsule pipelines for underground movement of commodities other than hazardous liquids and gas.

(b) ENERGY SAVINGS.—The Secretary shall conduct a study to evaluate the feasibility, costs, and joint use of rights-of-way, engineering, procurement strategies for transit systems,

SEC. 9. BUSES TESTING.

(a) DEPARTMENT OF NEW BUS MODEL.—Section 12(h) of the Urban Mass Transportation Act of 1984 (49 U.S.C. App. 1608(h)) is amended by inserting "including any model using alternative fuels" after "means a bus model".

(b) DUTIES OF BUS TESTING FACILITY.—Section 432(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (42 U.S.C. App. 1608 note) is amended—

(1) by inserting "including braking performance," after "fuel economy,

(2) by inserting "emissions," after "fuel economy,

(3) by inserting a new paragraph:

"(i) GRANT.—The Secretary shall make a grant to Monmouth College, West Long Branch, New Jersey, for modification and reconstruction of Building Number 50 at Monmouth College.

(4) by inserting "assurances from Monmouth College—

(5) by inserting "will be known and designated as the "James and Marlene Howard Transportation Information Center".

(6) by inserting new paragraphs:

"(ii) transportation-related instruction and research in the fields of computer science, electronic engineering, mathematics, and software engineering conducted at the building referred to in clause (i) will be coordinated with the Center for Transportation and Industrial Productivity at the New Jersey Institute of Technology.

SEC. 10. NATIONAL CENTER.—To the Secretary make grants under this section to the New Jersey Institute of Technology to establish and operate a center for transportation and industrial productivity. Such center shall conduct research and development activities which focus on methods to increase surface transportation capacity, reduce congestion, reduce costs of transit system users and providers through the use of transportation management systems.

SEC. 11. CENTER FOR TRANSPORTATION AND INDUSTRIAL PRODUCTIVITY.

(4) In general.—The Secretary shall make grants under this section to the New Jersey Institute of Technology to establish and operate a center for transportation and industrial productivity. Such center shall conduct research and development activities which focus on methods to increase surface transportation capacity, reduce congestion, reduce costs of transit system users and providers through the use of transportation management systems.

SEC. 12. NATIONAL CENTER.—To the Secretary make grants under this section to the New Jersey Institute of Technology to establish and operate a center for transportation and industrial productivity. Such center shall conduct research and development activities which focus on methods to increase surface transportation capacity, reduce congestion, reduce costs of transit system users and providers through the use of transportation management systems.
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focus on transportation-related manufacturing and engineering processes, materials, and equipment.

(12) GRANTS.—The Secretary shall make grants to the University of Idaho, Moscow, Idaho, for planning, design, and construction of a building in which the research and development activities of the National Center for Advanced Transportation Technology may be conducted.

(13) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated out of the Highway Trust Fund to the Mass Transit Account $2,500,000 for fiscal year 1992, $3,000,000 for fiscal year 1993, and $3,000,000 for fiscal year 1994 for making the grants under subparagraph (B).

(14) APPlicability of Title 23.—Funds authorized by subparagraph (C) shall be available for obligation in the same manner as if such funds were appropriated under chapter 1 of title 23, United States Code, except that the Federal share of the cost of activities conducted with the grant under subparagraph (B) shall not be more than 80 percent and such funds shall remain available until expended. Funds authorized by subparagraph (B) shall not be subject to any obligation limitation.

(15) APPLICABILITY OF GRANT REQUIREMENTS.—Any grant entered into under this paragraph shall not be subject to the requirements of subparagraph (B) of this section.

(16) PROGRAM COORDINATION.—

(a) IN GENERAL.—The Secretary shall provide a program of research, education, and technology transfer activities carried out by grant recipients under this subsection, the dissemination of the research, and the establishment and operation of a clearinghouse between such centers and the transportation industry. The Secretary shall review and evaluate the program carried out by such grant recipients at least annually.

(b) FUNDING.—Not to exceed 1 percent of the funds made available from Federal sources to carry out this subsection may be used by the Secretary to carry out this paragraph.

(17) OBLIGATION CEILING.—Amounts authorized out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection shall be subject to the obligations limitations discussed in section 102 of the Intermodal Surface Transportation Efficiency Act of 1991.

(18) ADMINISTRATION.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for each of the fiscal years 1992 through 1997. Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the projects.

SEC. 602. UNIVERSITY RESEARCH INSTITUTES.

Sec. 12. University Research Institutes.

(a) INSTITUTE FOR NATIONAL SURFACE TRANSPORTATION POLICY STUDIES.—The Secretary shall establish, and operate an institute for national surface transportation policy studies. Such institute shall—

(A) include both male and female students of diverse socioeconomic and ethnic backgrounds who are seeking careers in the development and operations of surface transportation programs; and

(B) conduct research and development activities to analyze ways of improving aspects of the development and operation of the Nation's surface transportation programs.

(b) INFRASTRUCTURE TECHNOLOGY INSTITUTES.—The Secretary shall make grants under this section to the National Institute of Standards and Technology, to the University of Texas at Austin, to the Georgia Institute of Technology, and to the University of Maryland for the development and management and study advanced materials and automated processes for construction and rehabilitation of public works facilities.

(c) USBURAN TRANSIT INSTITUTE.—The Secretary shall make grants under this section to the University of Minnesota, Center for Transportation Research and Education, the University of South Florida, and a consortium of Florida A and M, Florida State University, and Florida International University to establish and operate an interdisciplinary institute for the study and dissemination of techniques to address the diverse transportation problems of urban areas experiencing significant and rapid growth.

(d) INSTITUTE FOR INTELLIGENT VEHICLE-HIGHWAY CONCEPTS.—The Secretary shall make grants under this section to the University of Washington, Department of Civil Engineering, the Georgia Institute of Technology, the University of California, Berkeley, and the Texas Transportation Institute for the establishment and operation of a clearinghouse to the private sector. As appropriate, in carrying out the program under this part, the Secretary shall consult with the heads of other interested Federal departments and agencies and shall maximize the involvements of the private sector, colleges and universities, and State and local governments in all aspects of the program, including design, conduct (including demonstrations and maintenance), evaluation, and financial or in-kind participation.

(e) STANDARDS.—The Secretary shall develop and implement standards and protocols to promote the widespread use and evaluation of intelligent vehicle-highway systems technology as a component of the National's surface transportation systems.

(f) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were appropriated under chapter 1 of title 23, United States Code.

PART B—INTELLIGENT VEHICLE-HIGHWAY SYSTEMS ACT

SEC. 601. SHORT TITLE.

This part may be cited as the "Intelligent Vehicle-Highway Systems Act of 1991".

SEC. 602. ESTABLISHMENT AND SCOPE OF PROGRAM.

(a) ESTABLISHMENT.—Subject to the provisions of this part, the Secretary shall conduct a program to research, develop, and operationally test intelligent vehicle-highway systems throughout the States. In carrying out this subsection, the Secretary shall—

(A) include both male and female students of diverse socioeconomic and ethnic backgrounds who are seeking careers in the development and operations of surface transportation programs; and

(B) conduct research and development activities to analyze ways of improving aspects of the development and operation of the Nation's surface transportation programs.

(b) GOALS.—The goals of the program to be carried out under this part shall include, but not be limited to—

(1) the widespread implementation of intelligent vehicle-highway systems to enhance the capacity, efficiency, and safety of the Federal-aid highway system and to serve as an alternative to additional physical capacity of the Federal-aid highway system;

(2) the enhancement, through more efficient use of the Federal-aid highway system, of economic competitiveness, productivity, and quality-of-life competitiveness;

(3) the enhancement of safe and efficient operation of the Nation's surface transportation systems with a particular emphasis on aspects of systems that will increase safety and identification of aspects of the system that may degrade safety;

(4) the development and promotion of intelligent vehicle-highway systems and an intelligent vehicle-highway systems industry in the United States to contribute to the Nation's high technology and economic competitiveness and productivity by improving the free flow of people and commerce and by establishing a significant United States presence in an emerging national and international industry;

(5) the development of a technology base for intelligent vehicle-highway systems and the establishment of the capability to perform national tests carried out pursuant to section 139 of the Clean Air Act;

(6) the reduction of societal, economic, and environmental costs associated with traffic congestion; and

(7) the enhancement of United States industrial and economic competitiveness and productivity by improving the free flow of people and commerce and by establishing a significant United States presence in an emerging national and international industry.

(c) EVALUATION GUIDELINES.—The Secretary shall establish guidelines and requirements for the evaluation of field and related operational testing and development of intelligent vehicle-highway systems. The Secretary shall consider any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests shall provide a report to the Committee on the Environment and Public Works. Any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests shall provide a report to the Environment and Public Works Committee on the Environment and Public Works, any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests shall provide a report to the Committee on the Environment and Public Works.

SEC. 603. GENERAL AUTHORITY AND REQUIREMENTS.

(a) COOPERATION.—In carrying out the program under this part, the Secretary shall foster use of the program as a key component of the Nation's surface transportation systems and strive to transfer federally owned or patented technology to State and local governments and the United States private sector.

SEC. 604. DELEGATION OF AUTHORITY.

SEC. 605. INFORMATION CLEARINGHOUSE.

(a) ESTABLISHMENT.—The Secretary shall establish and maintain a repository for technical...
I and safety data collected as a result of
such information (except for proprietary
information and data) readily avail-
able to all users of the repository at an ap-
propriate cost.

DELEGATION OF AUTHORITY.—The Secretary
may delegate the responsibility of the
under this part to one or more advisory com-
mittees as specified in relevant
research, development and implement-
ation of intelligent vehicle-highway systems program to carry out this part. Any advisory
committee shall be subject to the
Advisory Committee Act. Funding for any such committee shall be
available from moneys appropriated for ad-
visory committees as specified in relevant
research, development and implementation
activities in connection with the intell-
ent vehicle-highway systems program.

STRATEGIC PLAN, IMPLEMENTATION, AND
REPORT TO CONGRESS.

STRATEGIC PLAN.—

DEVELOPMENT AND IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall, in consultation with the Advisory Committee, and in con-
junction with the guidelines developed pursuant to
section 654, submit to Congress a report on implementa-
tion of a plan for the intelligent vehicle-highway systems program.

(1) IVHS PROGRAMS.—The Secretary shall designate transportation corri-

dors in which intelligent vehicle-highway systems will be applied. Not later than 3 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report on implementation of the intelligent vehicle-highway systems program.

SCOPE OF REPORT.—The report shall—

(a) address antitrust, privacy, educational and training needs, patent, liability, stand-

ards, and other constraints, barriers, or con-

cerns relating to the intelligent vehicle-high-

way systems program;

(b) recommend legislative and administra-
tive actions necessary to further the pro-
gress of the intelligent vehicle-highway systems program; and

(c) address ways to further promote indus-

try and State and local government involve-

ment in the program.

(3) UPDATE OF REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress an update of the report under this subsection.

SEC. 653. TECHNICAL PLANNING, AND OPERATION OF ADVANCED TESTING PROJECT ASSISTANCE.

(a) TECHNICAL ASSISTANCE AND INFORMATION.—The Secretary may provide planning and technical assistance and information to States and local governments to use and evaluate intelligent vehicle-highway systems technologies. In doing so, the Secre-
tary shall assist State and local officials in
developing plans for areaside traffic man-
agement control centers, necessary laws per-
taining to establishment and implementa-
tion of such systems, and plans for infra-
structure systems and in conduct-
ing other activities necessary for the intelli-
gent vehicle-highway systems program.

(b) PLANNING GRANTS.—The Secretary may make grants to State and local governments for feasibility and planning studies for de-
velopment and implementation of intelli-
gent vehicle-highway systems. Such grants shall be made at such time, in such amounts, and subject to such conditions as the Secretary may determine.

(c) ELIGIBILITY OF CERTAIN TRAFFIC MANAGEMENT ENTITIES.—Any interagency, traffic control, or incident management entity, including independent public authorities or agencies, State and local government, or private entities, eligible to receive Federal assistance for the improvement of traffic management systems, may be a grant recipient.

(d) OPERATIONAL TESTING PROJECTS.—The Secretary may make grants to State and local governments, universities, and other persons, for operational tests relating to intelligent vehi-

cle-highway systems. In deciding which projects to fund under this subsection, the Secretary shall—

(1) give the highest priority to those projects that—

(a) will contribute to the goals and objec-
tives specified in plan developed under sec-

tion 654; and

(b) will minimize the relative percentage of Federal contributions (excluding funds appropriated under section 104 of title 23, United States Code) to total project costs; and

(2) seek to fund operational tests that ad-

vance the research, development, and im-

plementation of intelligent vehicle-highway systems technologies and investigated and of the results of the investigations which is consistent with the guidelines developed pursuant to
section 654.

(e) AUTHORITY TO USE FUNDS.—Each State and eligible local entity is authorized to use funds provided under this part for imple-
mentation purposes in connection with the intelli-
gent vehicle-highway systems program.

SEC. 654. APPLICATIONS OF TECHNOLOGY.

(a) IVHS PROGRAMS.—The Secretary shall designate transportation corri-
dors in which application of intelligent vehi-

cle-highway systems will have particular benefit and, through financial and technical assistance under this part, shall assist in the development and implementation of such systems.

(b) PRIORITIES.—In providing funding for corridors under this section, the Secretary shall allocate not less than 50 percent of the funds made available to carry out this section to eligible State or local entities for appli-
cation of intelligent vehicle-highway sys-

tems in not less than 3 but not more than 10 corridors with the following characteristics:

(1) Traffic density (as a measurement of vehicle miles traveled per highway mile) at least 1.5 times the national average for such class of highway.

(2) Severe or extreme nonattainment for ozone under the Clean Air Act, as deter-
ed by the Administrator of the Environ-
mental Protection Agency.

(3) A variety of types of transportation fa-
cilities, such as highways, bridges, tunnels, and toll and non toll facilities.

(4) Inability to significantly expand capacity of existing surface transportation fa-
cilities.

(5) A significant mix of passenger, transit, and commercial motor carrier traffic.

(6) Complexity of traffic patterns.

(f) Potential contribution to the imple-
mentation of the Secretary's plan developed under section 653.

(g) OTHER CORRIDORS AND AREAS.—After the allocation pursuant to subsection (b), the balance of funds remaining shall be allocated to eligible State and local entities for application of intelligent vehicle-highway systems in corri-
dors and areas where the application of such systems and associated technologies will make a potential contribution to the imple-
mentation of the Secretary's plan for the intelli-
gent vehicle-highway systems program under section 654 and demonstrate benefits related to any of the following:

(1) Improved operational efficiency.

(2) Reduced regulatory burden.

(3) Improved commercial productivity.

(4) Improved safety.

(5) Enhanced motorist and traveler perfor-

mance.

Such corridors and areas may be in both urban and rural areas and may be interstate and intercity corridors. Urban corridors shall have a significant number of the char-

acteristics set forth in paragraph (b).
motor vehicle to provide the individual operating the vehicle with a warning if a turn, lane change, or other intended movement of the vehicle by the operator will place the vehicle in the path of an adjacent object or vehicle.

(b) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing findings and recommendations concerning the study conducted under this section.

SEC. 606. FUNDING.

(a) IVHS Coordinating Program.—There is authorized to be appropriated to the Secretary for carrying out section 656, out of the Highway Trust Fund (other than the Mass Transit Account), $71,000,000 for fiscal year 1992 and $58,000,000 per fiscal year for each of fiscal years 1993 through 1997. In addition to amounts made available by subsection (b), any amounts authorized by this subsection may be allocated by the Secretary for carrying out activities authorized by this part.

(b) Other IVHS Activities.—There is authorized to be appropriated to the Secretary for carrying out this section (other than section 656), out of the Highway Trust Fund (other than the Mass Transit Account), $23,000,000 for fiscal year 1992 and $27,000,000 per fiscal year for each of fiscal years 1993 through 1997.

(c) Reservation of Funds.—Of the funds made available pursuant to subsection (a), not more than 5 percent of the funds made available for any one fiscal year shall be available for innovative, high-risk operational or analytical tests that do not attract substantial non-Federal commitments but are determined by the Secretary as having significant potential to help accomplish long-term goals established by the plan developed pursuant to section 606.

(d) Federal Share Payable.—The Federal share payable on account of activities carried out under this part shall not exceed 50 percent of the cost of such activities. The Secretary may waive application of the preceding sentence for projects undertaken pursuant to section (c) of this section. The Secretary shall adopt such regulations as are necessary to implement the provisions of this subsection.

(e) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were appropriated under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any activity under this section shall be determined in accordance with this section and such funds shall remain available until expended. Such funds shall be subject to the obligation limitation imposed by section 102 of this Act.

SEC. 607. DEFINITIONS.

For the purposes of this part, the following definitions apply:

(1) IVHS.—The term "intelligent vehicle-highway systems" means the development or application of electronics, communications, or information processing (including advanced vehicle traffic management systems, commercial vehicle operations, advanced traveler information systems, commercial and advanced public transportation systems, satellite vehicle tracking systems, and advanced vehicle communications systems) used singly or in combination to improve the efficiency and safety of surface transportation systems.

(2) Corridor.—The term "corridor" means any major transportation route which includes parallel limited access highways, major arterials, or transit lines; and, with regard to traffic incident management, such term may include other related systems or equipment, especially for environmentally benign and cost-effective manufacturing processes; and (3) recruiting and training individuals for the purposes described in paragraph (1).

(f) Services.—Services to be performed by an eligible consortium using amounts from grants made available under this part shall include:

(1) obtaining funding for the acquisition of plant sites, conversion of plant facilities, and acquisition of equipment for the development or manufacture of advanced transportation systems or electric vehicles, or other related systems or equipment, especially for environmentally benign and cost-effective manufacturing processes; and (2) ensuring that at least 50 percent of the costs of the consortium, subject to the requirements of subsection (a)(3), be provided by non-Federal sources.

SEC. 608. ADVANCED TRANSPORTATION SYSTEM AND ELECTRIC VEHICLES.

SEC. 608. ADVANCED TRANSPORTATION SYSTEM AND ELECTRIC VEHICLES.

(a) General Authority.—

(1) Proposal.—Not later than 3 months after the date of the enactment of this Act, the Secretary is authorized to request the Secretary of Transportation to submit to the Congress a proposal for receiving grants made available under this section for electric vehicle and advanced transportation research and development.

(2) Content of Proposal.—A proposal submitted under paragraph (1) shall include—

(A) a description of the eligible consortium making the proposal;

(B) a description of the type of additional members targeted for inclusion in the consortium;

(C) a description of the eligible consortium's ability to contribute significantly to the development of vehicles, transportation systems, or related equipment, that are competitive in the commercial market and its ability to enable serial production processes;

(D) a description of the eligible consortium's financing scheme and business plan, including any projected contributions of non-Federal funds from State and local governments and other parties;

(E) assurances, by letter of credit or other acceptable means, that the eligible consortium is able to meet the requirements contained in subsection (b)(5); and

(F) any other information the Secretary requires in order to make selections under this section.

(3) Grant Authority.—Except as provided in paragraph (4), not later than 6 months after the submission of a proposal under this Act, the Secretary shall award grants to not less than 3 eligible consortia. No one eligible consortium may receive more than one third of the funds made available for grants under this section.

(4) Extension.—If fewer than 3 complete applications from eligible consortia have been received in time to permit the awarding of grants under paragraph (3), the Secretary may extend the deadlines for the submission of applications and the awarding of grants.

(5) Eligibility Criteria.—To be qualified to receive assistance under this section, an eligible consortium shall—

(A) be organized for the purpose of designing and developing electric vehicles and advanced transportation systems, or related systems or equipment, or for the purpose of enabling serial production processes;

(B) participate in the consortium of small- and medium-sized businesses in conjunction with large established manufacturers, as appropriate;

(C) to the extent practicable, include participation in the consortium of defense and aerospace suppliers and manufacturers;

(D) to the extent practicable, include participation in the consortium of entities located in areas designated as nonattainment areas under the Clean Air Act;

(E) be designed to use State and Federal funding to attract private capital in the form of grants or investments to further the purposes stated in paragraph (1); and

(F) ensure that at least 50 percent of the costs of the consortium, subject to the requirements of subsection (a)(3), be provided by non-Federal sources.

(6) Services.—Services to be performed by an eligible consortium using amounts from grants made available under this part shall include:

(1) obtaining funding for the acquisition of plant sites, conversion of plant facilities, and acquisition of equipment for the development or manufacture of advanced transportation systems or electric vehicles, or other related systems or equipment, especially for environmentally benign and cost-effective manufacturing processes; and (2) ensuring that at least 50 percent of the costs of the consortium, subject to the requirements of subsection (a)(3), be provided by non-Federal sources.

SEC. 609. ADVANCED TRANSPORTATION SYSTEM AND ELECTRIC VEHICLES.

(a) General Authority.—

(1) Proposal.—Not later than 3 months after the date of the enactment of this Act, the Secretary is authorized to request the Secretary of Transportation to submit to the Congress a proposal for receiving grants made available under this section for electric vehicle and advanced transportation research and development.

(2) Content of Proposal.—A proposal submitted under paragraph (1) shall include—

(A) a description of the eligible consortium making the proposal;

(B) a description of the type of additional members targeted for inclusion in the consortium;

(C) a description of the eligible consortium's ability to contribute significantly to the development of vehicles, transportation systems, or related equipment, that are competitive in the commercial market and its ability to enable serial production processes;

(D) a description of the eligible consortium's financing scheme and business plan, including any projected contributions of non-Federal funds from State and local governments and other parties;

(E) assurances, by letter of credit or other acceptable means, that the eligible consortium is able to meet the requirements contained in subsection (b)(5); and

(F) any other information the Secretary requires in order to make selections under this section.

(3) Grant Authority.—Except as provided in paragraph (4), not later than 6 months after the submission of a proposal under this Act, the Secretary shall award grants to not less than 3 eligible consortia. No one eligible consortium may receive more than one third of the funds made available for grants under this section.

(4) Extension.—If fewer than 3 complete applications from eligible consortia have been received in time to permit the awarding of grants under paragraph (3), the Secretary may extend the deadlines for the submission of applications and the awarding of grants.

(5) Eligibility Criteria.—To be qualified to receive assistance under this section, an eligible consortium shall—

(A) be organized for the purpose of designing and developing electric vehicles and advanced transportation systems, or related systems or equipment, or for the purpose of enabling serial production processes;

(B) participate in the consortium of small- and medium-sized businesses in conjunction with large established manufacturers, as appropriate;

(C) to the extent practicable, include participation in the consortium of defense and aerospace suppliers and manufacturers;

(D) to the extent practicable, include participation in the consortium of entities located in areas designated as nonattainment areas under the Clean Air Act;

(E) be designed to use State and Federal funding to attract private capital in the form of grants or investments to further the purposes stated in paragraph (1); and

(F) ensure that at least 50 percent of the costs of the consortium, subject to the requirements of subsection (a)(3), be provided by non-Federal sources.

(6) Services.—Services to be performed by an eligible consortium using amounts from grants made available under this part shall include:

(1) obtaining funding for the acquisition of plant sites, conversion of plant facilities, and acquisition of equipment for the development or manufacture of advanced transportation systems or electric vehicles, or other related systems or equipment, especially for environmentally benign and cost-effective manufacturing processes; and (2) ensuring that at least 50 percent of the costs of the consortium, subject to the requirements of subsection (a)(3), be provided by non-Federal sources.
1986 (49 U.S.C. App. 2456(f)(1)) is amended to read as follows:

"(1) Composition.—The board of directors shall be subject to review of its actions and to a Board of Review of the Airports Authority. The Board of Review shall be established by the board of directors to represent the interests of users of the Metropolitan Washington Airports and shall be composed of 9 members appointed by the board of directors as follows:

"(A) 4 individuals from a list provided by the President pro tempore of the Senate;

"(B) 4 individuals from a list provided by the Speaker of the House of Representatives; and

"(C) 1 individual chosen alternately from a list provided by the President pro tempore of the Senate a detailed description of the action, and response to Congress in accordance with clause (ii) and the 90-calendar day period described in clause (iii) expires.

"(C) Nonadoption of Recommendation.—If the board of directors does not adopt a recommendation of the Board of Review regarding an action, the board of directors shall transmit to the Speaker of the House of Representatives and the President of the Senate a detailed description of the action of the board of directors transmitted with respect to the same action.

"(D) Effect of Recommendation.—(i) Response.—An action with respect to which the Board of Review has made a recommendation shall be subject to review of the Airports Authority described as follows:

"(A) 4 individuals from a list provided by the Speaker of the House of Representatives; and

"(B) 4 individuals from a list provided by the President pro tempore of the Senate.

"(2) TERMS, VACANCIES, AND QUALIFICATIONS.—

"(a) Terms.—The board of directors shall be subject to review of its actions and to a Board of Review of the Airports Authority. The Board of Review shall be established by the board of directors to represent the interests of users of the Metropolitan Washington Airports and shall be composed of 9 members appointed by the board of directors as follows:

"(A) 4 individuals from a list provided by the President pro tempore of the Senate;

"(B) 4 individuals from a list provided by the Speaker of the House of Representatives; and

"(C) 1 individual chosen alternately from a list provided by the President pro tempore of the Senate.

"(3) ACTION SUBJECT TO REVIEW.

"(E) Effect of More than One Resolution.—

"(1) Motion to Discharge.—If the Committee of which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(2) Motion to Reconsider.—

"(A) Vote.—If the committee to which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(B) Vote.—If the committee to which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(C) Effect of Resolution.—If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may any other motion to discharge the committee be made with respect to any other resolution with respect to the same action.

"(D) Senate Procedure.—

"(1) Motion to Proceed.—When the Committee of which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(2) Motion to Discharge.—

"(A) Vote.—If the committee to which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(B) Vote.—If the committee to which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(C) Effect of Resolution.—If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may any other motion to discharge the committee be made with respect to any other resolution with respect to the same action.

"(D) Senate Procedure.—

"(1) Motion to Proceed.—When the Committee of which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(2) Motion to Discharge.—

"(A) Vote.—If the committee to which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(B) Vote.—If the committee to which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(C) Effect of Resolution.—If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may any other motion to discharge the committee be made with respect to any other resolution with respect to the same action.

"(D) Senate Procedure.—

"(1) Motion to Proceed.—When the Committee of which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(2) Motion to Discharge.—

"(A) Vote.—If the committee to which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(B) Vote.—If the committee to which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(C) Effect of Resolution.—If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may any other motion to discharge the committee be made with respect to any other resolution with respect to the same action.

"(D) Senate Procedure.—

"(1) Motion to Proceed.—When the Committee of which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(2) Motion to Discharge.—

"(A) Vote.—If the committee to which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(B) Vote.—If the committee to which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.

"(C) Effect of Resolution.—If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may any other motion to discharge the committee be made with respect to any other resolution with respect to the same action.

"(D) Senate Procedure.—

"(1) Motion to Proceed.—When the Committee of which a resolution has been referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the Representatives or the President of the Senate, as the case may be.
not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment or any other disposition to the consideration of the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disapproved. [Clause (ii)]

(1) No debate on certain motions.—In the Senate, motions to postpone made with respect to the consideration of a resolution and motions to proceed to the consideration of other business shall be decided without debate.

(2) Review.—Appeals from the decisions of the Chair as to the application of the rules of the Senate to the procedure relating to a resolution shall be decided without debate.

(3) Effect of adoption of resolution by other house.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(a) The joint resolution of the other House shall be referred to a committee, and may not be considered in "first reading," except in the case of final passage as provided in clause (ii).

(b) The joint resolution referred to in clause (i) of the House receiving it shall remain in effect and shall not be reconsidered by reason of a judicial order invalidating certain functions of the Board of Review.

(c) The resolution of the House, as passed, shall be regarded as having been filed in the other House.

(d) The vote on final passage shall be on the joint resolution of the other House.

(e) The joint resolution referred to in (a) shall be completed in camera, but no part of the joint resolution, as referred to and as provided in (a), shall be printed for院子里 of the resolutions shall be submitted to the Board of Review of the Metropolitan Washington Airports Authority on or after June 17, 1991, the date on which the Board of Review of the Board of Review of the Metropolitan Washington Airports Authority shall have no authority to perform any of the actions that are required in the resolutions referred to in (a).

(f) The Board of Review shall have no authority to perform any of the actions that are required in the resolutions referred to in (a), and shall not be considered as having been submitted to the Board of Review of the Board of Review of the Metropolitan Washington Airports Authority, as amended by this Act.

(g) The Board of Review shall have no authority to perform any of the actions that are required in the resolutions referred to in (a).

(h) The Board of Review shall have no authority to perform any of the actions that are required in the resolutions referred to in (a).
h Acts are in effect on the date of the
enactment of the Intermodal Surface Trans-
portation Efficiency Act of 1991 (as in effect on the date of the enact-
ment of this paragraph) for such fiscal year to be expended from such Trust Fund.

(2) ADJUSTMENT OF PERCENTAGE.—

(i) FIRST YEAR.—Within 1 year after the
date of enactment of this paragraph, the
Secretary of Transportation shall estimate the
amount of such percentage and the Secretary's estimation shall be contained in subparagraph (A) so that it corre-
sponds to the revenues received by the
Highway Trust Fund from nonhighway recre-
ational fuel taxes.

(ii) SUBSEQUENT YEARS.—Not more fre-
quently than once every 3 years, the Secre-
tary may increase or decrease the percentage
amounts and make such adjustment to reflect,
in the Secretary's estimation, changes in the
amount of revenues received in the Highway
Trust Fund from nonhighway recreational fuel

taxes.

(3) AMOUNT OF ADJUSTMENT.—Any adjust-
ment under clause (ii) shall be not more than 10 percent of the percentage in effect at the
time the adjustment is made.

(iv) USE OF DATA.—In making the adjust-
ments under clauses (i) and (ii), the Secre-
tary shall take into account data on non-
highway recreational vehicle registrations
and use.

(v) NONHIGHWAY RECREATIONAL FUEL
taxes.—For purposes of this paragraph, the
term "nonhighway recreational fuel taxes" means taxes under section 4044, 4081, and
4091 (to the extent attributable to the High-
way Trust Fund financing rate) with respect to—

(A) fuel used in vehicles on recreational
trails or back country terrain including ve-
ciles registered for highway use when used on
recreational trails, trail access roads not eli-
gible for funding under title 23, United States
Code, or back country terrain, and

(B) fuel used in camping or other non-engine uses in outdoor
recreational equipment.

Such term shall not include small-engine
taxes (as defined by paragraph (A) and
taxes which are credited or refunded.

(vi) TERMINATION.—No amount shall be
paid under this paragraph after September

(c) Clerical Amendment.—The table of sec-
ctions for chapter 3 of title 49 is amended
by adding at the end thereof the

"39511. National Recreational Trails
Trust Fund."

Sec. 9511. National Recreational Trails
Trust Fund.——There is es-
tablished under title 49, subtitle A, sub-
chapter V of chapter 1, a National Recrea-
tional Trails Trust Fund, to which
shall be credited—

(1) amounts paid into the
Highway Trust Fund (as determined by
him as reduced under (b)(2)) (to the extent
attributable to obligations for fiscal year

(2) amounts paid into the Highway
Trust Fund from nonhighway recre-
ational fuel taxes.

(3) amounts paid into the
Highway Trust Fund on account of the
"cliff provision", which treats an entire commuter transit benefit as

liable income if it exceeds $21 per
month, unless penalizes the most effective
employer efforts to change commuter
behavior;

(4) employer-provided commuter transit
benefits.

(f) Policy.—The Congress strongly sup-
ports Federal policy that promotes increased
use of employer-provided commuter transit
benefits. Such a policy "levels the playing
field" between transportation modes and is
consistent with important national objec-
tives of energy conservation, reduced rel-
ence on energy imports, lessened congestion,
and clean air.

SEC. 8005. BUDGET COMPLIANCE.—

(a) In General.—If obligations provided
for programs pursuant to this Act for fiscal year
1992 will cause—

(1) the total outlays in any of the fiscal
years 1992 through 1995 which result from
this Act, to exceed

(2) the total outlays for such programs in
any such fiscal year which result from ap-
propriation Acts for fiscal year 1992 and are
attributable to obligations for fiscal year

(b) Coordination With Other Provi-
sions.—The provisions of this section shall
apply, notwithstanding any provision of
this Act to the contrary.

And the Senate agree to the same.

From the Committee on Public Works and
Transportation for consideration of the
entire House bill (dividing title VII), the
entire Senate amendment, and modifications
committed to conference:

ROBERT C. JOR
GLENN M. PICKLE,
NORMAN Y. MINETA,
JAMES L. GORESTAR,
HENRY J. NOWAK,
NICK RAHALL,
DOUGLAS APPELATE,
RON DE LUCO,
GUS SAVAGE,
ROBERT A. BORSKI,
JOE Kolter,
JOHN PAUL
HAMMERSCHMIDT,
MENTON COLES,
WILLIAM F. CLINGER,
THOMAS E. PETRI,
RON PACKARD,
SHERRY BOEHLERT,
HELEN DELICH BENTLEY,
From the Committee on Ways and Means
for consideration of title VII of the House
bill (through section 271(b)(12)), and 305 of the Senate amend-
ment, and modifications committed to conference:

ROBERT C. JOR
GLENN M. PICKLE,
NORMAN Y. MINETA,
JAMES L. GORESTAR,
HENRY J. NOWAK,
NICK RAHALL,
DOUGLAS APPELATE,
RON DE LUCO,
GUS SAVAGE,
ROBERT A. BORSKI,
JOE Kolter,
JOHN PAUL
HAMMERSCHMIDT,
MENTON COLES,
WILLIAM F. CLINGER,
THOMAS E. PETRI,
RON PACKARD,
SHERRY BOEHLERT,
HELEN DELICH BENTLEY,
From the Committee on Ways and Means
for consideration of title VII of the House
bill (through section 271(b)(12)), and 305 of the Senate amend-
ment, and modifications committed to conference:

ROBERT C. JOR
GLENN M. PICKLE,
NORMAN Y. MINETA,
JAMES L. GORESTAR,
HENRY J. NOWAK,
NICK RAHALL,
DOUGLAS APPELATE,
RON DE LUCO,
GUS SAVAGE,
ROBERT A. BORSKI,
JOE Kolter,
JOHN PAUL
HAMMERSCHMIDT,
MENTON COLES,
WILLIAM F. CLINGER,
THOMAS E. PETRI,
RON PACKARD,
SHERRY BOEHLERT,
HELEN DELICH BENTLEY,
From the Committee on Ways and Means
for consideration of title VII of the House
bill (through section 271(b)(12)), and 305 of the Senate amend-
ment, and modifications committed to conference:

ROBERT C. JOR
GLENN M. PICKLE,
NORMAN Y. MINETA,
JAMES L. GORESTAR,
HENRY J. NOWAK,
NICK RAHALL,
November 26, 1991

Congressional Record — House H 11611

409 of the House bill, and sec. 238 and title IV of the Senate amendment, and modifications committed to conference: Jack Brooks, Don Edwards, Barney Frank, Hamilton Fish, Jr., Carlos J. Moorehead,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of (1) sec. (a) and (e), 202, 317, 405, 502, 601, 604 through 609, 614 through 618, 651 through 659, and 671 through 673 of the House bill, and secs. 103(b)(b) and (10), 106(a), 107, 115, 116, 127(g), 136(b), 203(e), 204, 203(a), 329, and 341 of the Senate amendment, and modifications committed to conference: George E. Brown, Jr., Tim Valentine, Dan Glickman, Tom Lewis

From the Committee on Environment and Public Works:

DANIEL PATRICK

MOYNIHAN, HRALTON PISH, TOM LEWIS

FRANK HORTON, H. DAVID DURENBERGER, H. ALAN CRANSTON, DON RIEGLE, PAUL SARBANES, BOND, MAXBAUCUS, BOB DOLE, BOB PACKWOOD, JOHN GLENN, BILL ROTH, CARL LEVIN, MOYNIHAN, MOYNIHAN,

From the Committee on Government Operations, for consideration of the restructured Federal-aid highway program appropriation to its Urban or Rural Mobility Program without conditions, and up to an additional 10 percent whatever is necessary to its National Highway Program if over 90 percent of the land area of the state is within nonattainment areas.

The National Highway System consists of the Interstate System, the Strategic High- way Network, and principal arterial routes from the primary system. The Secretary through coordination with state and local governments will propose a National Highway System of 155,000 miles that could be adjusted by 15 percent. The National Highway System designation requires approval by Congress.

The Urban Mobility Program consists of the existing Federal-aid urban system and the program is eligible under Federal law. The Secretary has the authority, along with the state, to determine its transportation priorities.

The Rural Mobility Program consists of the existing Federal-aid secondary system and the rural system is eligible for inclusion in the Rural System. Funds made available under the urban mobility program may be used for the construction of highway projects and transit capital projects. The Metropolitan Planning Organization (MPO) in the urban area has the authority, along with the state, to determine its transportation priorities.

The restructured Federal-aid highway program must be divided between these two types of regions based on the relative share of the State's total population. The restructured program must be distributed to any area of the State. At least 25 percent of the funds apportioned to a State must be made available for eligible projects under either the Hazard Elimination or the Rail-Crossing Improvement Program.

This section establishes a new program that gives the States and local governments greater flexibility in using Federal funds to mitigate wetland loss related to past or future highway construction. This section designates two types of regions in each state for the purpose of dividing the funds. Type of region consists of areas with a Metropolitan Statistical Area population 250,000 or greater and areas with an urbanized area population of 50,000 or greater that are in nonattainment for ozone or carbon monoxide. The second type of region consists of all other areas.

The State must submit an annual certification to the Surface Transportation Program that it is mitigating wetland loss related to its transportation enhancement activities. Projects must be consistent with requirements for metropolitan planning in 23 U.S.C. 134 and statewide planning in 23 U.S.C. 135.

The basic federal share for projects under the Surface Transportation Program is 80 percent. If funds apportioned under this program are used to construct new facilities or expand existing facilities to be available primarily to single-occupant vehicles, the Federal share is 75 percent. If the State contributes an additional amount to any of these two types of regions based on their relative share of the State's total population.

The term "project" as used in this paragraph means any activity that is eligible for Federal aid under Federal law. The term does not include any project that is eligible for inclusion in the Rural System. Funds made available under the Urban Mobility Program, the Rural Mobility Program, or the Combined Safety Improvement Program.

Each state is required to spend a percentage of these funds in clean air nonattainment areas equal to the percentage of its population living in nonattainment areas, up to 50 percent. Thus, if 30 percent of a state's population lives in nonattainment areas, the state would be required to spend at least 30 percent in nonattainment areas. If 70 percent of a state's population lives in nonattainment areas, the state would be required to spend at least 70 percent in nonattainment areas. These are minimum percentages; each state could choose to spend additional portions of its State Flexibility funds in these areas.

The Hazard Elimination and Rail-Highway Grade Elimination programs are combined into one flexible safety program, at an authorization level which represents 4% of the total funds authorized for the five new programs under the restructured highway program.

Within the combined program, the current funding levels of $160 million for Railroad Grade Elimination and Highway Grade Elimination remain fixed, and any additional amount is available for funding eligible projects under either the Hazard Elimination or the Rail-Crossing Improvement programs, at the discretion of the Secretary.

The Federal-aid highway program funds the programs as follows: 49% to the National Highway System, 17% to Urban Mobility, 15% to Rural Mobility, 17% to State Flexible Improvement, 4% to the Combined Safety Improvement Program.

Senate amendment

This section establishes a new program that gives the States and local governments greater flexibility in using Federal funds to mitigate wetland loss related to past or future highway construction. The new program may be used for eligible projects on any public roads, except roads functionally, classified as local or rural collector, except as approved by the Secretary.

Eligible activities include construction, reconstruction, rehabilitation, resurfacing, restoration and operational improvements of highways including work necessary to accommodate other modes, painting and seismic retrofit of bridges, capital costs for mass transit facilities, including bus shelters, passenger rail (including high speed rail) and magnetic levitation systems, carpool and vanpool projects, fringe and corridor parking facilities, and bicycle facilities and programs; surface transportation safety improvements; surface transportation research and development; and transportation enhancement activities as defined in 23 U.S.C. 101; and other activities. This section also authorizes the use of Surface Transportation Program funds to mitigate wetland loss related to past or future highway construction.

This section designates two types of regions in each state for the purpose of dividing the funds.

Type of region consists of areas with a Metropolitan Statistical Area population 250,000 or greater and areas with an urbanized area population of 50,000 or greater that are in nonattainment for ozone or carbon monoxide. The second type of region consists of all other areas.

Seventy-five (75) percent of funds apportioned to a State under the new program must be made available for eligible projects under either the Hazard Elimination or the Rail-Crossing Improvement programs.

The term "project" as used in this paragraph means any activity that is eligible for Federal aid under Federal law. The term does not include any project that is eligible for inclusion in the Rural System. Funds made available under the Urban Mobility Program, the Rural Mobility Program, or the Combined Safety Improvement Program.

Each state is required to spend a percentage of these funds in clean air nonattainment areas equal to the percentage of its population living in nonattainment areas, up to 50 percent. Thus, if 30 percent of a state's population lives in nonattainment areas, the state would be required to spend at least 30 percent in nonattainment areas. If 70 percent of a state's population lives in nonattainment areas, the state would be required to spend at least 70 percent in nonattainment areas. These are minimum percentages; each state could choose to spend additional portions of its State Flexibility funds in these areas.

The Hazard Elimination and Rail-Highway Grade Elimination programs are combined into one flexible safety program, at an authorization level which represents 4% of the total funds authorized for the five new programs under the restructured highway program.

Within the combined program, the current funding levels of $160 million for Railroad Grade Elimination and Highway Grade Elimination remain fixed, and any additional amount is available for funding eligible projects under either the Hazard Elimination or the Rail-Crossing Improvement programs, at the discretion of the Secretary.

The Federal-aid highway program funds the programs as follows: 49% to the National Highway System, 17% to Urban Mobility, 15% to Rural Mobility, 17% to State Flexible Improvement, 4% to the Combined Safety Improvement Program.

Senate amendment

This section establishes a new program that gives the States and local governments greater flexibility in using Federal funds to mitigate wetland loss related to past or future highway construction. The new program may be used for eligible projects on any public roads, except roads functionally, classified as local or rural collector, except as approved by the Secretary.

Eligible activities include construction, reconstruction, rehabilitation, resurfacing, restoration and operational improvements of highways including work necessary to accommodate other modes, painting and seismic retrofit of bridges, capital costs for mass transit facilities, including bus shelters, passenger rail (including high speed rail) and magnetic levitation systems, carpool and vanpool projects, fringe and corridor parking facilities, and bicycle facilities and programs; surface transportation safety improvements; surface transportation research and development; and transportation enhancement activities as defined in 23 U.S.C. 101; and other activities. This section also authorizes the use of Surface Transportation Program funds to mitigate wetland loss related to past or future highway construction.

This section designates two types of regions in each state for the purpose of dividing the funds. Type of region consists of areas with a Metropolitan Statistical Area population 250,000 or greater and areas with an urbanized area population of 50,000 or greater that are in nonattainment for ozone or carbon monoxide. The second type of region consists of all other areas.

Seventy-five (75) percent of funds apportioned to a State under the new program must be made available for eligible projects under either the Hazard Elimination or the Rail-Crossing Improvement programs.

The term "project" as used in this paragraph means any activity that is eligible for Federal aid under Federal law. The term does not include any project that is eligible for inclusion in the Rural System. Funds made available under the Urban Mobility Program, the Rural Mobility Program, or the Combined Safety Improvement Program.

Each state is required to spend a percentage of these funds in clean air nonattainment areas equal to the percentage of its population living in nonattainment areas, up to 50 percent. Thus, if 30 percent of a state's population lives in nonattainment areas, the state would be required to spend at least 30 percent in nonattainment areas. If 70 percent of a state's population lives in nonattainment areas, the state would be required to spend at least 70 percent in nonattainment areas. These are minimum percentages; each state could choose to spend additional portions of its State Flexibility funds in these areas.

The Hazard Elimination and Rail-Highway Grade Elimination programs are combined into one flexible safety program, at an authorization level which represents 4% of the total funds authorized for the five new programs under the restructured highway program.

Within the combined program, the current funding levels of $160 million for Railroad Grade Elimination and Highway Grade Elimination remain fixed, and any additional amount is available for funding eligible projects under either the Hazard Elimination or the Rail-Crossing Improvement programs, at the discretion of the Secretary.

The Federal-aid highway program funds the programs as follows: 49% to the National Highway System, 17% to Urban Mobility, 15% to Rural Mobility, 17% to State Flexible Improvement, 4% to the Combined Safety Improvement Program.
State may adjust the estimated obligation at a later date if it wants to obligate more or less funds to be matched by the State for the Federal share of costs incurred on the subject.

Projects must be designed, constructed, operated and maintained in conformance with State laws, regulations, directives, safety standards, design standards and construction standards.

State may inform the Secretary that it does not wish review and approval of design standards.

If the Secretary determines that a State or local government has not complied with any provision of any surface transportation program or funds are apportioned to a State in accordance with section 133 of title 23 U.S.C.

The Secretary may adjust the apportionment for the Federal share of costs incurred on the subject.

The Secretary shall apportion funds for in the provision will only come into operation after it is determined that one or more of the States subject to this paragraph has been obligated in excess of 110 percent of a State’s VMT in 1990 (or 1995 levels commencing in fiscal year 1995). If every State maintains its current VMT per capita, the provision will not affect the apportionments.

However, if one or more States subject to this paragraph has VMT per capita in excess of 110 percent of their 1990 levels (or 1995 levels commencing in 1995), the Secretary is required to reduce the metropolitan area funds which would have been allocated to those States by 10 percent. The reduction funds are then placed into a Surface Transportation Bonus Fund which used to reward States for achieving 90 percent of their VMT per capita. This provision is intended to provide an incentive to States to achieve the 90 percent VMT per capita level, and several other States allowed increases of more than 90 percent of 1990 levels in the same year. For example, a State reduced less than 90 percent of 1990 levels in the same year. For example, a State reduced less than 90 percent of 1990 levels in the same year. For example, a State reduced less than 90 percent of 1990 levels in 1993 because of the ongoing development of methodologies to improve the measurement of VMT on road systems within a State. Such methodologies are expected to be available by 1995. The provision applies beginning in fiscal year 1993 because of the ongoing development of methodologies to improve the measurement of VMT on road systems within a State. Such methodologies are expected to be available by 1995.

Beginning in fiscal year 1996, the paragraph provides for using 1995 as the base year for apportioning funds. This provision is intended to provide a continuing incentive for States which reduce VMT per capita. This provision is intended to provide a continuing incentive for States which reduce VMT per capita.

Section 133(b)(2) requires the Secretary to determine, whether they received a bonus for a reduction, or were unaffected by the provision. The amount each State receives for each year is equal to the difference between its relative share of all metropolitan area funds allocated and the percentage that the State achieved in reducing traffic congestion, air pollution, and lower fuel consumption.

The paragraph alters the apportionment of funds under the Surface Transportation Program for metropolitan areas by rewarding affected States that control growth in vehicle miles of travel per capita and penalizing affected States that do not.

The paragraph does not penalize States facing rapid population growth. Instead, it rewards States that control growth in vehicle miles of travel per capita and penalizes affected States that do not.

By using vehicle miles of travel per capita, rather than absolute growth in VMT, the paragraph recognizes that States with inherently lower growth in VMT per capita may have slow growth in VMT per capita. The Secretary will issue guidance on how to determine what portion of a project qualifies for an 80 percent Federal share. This provision is intended to provide a continuing incentive for States which reduce VMT per capita. This provision is intended to provide a continuing incentive for States which reduce VMT per capita.

The Secretary also finds that the programming and expenditure of funds under section 106 of this bill is consistent with the requirements of section 134. This paragraph provides that bonuses and funds redistributed from the Bonus Fund shall only be obligated for projects in metropolitan areas with populations under 500,000, or more and affects only the Surface Transportation Program funds allocated to metropolitan areas pursuant to section 106(b).

By using vehicle miles of travel per capita, rather than absolute growth in VMT, the paragraph recognizes that States with inherently lower growth in VMT per capita may have slow growth in VMT per capita. The Secretary will issue guidance on how to determine what portion of a project qualifies for an 80 percent Federal share. This provision is intended to provide a continuing incentive for States which reduce VMT per capita. This provision is intended to provide a continuing incentive for States which reduce VMT per capita.

The Senate bill makes eligible for funding those activities allowed under current law, including construction, reconstruction, resurfacing, restoration, and rehabilitation; highway safety projects; off-system bridges; capital costs for mass transit; highway construction and wetlands mitigation activities. In certain instances, passenger rail operations provide significant mass transit services. The conference does not intend to preclude consideration of passenger rail capital costs where they provide significant mass transit service on a regular basis.
mitigation plans and State or regional wetlands conservation and enhancement banks. Contributions may occur in advance of specific project activity to build up credit for future projects which may impact wetlands. Participation in this program does not exempt any highway project from any requirements of Federal law.

**Senate amendment**

Section 106 of the Senate amendment adds a new section 133 to Title 23 of the U.S. Code, including the authority to use Surface Transportation Program funds as part of a highway project or as a separate effort, to mitigate wetland loss related to highway construction or to contribute to statewide efforts to conserve and restore wetlands adversely affected by highway construction. Efforts must comply with applicable requirements of and regulations under Federal law. Efforts may include development of statewide wetland conservation plans and other State or regional efforts to conserve and restore wetlands. Contributions may occur in advance of specific project activity only if the state has a planning process which precludes the use of such efforts to influence the environmental assessment of the highway project, decisions related to the need for the project, or the selection of the project design or location.

**Conference substitute**

The Conference Substitute authorizes the use of Federal transportation funds for wetlands mitigation and the contribution of projects to wetlands mitigation banking, consistent with all applicable Federal law and regulations. Mitigation efforts should be undertaken through a pre-promulgated process pursuant to 404(b)(1) of the Federal Water Pollution Control Act and relevant interagency Memoranda of Agreement. The Conference Substitute also directs the Corps of Engineers and the Environmental Protection Agency that mitigation banks may be an acceptable form of compensatory mitigation depending on the specific circumstances.

The reference to “Federal law and regulations” in this paragraph includes, but is not limited to, the Endangered Species Act, the Federal Water Pollution Control Act, and any applicable regulation promulgated under such Acts.

It is the intent of the Managers that the mitigation efforts consistent with all requirements of Federal law as described above, may include mitigation outside the acquired right-of-way only if such mitigation may be made available under this section to carry out mitigation measures, prior to initiation of project construction.

It is the intent of the Managers that, to the extent practicable, mitigation of wetlands losses be undertaken through protection, restoration or creation of similar types of wetlands. For example, if a salt marsh is lost or degraded during a highway project, it is the intent of the Managers that preference would be given to the restoration of a salt marsh, rather than a freshwater wetland.

**DISADVANTAGED BUSINESS PROGRAM**

**House bill**

Subsection (b) of Section 103 provides for the continuation of the Disadvantaged Business Enterprise program with an adjustment of the 3-year annual average gross receipts limit of $15.37 billion. The definition of a “Small Business Concern” has been modified to include an adjustment for inflation.

**Senate amendment**

Similar to House.

**Conference substitute**

Adopts the House provisions.

**Substitute Program**

**House bill**

The bill authorizes $240 million per fiscal year for each of the fiscal years 1992 through 1995 to complete the remaining Interstate substitute highway projects. This interstate substitute highway funds are apportioned in accordance with cost estimates adjusted by the Secretary.

Funds are made available for the apportionment of Interstate substitute transit funds for fiscal years 1992 and 1993 in accordance with cost estimates adjusted by the Secretary.

Substitute funds are made available until expended.

**Senate amendment**

This section authorizes $240 million for each of fiscal years 1992 through 1995 for highway or transit assistance projects for the Interstate Substitution Program.

**Conference substitute**

Adopts the House provisions.

**APPORTIONMENTS**

**House bill**

The House bill establishes new formulas to be applied to new Federal-aid highway programs.

**Senate amendment**

The Senate amendment provides that each state will receive a percent of funds based on the percentage of funds received over the preceding five year average.

**Conference substitute**

Adopts the House provisions.

**PROGRAM AND PROJECT APPROVAL**

**House bill**

The House provision directs the States to submit a program of proposed projects for the Secretary of Transportation’s approval.

**Senate amendment**

The Senate amendment repeals section 105 of title 23, United States Code relating to programs.

**Conference substitute**

The House recedes to the Senate amendment.

**PRECONSTRUCTION ACTIVITIES**

**House bill**

Section 106(c) of title 23, U.S.C. is amended to include an appropriate number of persons for construction engineering for a state for a fiscal year may not exceed 15 percent of the total estimated costs of Federal-aid projects.

The Secretary is required to consult with the states and report to Congress during two years a national list of right-of-way that may be included in a Transportation High-of-Way Land Bank in order to preserve vital transportation corridors. The states are permitted to use funds appropriated for the National Highway System, the urban mobility, and rural mobility systems to purchase right-of-way to preserve transportation corridors. Any right-of-way acquired under the
provisions of this subsection may not be converted for non-transportation purposes.

**Senate amendment**

The Senate amendment amends 23 U.S.C. 108 to make three changes to current law. First, the period within which construction must be commenced on a right-of-way must be extended from three years to 20 years. Second, costs incurred by a State to acquire rights-of-ways in advance of Federal funds if certain environmental and scenic values may be reimbursed with Federal funds if certain conditions are satisfied. Third, took from section 108 of title 23 with the other title 23 changes being made by this legislation, this section eliminates the requirement that right-of-way revolving funds advances be for projects "on the Federal-aid system" and authorizes the use of the fund for projects such as passenger rail facilities, water levitation systems, transportation corridor preservation, and long-term transportation planning.

**Conference substitute**

Adopts House provision.

**LETTERING OF CONTRACTS**

**House bill**

This section amends section 112(b)(2) of title 23, U.S.C. to require that any audit of a contract or subcontract awarded as a part of a Federal-aid highway project shall be performed and audited in compliance with the cost principles contained in the Federal acquisition regulations of part 31 of title 48 C.F.R. The indirect cost rates established in accordance with such regulations shall apply for the purposes of contract estimation, negotiation, administration, report, and contract payment and shall not be adjusted by administrative or de facto ceilings.

The intent of these provisions is to establish a single and uniform audit procedure for qualifications based engineering and design services.

**Senate amendment**

No comparable provision.

**Conference substitute**

The conference substitute establishes a pilot program for the implementation of single and uniform audit procedures for qualifications based engineering and design services. The Secretary of Transportation may permit up to 10 States to participate in the pilot program and report to Congress any recommendations for establishing a single and uniform audit procedure for qualifications based engineering and design services within two years.

**CONFLICT PRODUCED MATERIALS**

**House bill**

The bill clarifies the intent of Congress that made available by convict labor on or before July 1, 1991, may not be used for Federal-aid highway construction projects unless produced at a prison facility producing similar materials. No such funds would be available until expended. In general, non-interstate funds will continue to be available for four years.

**Senate amendment**

The Senate amendment provides one-year availability of Interstate Construction funds. After October 1, 1994, these funds would be available until expended. In general, non-interstate funds will continue to be available for four years.

**Senate amendment**

The Senate amendment provides one-year availability of Interstate Construction funds. After October 1, 1994, these funds would be available until expended. In general, non-interstate funds will continue to be available for four years.

**Conference substitute**

House recedes to the Senate.

**FEDERAL SHARE**

**House bill**

The House bill provides for a Federal share of 80 percent on non-Interstate Federal-aid highway projects, and up to 100% for certain safety projects.

**Senate amendment**

A Federal share of 90 percent is provided for Interstate construction and maintenance projects.

**Conference substitute**

The conference substitute provides for a Federal share of up to 80 percent for all projects, with the exception of construction of new highway capacity not designed for high-occupancy vehicle use, in which case the Federal share would be up to 75 percent.

**Senate amendment**

A Federal share of 90 percent is provided for Interstate construction.

**Conference substitute**

The conference substitute provides for a Federal share of up to 80 percent for all projects, with the exception of construction of new highway capacity not designed for high-occupancy vehicle use, in which case the Federal share would be up to 75 percent.

**Senate amendment**

The Senate amendment amends 23 U.S.C. 112(b)(2), to require that in addition to the vehicles which may continue to operate in the State of Wyoming under (d)(1) provisions, all commercial motor vehicle combinations not in actual use on June 1, 1991 on the relevant system and highways by enactment of such state law or before November 3, 1992, the State may further restrict or prohibit vehicles covered by this provision, however, any such restrictions must be published in the Federal Register by the Secretary.

**Conference substitute**

New subsection (d)(3) provides that in addition to the vehicles which may continue to operate in the State of Wyoming under (d)(1) provisions, all commercial motor vehicle combinations not in actual use on June 1, 1991 on the relevant system and highways by enactment of such state law or before November 3, 1992, the State may further restrict or prohibit vehicles covered by this provision, however, any such restrictions must be published in the Federal Register by the Secretary.

**Conference substitute**

New subsection (d)(4) provides that states may further restrict or prohibit vehicles covered by this provision, however, any such restrictions must be published in the Federal Register by the Secretary.

**Conference substitute**

New subsection (d)(5) requires that within 90 days after the effective date of this subsection (October 1, 1991), states must complete and file in writing with the Secretary a list of state laws, rules, regulations, limitations and conditions governing the operation of these types of vehicles.

If the state fails to file within the specified time, the Secretary is given the authority to complete and file the list for the state.

The state is further required to certify in writing that the state had determined pursuant to a state statute or regulation in effect on June 1, 1991, that such longer combination vehicles could lawfully operate on such relevant system and highways, and such combinations were in operation on a regular or periodic basis on such system and highways on or before June 1, 1991.

The Secretary is required to publish the list in the Federal Register. After publication the Secretary is required to review the certifications and may commence a proceeding, on the Secretary's own motion, pursuant to a challenge to a determination or to the Secretary's certification is inaccurate. The state has the burden of proof.

If the Secretary determines the certification is inaccurate, the Secretary is required to amend the list published in the Federal Register.

This subsection also provides that no state statute or regulation shall be included on the list published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise,
the operation of longer combination vehicles not in actual operation on a regular or periodic basis on or before June 1, 1991.

This subsection further provides the lists published by the Federal Register that become final on or before May 1991, unless the Secretary determines that the publication of the lists will not be in the public interest. New subsection (d)(7) requires the Secretary to issue regulations establishing guidelines for states to follow in making minor adjustments for safety or road construction purposes.

New subsection (d)(8) provides that if a state allows a longer combination vehicle to be operated on the Interstate System within its boundary in violation of the subsection, the state will have the apportionment of funds withheld under subsection (a).

New subsection (d)(9) requires the Secretary to certify that it is complying with the provisions of section 127(d) of this title and makes a conforming amendment.

Subsection (b) Interstate Route 68—amends Section 127 of title 23 by adding at the end the following new subsection (e).

New subsection (e) provides that the single axle tandem axle, and bridge formula limits set forth in subsection (a) shall not apply to any combination vehicle in Vermont, in the State of Washington, or in the State of Montana.

Subsection (f) requires the Secretary to conduct a study pertaining to transporters of coal and logs if such vehicle is of a type as was operating in the state of Montana, and the state has not provided a basis for satisfactorily certifying grandfather rights or operations under this subsection. Subsection (g) retains the House provision requiring a study of water well drilling rigs.

Subsection (h) retains identical provisions from the House and Senate bills pertaining to Montana-Canada trade.

Subsection (i) retains the House provision requiring a study of water well drilling rigs.

Control of Outdoor Advertising

House Bill

Subsection (a) authorizes a state to use Federal-aid highway funds apportioned to the state for the removal of nonconforming signs and the payment of just compensation in accordance with section 121 of title 23. Subsection (b) requires the owner of an illegal sign to remove it within 90 days from the date of enactment of this Act. If the owner of an illegal sign does not remove it within the 90 day period, the state shall remove the illegal sign and assess the costs for removal to the owner of the illegal sign.

Subsection (c) prohibits the erection of any new sign along any highway on the Interstate and Primary System (as in existence on June 1, 1991) that is designated as a scenic byway under a state scenic byway program. This subsection makes it clear that control of outdoor advertising on scenic byways along the Interstate, Primary System, and the National Highway System shall be in accordance with title 23, Section 131. This subsection also redefines the Primary System for purposes of application of the provisions of title 23.
II11616

CONGRESSIONAL RECORD — HOUSE
November 26, 1991

Conference substitute
Subsection (a) authorizes a state to use any Federal-aid highway funds apportioned to the state for the removal of nonconformity and the payment of just compensation in conformance with title 23, section 131. This provision also applies to signs located along Interstate and Primary system roads designated as Scenic Byways by the states.

Subsection (b) requires the owner of an illegal sign to remove it within 90 days from the date of enactment. If the owner of the illegal sign does not remove it within the 90 day period, the state shall remove the illegal sign and assess the costs for removal to the owner of the illegal sign.

Subsection (c) intends that under the Conference agreement, no signs shall be erected on scenic byways on the Interstate or primary system as those systems are in effect on the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1991.

Subsection (d) is intended to avoid confusion among the States in the implementation of these amendments to the Highway Beautification Act. This subsection makes it clear that the States, in implementing these new provisions, should ensure that signs displays and devices that have received state certification or are eligible for certification under federal-state agreements and state laws implementing section 131 of title 23 United States Code are not affected in any manner.

Metropolitan Planning

House bill

The House Bill revises and strengthens the metropolitan planning process. The general objective of the planning process is to develop transportation facilities that will function as an intermodal transportation system, which is coordinated with areas for the growth of industry and commerce, the development of international border crossings, and connecting roadways within the area with roadways outside the area.

Established area over 50,000 population is required to designate a metropolitan planning organization to carry out the required planning process. Existing MPOs are treated as continuing and are not required to be redesignated.

The planning process for an area is required to cover the existing urbanized area plus the area expected to be urbanized within the planning forecast period. In addition, the covered area may include the entire metropolitan statistical area or consolidated metropolitan statistical area on an area designated as nonattainment for transportation-related pollutants.

The planning process must include both a long-range plan and a transportation improvement program (TIP). In developing the long-range plan and the transportation improvement program, the MPO must provide an opportunity for the affected parties to reasonably comment to the plan. The TIP is prepared cooperatively with the state and includes designations made prior to enactment that remain valid and redesignation is not required.

The current requirement for a continuing, cooperative, and comprehensive surface transportation planning program in all urbanized areas over 50,000 population is continued in the bill to strengthen the state transportation planning process, particularly for metropolitan areas with a metropolitan statistical area (MSA) population of more than 250,000 and in areas classified as nonattainment for ozone or carbon monoxide under the Clean Air Act. Increased emphasis is placed on preserving and making more efficient use of existing transportation facilities. The goals and objectives that must be included in the transportation programs, goals, and objectives; congestion relief; Clean Air Act requirements; effect of transportation policy decisions on land use and development, and the payment of just compensation for land use and development plans; use of innovative financing mechanisms including value capture, tolls, and congestion pricing; programming of transportation activities; development of transportation improvement programs that are consistent with anticipated funding sources; and establishment of projects for implementing the transportation plan.

Transportation improvement programs (TIP) are developed by the MPO, in cooperation with the State and relevant transit operators, and must include all projects to be funded under Title 23 and the Urban Mass Transportation Act. The TIP must be approved by the MPO and the Governor, and be updated at least every two years.

For metropolitan areas of 250,000 and more population, the TIP is developed under Title 23 (programmed) with Title 23 funds are selected from the TIP by State in cooperation with the MPO.

In metropolitan areas with a MSA population of more than 250,000, a congestion management system that provides for the effective management of new and existing transportation systems, travel demand reduction, and operational management strategies, must be developed through the required technical process. In nonattainment areas for ozone and carbon monoxide, where a transportation element of the State Implementation Plan is required by the Clean Air Act, the congestion management system must be coordinated with it. Further in, nonattainment areas for ozone or carbon monoxide, Federal funds cannot be used for any projects that provide a significant increase in carrying capacity for single occupant vehicles unless the project is part of the congestion management system. The review process for transportation plans, programs, and projects funded under Title 23 or the Urban Mass Transportation Act in nonattainment areas must take account any lack of progress in implementing projects in accordance established priorities and take into consideration the emissions expected from all regionally significant transportation projects regardless of the source of funding. Although emissions from all regionally significant projects will be taken into account, for conformity will only delay Federally assisted projects.

In areas over 250,000 population, all projects be funded in the TIP (except Bridge and Interstate Maintenance projects) or the Urban Mass Transportation Act must be selected by the MPO and the Governor. Projects funded under the TIP including the priorities established in the TIP, Bridge and Interstate Maintenance projects are selected by the State in cooperation with the MPO.

In areas over 250,000 population, the Secretary must assure that the requirements of this section are adequately carried out in the metropolitan planning organization. The obligations of the Secretary are specified in each area on annual basis. If at any time after October 1, 1992, the Secretary does not certify the metropolitan planning organization, the obligations are specified for the Metropolitan Area Transportation Program that is attributed to the
area automatically lapses and is redistributed to other States.

One percent of the funds authorized for programs under Sections 104 and 144, except for the Interstate Construction and Interstate Substitution programs, is set aside for metropolitan planning. The Secretary may not prescribe abbreviated requirements for any area designated as nonattainment for ozone or carbon monoxide. The Secretary must determine which provisions of this section may be made applicable to the State to carry out Statewide transportation planning.

Conference substitute

The Conference Bill incorporates selected provisions from the Senate with the selected provisions of the House Bill to revise and strengthen the metropolitan planning process.

Metropolitan planning organizations are to be designated in each urbanized area of 50,000 population or more by agreement among the local governments representing 75 percent of the affected population (including cities or counties defined by the Bureau of Census), or as otherwise provided under state or local procedures. All designations whether under this provision or pursuant to law remain in effect until revoked by agreement between the Governor and local units of general-purpose governments representing at least 75 percent of the affected population, or by the Governor and local units of government representing 75 percent of the affected population decide they want to redesignate the metropolitan planning organization. The existing metropolitan planning organization will remain in effect until a new metropolitan planning organization is designated by the Governor and local officials representing 75 percent of the affected population. A special provision is included to allow metropolitan planning organizations to redesignate the factors listed for the metropolitan planning area.

Each MPO is required to prepare and update a long range transportation plan for its metropolitan area in accordance with a schedule established by the Secretary. The long range plan must identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In nonattainment areas for transportation related pollutants, the metropolitan planning organization must coordinate the development of transportation plans and programs with the state. The long range plan must be made available for public review prior to approval.

Transportation improvement programs (TIP) are developed by the MPO, in cooperation with the State and relevant transit operators, and must include all projects to be funded under the Federal Transit Act. The TIP must be approved by the MPO and the Governor, and be updated at least every two years. The TIP must be made available for public review prior to approval. In areas that are not designated as transportation management areas, projects are selected by the Secretary in consultation with the metropolitan planning organization from the approved TIP.

For urbanized areas not designated as transportation management areas, the Secretary may not prescribe requirements for any area designated as nonattainment for ozone or carbon monoxide under the Clean Air Act. Metropolitan planning funds made available to a MPO and not needed to carry out the provisions of this section may be made available for public review prior to approval.

In areas classified as nonattainment for ozone or carbon monoxide, Federal funds may be used for any highway project that will significantly increase the carrying capacity for single occupant vehicles unless the project is part of or consistent with the approved congestion management system.

The Secretary shall prescribe an appropriate phase-in schedule for any new requirements under this section.

One percent of the funds authorized for programs under Sections 104 and 144, except for the Interstate Construction and Interstate Substitution programs, is set aside for metropolitan planning. The State shall distribute the metropolitan planning funds to MPOs by a formula approved by the Secretary which considers population, transportation needs and other factors necessary to provide an appropriate distribution of funds to carry out the provisions of Sections 104 and 144. Metropolitan planning funds made available to a MPO and not needed to carry out the provisions of this section may be made available for public review prior to approval.

STATEWIDE PLANNING

In carrying out statewide transportation planning, the State is required to prepare a long-range plan and a transportation improvement program, taking into consideration the factors listed for the metropolitan planning process. Specifically, the State is required to incorporate, coordinate, and reconcile the plans and programs developed under the metropolitan planning process, with the planning and management strategies, the plans and programs developed under Title 23 (except for National Highway System, Bridge or Interstate Maintenance projects) and the Urban Mass Transportation Act. Metropolitan planning funds made available to a MPO and not needed to carry out the provisions of this section may be made available for public review prior to approval.

Senate amendment

This section would establish a requirement for a statewide transportation planning process in Section 135 of Title 23. Under the Senate amendment, 100 percent of the funds authorized for programs under Sections 104 and 144, except for the Interstate Construction and Interstate Substitution programs, must be used to develop an effective management of new and existing transportation facilities through travel demand and operational management strategies. In transportation management areas, the State is required to use a Bridge Management System, a Pavement Management System, a Safety Management System, and a Congestion Management System in accordance with regulations issued by the Secretary. A State that certifies to the satisfaction of the Secretary that no congestion...
exists or is expected to exist will not be required to have a congestion management system. These systems are currently in various stages of development. Full development is expected to occur in stages with final implementation by 1995. If a State does not have approved management systems by 1995, the Secretary may: (1) withhold project approvals under 23 U.S.C. 106 and (2) decline acceptance of the State's certification and notice under the 23 U.S.C. 133(c)(2). Each State must also have a Traffic Monitoring System to provide data determined necessary under Title 23. Guidelines and requirements will be established by the Secretary.

The Statewide transportation planning process must take into account the required management systems. Federal, State, or local energy use goals, objectives, programs, or requirements; and valid State or local development or land use plans, programs, or requirements. The process must provide for comprehensive surface transportation planning for non-metropolitan areas and the integration of any non-metropolitan area plans with area plans. In non-attainment areas for ozone and carbon monoxide, the process must be coordinated with development of the transportation portion of any area plan. A State transportation plan (SIP) required under the Clean Air Act (CAA) and must provide for development with any relevant requirements of the SIP. Any State containing an area for ozone or carbon monoxide must develop a State transportation plan and update it at least every two years. In addition to the general requirements, the transportation plan must consider all modes of transportation and must be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems.

In developing the transportation plan, the State must provide an opportunity for public involvement and consult with Indian tribal governments having jurisdiction over lands within the State. In developing the transportation improvement program, the State must provide an opportunity for public involvement and cooperate with the transportation organizations. The transportation improvement programs must include provisions for replacement or rehabilitation for projects where rehabilitation or replacement for use by single occupant vehicles, the federal share is 75 percent. Pay back provisions are included for replaced or rehabilitated bridges where additional capacity is needed for expanded capacity is proposed by either replacement or rehabilitation for use by single occupant vehicles, the federal share is 75 percent. However, if an additional lane could be rehabilitated or replaced by the third lane primarily available to single occupant vehicles, the federal share may be 80 percent. The provisions of the off-system bridge program are extended to most of bridge painting and the application of calcium magnesium acetate to off system bridges.

The Federal share is 80 percent. There is authorized $ million per fiscal year for each of the fiscal years 1992 through 1996 for the bridge discretionary program. Of that amount, $ million per fiscal year is set-aside for the Secretary to develop, conduct and implement research programs to projects near reservations. The provisions of the off-system bridge program are extended to most of bridge painting and the application of calcium magnesium acetate to off system bridges.

No less than 1 percent of the amount apportioned to each state in bridge funds shall be used on Indian reservation bridges. The funds will be deducted in advance of any state apportionment for use by the Indian reservation roads program. The Federal share for Indian reservation bridge projects may be paid from amounts made available from the Indian reservation roads program.

Subsection (g) applies any previously apportioned bridge funds.

Funds are authorized and allocated for high cost bridge projects.

Indian Non-discrimination

Section 110 of Title 23, United States Code, the Federal share of bridge projects where rehabilitation or replacement is for structural reasons is 80 percent. The Secretary shall authorize Federal funds to be used for grants to Indian tribes and Indian reservations for purposes of Indian reservation roads program. The Secretary shall provide that Indian reservation roads program.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

House bill

The Senate amendment allows for the improved access between intercity and rural bus service.

Senate amendment

No comparable provision.

Conference substitute

The House recedes to the Senate.

Bridge Replacement and Rehabilitation

House bill

The Secretary, in consultation with the Secretary of Interior is required to conduct an inventory of Indian reservation and park bridges; classify them according to serviceability, safety, and essentiality for public use; assign a priority for replacement or rehabilitation; and determine the cost of replacing or rehabilitating each bridge.

Bridge painting and the application of calcium magnesium acetate is made an allowable expense under the bridge program.

The Federal share is 80 percent. There is authorized $ million per fiscal year for each of the fiscal years 1992 through 1996 for the bridge discretionary program. Of that amount, $ million per fiscal year is set-aside for the Secretary to develop, conduct and implement research programs to projects near reservations. The provisions of the off-system bridge program are extended to most of bridge painting and the application of calcium magnesium acetate to off system bridges.

No less than 1 percent of the amount apportioned to each state in bridge funds shall be used on Indian reservation bridges. The funds will be deducted in advance of any state apportionment for use by the Indian reservation roads program. The Federal share for Indian reservation bridge projects may be paid from amounts made available from the Indian reservation roads program. Funds are allocated and allocated for high cost bridge projects.

Senate amendment

This section amends Section 144 of Title 23, United States Code. The Federal share of bridge projects where rehabilitation or replacement is for structural reasons is 80 percent. The Federal share for Indian reservation roads program.

Subsection (g) applies any previously apportioned bridge funds.

Funds are authorized and allocated for high cost bridge projects.

Senate amendment

This amendment provides that the Federal share of bridge projects where rehabilitation or replacement is for structural reasons is 80 percent. The Federal share for Indian reservation roads program.

Subsection (g) applies any previously apportioned bridge funds.

Funds are authorized and allocated for high cost bridge projects.
States need to fully consider the environmental effects and long-term economic costs associated with high-impact bridge maintenance and safety practices such as the use of road salt in winter. To encourage States to adopt environmentally safer maintenance and rehabilitation practices, calcium magnesium acetate (CMA) is included as an eligible expense under the Bridge program. This action is a continuation of Section 173 of Public Law 100-17, the provision that encourages States to use CMA on a limited number of bridges in order to extend their useful life, and to protect the surrounding environment.

Level-of-service criteria are to be established for the bridge program by January 1, 1992. The level-of-service criteria are target values against which bridge characteristics are to be compared. The values vary by highway system or functional classification. Using the comparison, bridges can be categorized as needing or not needing rehabilitation or replacement. The bridges thus categorized are those eligible for bridge program funds, and are the bridges used in apportioning these funds to the States. The bill also permits the States to expend up to 35 percent of Federal bridge funds on bridges that are not in the level-of-service inventory.

Conference substitute

The Conference Substitute adopts the House provisions with an amendment that permits seismic retrofit as an eligible expense for bridge repairs. The Conference Substitute also permits the States to expend up to 35 percent of Federal bridge funds on bridges that are not in the level-of-service inventory.

Conference substitute

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House bill

Section 139(a) repeals 23 U.S.C. 141(a), which states that the Secretary shall take effect no later than 12 months after such publication. The Conference Substitute applies the same reprogramming provision and Secretarial discretion with regard to the percentage transferred as in the House bill.

The Senate must publish the final form of the prescribed regulations in the Federal Register within 60 days after publication of the proposed rulemaking. Such final rule shall take effect no later than 12 months after such publication.

MINIMUM ALLOCATION

House bill

The Conference Substitute retains the minimum allocation concept, increased to a 90 percent level, although the base upon which it is calculated is changed. That base includes apportionments for interstate construction, interstate substitution, interstate maintenance, bridge and surface transportation programs as well as prior years' allocations derived from these programs.

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

House bill

Section 132 amends Section 217 of title 23. United States Code to provide that, with the approval of the Secretary, a state may obligate its Rural and Urban Mobility and Flexible funds to construct pedestrian walkways and bicycle transportation facilities on any Federal-aid highway, except on the Interstate system. No bicycle projects may be carried out that are not principally for recreational purposes. Also with the Secretary's approval, a state may obligate its national highway construction and safety grants, non-construction safety grants, motor carrier safety grants, and flexible apportionments to fund bicycle and pedestrian projects from either this Act or the 1987 STURAA.
The Senate amendment, as part of the Statewide planning process, requires the States to have systems comparable to those of the House bill with the exception of public transportation and intermodal. The penalty for failure to establish approved systems, at the discretion of the Secretary, withholding project approvals and/or denial of compliance for the certification necessary as part of the Surface Transportation Program.

**Conference substitute**

The Conference substitute adopts the House provision requiring the Secretary to withhold up to 10 percent of the funds apportioned to the States that have adopted and implemented management systems.

**LIMITATION ON DISCOVERY OF CERTAIN REPORTS AND SURVEYS**

House bill

This section clarifies that no report, survey schedule list, or data compiled for the purpose of complying with Section 130 and 144 of Title 23, United States Code, or for developing any highway safety construction project which may be implemented with Federal-aid highway funds shall be subject to discovery or admitted into evidence in a Federal or state court proceeding.

** Senate amendment**

No comparable provision.

**Conference substitute**

Adopts the House Provision.

**Buy America**

House bill

This section clarifies the intent of Congress to include products manufactured with iron under the Buy America provisions. The Secretary of Transportation is required to submit to Congress a report on purchases from foreign entities that include the dollar value of items for which waivers were granted under the Buy America provisions.

This section also contains provisions that establish penalties for certain violations and limitations on the applicability of waivers for products produced in foreign countries that have trade agreements with the United States.

**Senate amendment**

No comparable provision.

**Conference substitute**

Adopts the House provision.

RELOCATION ASSISTANCE REGULATIONS RELATING TO THE RURAL ELECTRIFICATION ADMINISTRATION

House bill

This section exempts the Rural Electrification Administration (REA) from certain rules relating to appraisal required by the Department of Transportation to carry out property acquisitions. If the acquisition activities of the REA result in the dislocation of a person, then REA must follow the rules of adequately compensating a displaced person.

**Senate amendment**

The Senate amendment amends section 213(c) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to exempt the Rural Electrification Administration (REA) from the uniform regulation relating to the acquisition of real property under title III of that Act. The relocations would still apply where the activities of REA (or TVA which is already exempted) result in the displacement of persons or businesses.
TEMPORARY MATCHING FUND WAIVER

House bill

The House bill contains a provision comparable to that incorporated into the 1987 STURAA, permitting the states to request a waiver of the non-Federal share for a qualifying project if the state funds deposited in the Highway Trust Fund and repaid amounts credited to the appropriate apportionment account of the state are more than the amount which is disbursed to the state. Any amounts not repaid are to be deducted from the amounts credited to the appropriate apportionment account of the state which have made the required repayment.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

The conference substitute adopted the House position.

HIGH PRIORITY CORRIDORS

House bill

This section identifies 16 high priority corridors that are regionally and nationally important. In addition, the Senate would appropriate more funds to be put on the National Highway System.

Specific high priority segments are identified for the corridor. The amount of funding that is available for these projects is $200 million for FY 1992 and $450 million per year for each of FY 1993-1996. In addition, since this special funding will generally not be sufficient to complete work on these segments, the bill requires states to give priority to funding these segments with apportioned funds.

A separate authorization of $10 million per year is provided for feasibility and design studies. In addition, the Senate bill would appropriate $250 million to establish from $50 million set aside for each of FY 1993-1996. This Fund would be available to advance state or local projects in the corridors, with priority given to the high priority segments. A state would repay amounts advanced from National Highway System apportionments.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

The conference substitute adopted the House provisions with the following changes: Authorization levels for high priority segments were modified; (2) the mandatory "shall" language was made permissive; (3) new economic assistance was added in New York. Technical corrections were made to make the advance construction program workable for the Cumberland Gap as well as to clarify the intent of establishing contract authority for the feasibility studies funded under this Section.

HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROGRAM

House bill

The House amendment directs the Secretary to establish a Timber Bridge Construction Discretionary Grant Program, as well as a Program on Wood Use in Transportation Structures.

Conference substitute

House recedes to Senate amendment with funding level to be split between Senate level and the level contained in House bill.

CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES

House bill

This section provides that the Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c) of title 23. The Federal share for construction of ferry boats under this section shall be 80%. There is authorized $36 million for fiscal year 1992 and $43 million per fiscal year for each of the fiscal years 1993 through 1997 out of the Highway Trust Fund and shall be available to the Secretary for each fiscal year to obligate at his or her discretion for grants under this section. The funds shall remain available until expended. All the provisions of title 23 that apply to the National Highway System, except those related to the apportionment formula and Federal share, shall apply to funds made available to the Secretary under this section.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision with modifications to the House position.

ASPHALT PAVEMENT CONTACTING RECYCLED MATERIALS

House bill

Section 143 of H.R. 2650 specifies that, for a period of five years, the Secretary of Transportation may not disapprove any state highway project on the basis that such project utilizes rubber modified asphalt. This section requires the Secretary to conduct a two-year study on the utilization of recycled materials in paving materials and highway devices and appurtenances.

Senate bill

Section 127 of S. 1204 requires the Secretary of Transportation to withhold grants under title 23, other than for projects or grants relating to safety, from any state which cannot certify to the Secretary that it has met the minimum utilization requirement established in this section. The Senate amendment provides that the minimum utilization requirement is any crumb rubber derived from scrap tires for each ton of fine aggregate used in constructing or reconstructing state or local roads. The Senate amendment also provides that the minimum utilization requirement is any crumb rubber derived from scrap tires for each ton of fine aggregate used in constructing or reconstructing state or local roads.

The Senate amendment directs the Administrator of the Environmental Protection Agency, in cooperation with the states, to conduct a study on the health and environmental threats, recyclability, and technical performance of asphalt pavement containing recycled rubber. In addition, the Senate amendment provides that the Secretary may use procedures for acceleration of the construction and Discretionary grant program, as well as a Program on Wood Use in Transportation Structures.
The Secretary shall transmit to the Congress a report on motor fuel tax enforcement activities and the expenditure of funds made available under this section, including hiring of additional staff by any Federal agency, on October 1 and April 1 of each year.

**Conference substitute**

Adopts the House provision with an amendment that authorizes $25 million in contract authority and $15 million in General Fund appropriations spread out over the 6-year life of the bill.

**SUBSTITUTE PROJECT**

### House bill

The House provision allows the Secretary to approve substitute highway, bus transit, and light rail transit projects, in lieu of construction of I-94.

### Senate amendment

The Senate amendment is similar, however, the source of funding for any transit substitute projects approved shall be the Mass Transit Account of the Highway Trust Fund.

**Conference substitute**

The Senate recedes to the House.

### RENTAL RATES

The House bill authorizes a study on equipment rental rate for use of reimbursable contractors for extra work on Federal-aid projects.

### Senate amendment

The Senate amendment contained no comparable provision.

**Conference substitute**

The Senate Conference substitute adopts the House provision.

### SCENIC BYWAYS PROGRAM

**House bill**

Section 147 of the House bill establishes a Scenic Byways Advisory Committee within the Department of Transportation for the purpose of assisting the Secretary in developing a national scenic byways program and in making recommendations to the Secretary regarding minimum criteria for use by State and Federal agencies in designating highways as scenic byways and all-American roads.

**Senate amendment**

Membership must consist of the Administrator or a designee of the Administrator of the Federal Highway Administration; the Chief or designee of the Chief of the Forest Service of the Department of Agriculture; the Director or designee of the Director of the Bureau of Land Management of the Department of the Interior; the Under Secretary or designee of the Under Secretary for Travel and Tourism of the Department of Commerce; the Assistant Secretary or designee of the Assistant Secretary for Indian Affairs of the Department of the Interior; and appointees of the Secretary to represent the interests of conservationists, recreational users, scenic byways, the tourism industry, historic preservationists, highway users, state highway and transportation officials, local highway and transportation officials, an individual qualified to serve on the advisory committee as a planner, one representative of the motoring public and of groups interested in scenic preservation, and other representative of the outdoor advertising industry.

Recommendations made by the advisory committee shall provide for coordination of the scenic beauty and historic significance of highways proposed for designation and the areas surrounding the highways; operation and management standards for scenic byways and all-American roads including strategies for maintaining and improving their scenic and historic qualities, for protecting and enhancing landscape and view corridors and for minimizing traffic congestion; standards and federal scenic byway-related signs and other matters.

**Senate amendment**

No later than 18 months after enactment, the advisory committee shall submit to the Secretary a report with all recommendations described in this section. The Secretary shall provide technical assistance and grants to the states for planning, design and development of state scenic byway programs.


There is $7 million authorized for fiscal year 1992 and $8 million per year for fiscal years 1993 through 1994 for the Federal Highway Administration in January 1991. As part of this program, the Federal Highway Administration will establish the capability to provide information and technical assistance to the state agencies responsible for scenic and historic byway programs. In addition, the Federal Highway Administration will establish the capability to coordinate Federal, state, local and private sector development efforts and for providing such road user amenities as information services, maps and brochures, and interpretive displays along the scenic routes. The Secretary, in coordination with the Federal Highway Administration will establish the capability to provide information and technical assistance to the state agencies responsible for scenic and historic byway programs. In addition, the Federal Highway Administration will establish the capability to coordinate Federal, state, local and private sector development efforts and for providing such road user amenities as information services, maps and brochures, and interpretive displays along the scenic routes.
United States Forest Service, the Bureau of Land Management, the National Park Service, the Bureau of Indian Affairs, and the U.S. Travel and Tourism Administration.

The national study should be consulted in developing the criteria for the All American Roads program. Roads to be considered for nomination and protection are those and unique characteristics; and to enhance rural tourism, economic development, and world-class tourism destinations.

Conference substitute

The Conference Substitute adopts the House version, but permits up to 10 percent of scenic highway funds to be used for billboard removal on scenic byways. The conference substitute contains the Senate amendment with comparable provisions. The conference substitute contains the Senate program categories.

House bill

This conference substitute adopts the House language. It is the conference substitute that includes the Senate program categories.

Conference substitute

The conference substitute adopts the House provision.

ROADSIDE BARRIER TECHNOLOGY

House bill

This conference substitute contains the Senate provision with comparable Senate categories.

House bill

The conference substitute contains the Senate provision with comparable provisions.
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Senate amendment

The Senate amendment provides that unobligated balances apportioned for the primary, secondary, and urban systems and the railroad-highway crossing and hazard elimination programs may be obligated for the Surface Transportation Program.

Conference substitute

The Senate amendment contains no comparable provision.

MISCELLANEOUS PROJECTS

House bill

This section authorizes the Secretary to adopt the House provision.

USE OF HIGH OCCUPANCY VEHICLE Lanes By MOTORCYCLES

House bill

This section requires the Secretary to not recognize any certification made by a state on the safety of motor bikes on high occupancy vehicle lanes that was made prior to the enactment of the Interstate Surface Transportation Infrastructure Act of 1991.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

WORK ZONE SAFETY

House bill

Sec. 168 of the House bill requires the Secretary of Transportation to develop a work zone safety program which would improve the work zone safety by enhancing the quality and effectiveness of traffic control devices, safety appurtenances, traffic control plans, and bidding practices for traffic control devices and services.

No later than 2 years after enactment of this title, the Secretary shall submit to Congress such proposed program and recommendations for implementation.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

RAILROAD RELOCATION DEMONSTRATION PROGRAM

House bill

This section extends the amounts ($15 million per fiscal year) authorized for the railroad relocation demonstration program for an additional three years through fiscal year 1994.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

J. CLIFFORD NAUGLE BYPASS

House bill

This section designates the highway bypass being constructed around the Borough of Ligonier in Westmoreland County, Pennsylvania, as the "J. Clifford Naugle Bypass." Mr. Naugle is the former mayor of Ligonier and has worked tirelessly to advance the construction of the bypass.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

INTERSTATE ADVANCE CONSTRUCTION PROGRAM

House bill

This section authorizes the reimbursement for the construction of eligible Federal-aid highway projects commenced after September 30, 1991 and before the date of enactment of this Act. The amounts obligat ed under this provision is limited to the amounts apportioned to the states for fiscal year 1991.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.
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Presidential Highway, Fulton County, Georgia

House bill

The bill authorizes the Secretary to approve the construction of the Presidential Highway as agreed to by the Georgia Department of Transportation, the city of Atlanta, and CAUTION, Inc. The execution of the settlement agreement by the DeKalb County, Georgia Superior Court will be deemed to constitute full compliance with all Federal laws applicable to carrying out the project.

There is also a limitation established on the expenditure of Federal funds for the construction of this project. All limitations on the construction and funding of the Presidential Highway are subject to the approval of the settlement agreement executed by all parties.

Senate amendment

No comparable provision.

Conference substitute

Adopts House provision.

Infrastructure Awareness Program

House bill

This section authorizes $2 million for the purpose of creating an awareness by the public and State and local governments of the State of the Nation's infrastructure and to encourage and stimulate, efforts by the public and private parties to undertake studies and projects to improve the infrastructure.

The Secretary is authorized to fund the production of a documentary on the state of the Nation's infrastructure with a not-for-profit national public television station.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

United States-Canada Bridges

House bill

This section authorizes the Secretary to collect and analyze data on the volume of traffic crossing at three international bridge crossings under the authority of the Niagara Falls Bridge Commission.

Senate amendment

No comparable provision.

Conference substitute

The Conference substitute provides the Niagara Falls Bridge Commission the authority to issue tax exempt bonds.

Use of Compost

House bill

This section expresses the sense of Congress that State and local governments should encourage the environmentally safe use of compost and other products along the rights-of-way of Federal-aid highways.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

Methods to Reduce Traffic Congestion During Construction

House bill

This section expresses a sense of Congress that traffic congestion requiring Federal projects are carried out in a way which unnecessarily disrupts traffic flow during construction and that methods need to be adopted to eliminate or reduce these disruptions.

The Secretary is required to conduct a study on methods of enhancing traffic flow during construction and report to Congress on the results of the study not later than September 30, 1992.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

Guaranty and Warranty Clauses

House bill

This section requires the Secretary to develop regulations to permit a State highway department to include a clause in a contract for engineering and design services, or for the construction of any Federal-aid highway projects for work performed.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House substitute.

Highway Tree Planting Program

House bill

This bill authorizes $5 million per fiscal year for each of the fiscal years 1992 through 1995 for the Secretary to make grants to States for developing a plan for tree planting, developing, and implementing a program for the planting of trees along the rights-of-way of Federal-aid highways. The maximum aggregate amount of grants to a State in a fiscal year is limited to $500,000 and the Federal share may not exceed 80 percent.

The Secretary is required to take action as necessary to encourage State highway departments to enter into cooperative agreements with State foresters to implement the requirements of this subsection. The donation of trees is permitted for carrying out the provisions of this section.
Senate amendment
No comparable provision.
Conference substitute
House recedes to the Senate.

FEDERAL SHARE ON SPECIAL PROJECTS

House bill

This section requires the Federal share payable on account of any demonstration project authorized under certain sections to be 80 percent.

Senate amendment
No comparable provision.
Conference substitute
Adopts the House provision.

PRIVATE PROPERTY RIGHTS

House bill
No comparable provision.

Senate amendment
Title IV of the Senate Amendment imposes certain procedural requirements for regulations issued by all Federal agencies. Prior to the promulgation of any regulations by any agency, the Attorney General must certify that the regulation is in compliance with the Executive Order 12250 and similar procedures relating to minimizing the taking of private property as a result of regulatory activity.

Conference substitute
The Senate recedes to the House.

Cleveland Harbor, Ohio

House bill

Section 182 of the House bill deauthorizes a portion of the navigation project for Cleveland Harbor, Ohio to allow for the consideration of permit applications related to constructing facilities for the use of Cleveland Harbor. The U.S. Army Corps of Engineers will not consider applications for permits to conduct activities in navigable waters which would impact upon a Federal-ly authorized navigation project.

Senate amendment
No comparable provision.
Conference substitute
The conference substitute adopts the House provision with an amendment. The Conference Substitute adds language to also declare a certain portion of Cleveland Harbor as nonnavigable waters of the United States.

Stormwater Permits

House bill
No comparable provision.

Senate amendment
Section 140L of the Senate Amendment extends certain application deadlines for and enforcement of the stormwater permitting requirements of Section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) for industrial activities owned or operated by municipalities with a population of under 100,000.

Conference substitute
The conference substitute extends individual and group permit application deadlines for stormwater discharges associated with industrial activities from municipally owned or operated facilities. Individual permit applications must be submitted no later than October 1, 1992, except that where a timely group application is denied the applicant would be entitled to an additional six months from the date of the denial to submit an individual application. Group applications are extended until September 30, 1991 for Part I and October 1, 1992 for Part II except that for municipalities of under 250,000 an additional period of time is provided. No stormwater discharge permits for industrial activities for municipalities of under 100,000 are required prior to October 1, 1992 except stormwater discharges from municipally owned or operated power plants, airports, and certain landfills. The conference substitute also requires that general permit regulations for stormwater discharges be promulgated no later than February 1, 1992. The conference substitute is not intended to prejudice or in any manner affect any ongoing litigation.

Hudson River, New York

House bill
No comparable provision.

Senate amendment
Section 140U of the Senate Amendment declares a portion of the Hudson River, New York to be nonnavigable waters of the United States. The area declared as nonnavigable is the current location of the structure known as Pier A and its immediate surroundings. The nonnavigability declaration does not affect the application of Federal laws or regulations to activities within the area declared nonnavigable.

Conference substitute
Same as the Senate Amendment.

Providence, Rhode Island, Bridge Removal

House bill
No provision.

Senate amendment
No provision.

Conference substitute
The Conference Substitute includes a provision to extend the authorization for a project to remove the center span of the India Point Railroad Bridge over the Seekonk River in Providence, Rhode Island. The project was originally authorized pursuant to Section 118(c) of the Water Resources Development Act of 1986 but has been deauthorized by operation of law.

Brunswick Harbor, Georgia

House bill
No provision.

Senate amendment
No provision.

Conference substitute
The Conference Substitute includes a provision to deauthorize the Academy Creek feature of the Brunswick Harbor, Georgia navigation project. This feature is no longer needed for commercial navigation.

Fort Canaveral, Florida

House bill
No provision.

Senate amendment
No provision.

Conference substitute
The Conference Substitute includes a provision to deauthorize the Academy Creek feature of the Fort Canaveral, Florida, Gulf of Mexico channel for a project to remove new, larger cruise ships at the Port's terminals.

Joseph Ralph Sasser Boat Ramp

House bill
No provision.

Senate amendment
No provision.

Conference substitute
The Conference Substitute includes a provision to name a boat ramp facility on the Mississippi River in Shelby County, Tennessee, on behalf of Joseph Ralph Sasser, the late father of Senator Jim Sasser. Mr. Sasser joined the Soil Conservation Service—Civilian Conservation Corps in Selmer, Tennessee in 1935. He attained the rank of major in the 1st Marine Division during World War II. After the war, he returned to work with the Soil Conservation Service until 1970. He then went to Tennessee and was a former member of the Tennessee Agricultural Liaison Office until his retirement in 1972. He worked tirelessly for the improvement and preservation of the natural resources of Tennessee.

Lindy Claiborne Boggs Lock and Dam

House bill
No provision.

Senate amendment
No provision.

Conference substitute
The Conference Substitute includes a provision renaming lock and dam number 1 on the Red River Waterway in Louisiana as the Lindy Claiborne Boggs Lock and Dam.

Congresswoman Boggs served in the House of Representatives from 1973 succeeding her husband Hale Boggs, who had served in the House for 27 years, until the end of the 101st Congress. She was the first woman from Louisiana to serve in the House. She devoted great energies to improving the lives of children and to protect the rights of all Americans. She represented the people of New Orleans with grace, wit, and dedication to the best public policies.

Rockaway Inlet to Norton Point, New York

House bill
No provision.

Senate amendment
No provision.

Conference substitute
The Conference Substitute includes a provision modifying the project for shoreline protection at the Atlantic City Jetties from Rockaway Inlet to Norton Point, to authorize construction of the project in accordance with the current General Design Memorandum dated April 1991. The project was originally authorized for construction by section 501(a) of the Water Resources Development Act of 1986.

Appomattox River, Virginia

House bill
No provision.

Senate amendment
No provision.

Conference substitute
The conference substitute provides that the Federal Energy Regulatory Commission (FERC) shall reissue a license under the Federal Power Act to the Appomattox River Water Authority together with any amendments necessary and appropriate and extend the period for construction for three years after enactment. The order would be subject to the requirements of this section and the Federal Power Act. During the three-year period FERC is directed to issue an order at the request of the Authority permitting the authority to transfer a license to a third party for the purpose of protecting the Authority from challenge as specified in this provision. The transferred license would be subject to, and must comply with, the Federal Power Act, including provisions of section 10 relating to fish and wildlife. The transferred license would be subject to revocation at the request of the Authority to permit the Authority to surrender the license. That surrender could not take place, however, until notice, the completion of the project construction, including fish and wildlife facilities, and delivery to FERC of a statement by the Board of the Authority that there is a need to surrender because the Authority would be acting in violation of its charter or be inconsistent with bond indentures. The provision requires FERC to accept this surrender.
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In addition, the provision includes authority for the FERC to extend the period for construction under section 13 of the Federal Power Act for three identified projects. The provision relates to a project in Union City, Michigan and provides that it is not unlawful for the municipality of Union City to operate, maintain, repair, reconstruct, and modify the project without a license from FERC.

INTERSTATE MAINTENANCE

House bill

The House bill does not continue Interstate 4R as a separate category, however, it requires that 20 to 50 percent of the apportionment to the states for the National Highway System be used for interstate resurfacing, restoring, and rehabilitating. The minimum amount shall be equal to 70 percent of the amounts apportioned to each state in fiscal year 1991 under the Interstate 4R program.

Senate amendment

The Senate amendment redefines and modifies the existing Interstate 4R program to eliminate eligibility for projects which expand capacity, except in the case of expansion of capacity for projects where the expansion is for other than single occupant vehicles.

The provisions which allow an unconditional transfer of Interstate Maintenance Program funds to other categories are retained. It requires a positive finding by the Secretary that a State transportation department is adequately maintaining the Interstate system before a State may be allowed to transfer to other categories an amount of Interstate Maintenance Funds in excess of 20 percent of its Interstate Maintenance apportionment.

The Federal share for any Interstate maintenance project is established at 80 percent. The provisions to allow increases in participation ratios up to 95 percent based on the percentage of Indian or Federal lands within the State has been retained.

The Secretary is required to develop guidance for the Interstate transportation department on what criteria are used to determine whether the time line to develop the Interstate system before the Secretary is allowed to transfer to other categories an amount of Interstate Maintenance Funds in excess of 20 percent of its Interstate Maintenance apportionment.

Conference substitute

The conferences substitute adopts the Senate amendment with some technical changes. The Senate amendment is tied to a cost effectiveness determination per recommendations by the General Accounting Office, and is eligible for funding for non-chargeable Interstate segments.

TOLL FACILITIES

House bill

The House bill amends title 23, United States Code, to permit Federal participation in toll highways and tunnels project financed with Tier 4 funds. The House bill permits limitations on the kinds of facilities that may be tolled and continues the maximum Federal participation at 35 percent.

Senate amendment

The Senate amendment amends title 23, United States Code, in a manner similar to that of the House. In addition, the Senate would permit up to 80 percent Federal participation in the cost of the project for rehabilitation of existing toll facilities or conversion of existing free facilities to toll facilities.

Conference substitute

The conference substitute contains the provision allowing all states the option of using tier 4 funds for interstate roads, except for Interstate Highways.

Other provisions contained in this House bill and Senate amendment thereto have been combined.

NATIONAL MAGNETIC LEVITATION DESIGN PROGRAM

House bill

No comparable provision.

Senate amendment

The Senate amendment declares that it is the policy of the United States to establish in the shortest time practicable a United States designed magnetic levitation technology capable of operating along Federal-aid highway rights-of-way as part of a national transportation system of the United States.

It establishes a National Magnetic Levitation Design Program to be managed Jointly by the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works and requires development of a strategic plan for the design and construction of a magnetic levitation surface transportation system to be developed within 18 months of enactment of the Act.

It establishes a three-phase competitive contract program to ultimately develop and construct a prototype maglev system within six years of enactment of the Act. Projects are to be cost-shared with non-federal organizations to encourage collaborative research. The Senate amendment authorizes $750 million for the program, and periodic reports to Congress are required.

Conference substitute

The conference agreement accepts the Senate amendment with substantial modifications. The title of the section is changed to the National High-Speed Ground Transportation, and a National High-Speed Ground Transportation Technology Demonstration Program and high-speed ground transportation research and development program is established.

The strategic plan for development of a national maglev transportation system is replaced with a report to Congress on the feasibility of one or more high-speed ground transportation systems in the United States, and the time line to develop the maglev prototype is extended by 18 months. Funding for the maglev prototype is reduced to $700 million, of which $475 million is to come from the Mass Transit Account of the Highway Trust Fund and the rest from general revenues. Authorization for the Transportation Technology and Demonstration Program is $50 million, of which $25 million is to come from the Mass Transit Account and the remainder from general revenues.

The research and development program is authorized to utilize $50 million for research and development and the Secretary will be required to establish, no later than June 1, 1996, a National Magnetic Levitation Prototype Development Program to be managed by a Program Director appointed jointly by the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works. The Director will carry out the program through a National Maglev Joint Project Office. The conferences do not intend for the Maglev Joint Project Office to be larger than the minimum needed to support the activities of the Director.

The development of a maglev prototype shall occur in three phases. Not later than 12 months after enactment of the Act, the Maglev Joint Project Office shall release a request for proposal for research and develop-
The project shall have sufficient length, at least 200 miles, to allow simulation of service operation between urban centers. The conferees believe that the prototype capability of evaluating factors that affect sustained high-speed operation which may be relevant to long-distance magnet technology.

The project shall be located in an area that provides a potential ridership base for future commercial operation. The conferences indicate that the initial experiment system capable of fully evaluating the chosen technical design, but the substantial federal investment, including the anticipated non-federal makes it highly desirable that upon completion of adequate testing, the system also be useful for assessing the economics of maglev travel, as well as service.

The project shall utilize a technology capable of being applied in commercial service in most parts of the contiguous United States; and conference directs the site be chosen for construction of the project should, to the extent feasible, be so located to test the technology in the rain and snow, changes in elevation, wind, and heat. The extent that this is not completely feasible, the conferences intend that these factors be considered in selection of the design, even if testing is not possible.

The project shall have at least one switch. The conferences recognize that high-speed switching technology is essential to the commercial application of maglev technology and should be tested in the prototype. The conferences believe that it also would be highly desirable and is probably feasible to design the pavement that will bear the weight of two vehicles passing in opposite direction on a guideway.

The section protects trade secrets and competitive, or financial information, and protects any technology developed pursuant to this section under the Stevenson-Wydler Technology Innovation Act of 1980. The section authorizes the costs of research authority and defines eligible participants as United States private businesses, United States public and private research organizations, Federals Laboratories, and consortia of such businesses, organizations, or laboratories.

The conference agreement amends Subsection (c) of Chapter I of Title 49, United States Code, to provide for a National High-Speed Ground Transportation Technology Demonstration Program, and research and development program. It requires the Secretary, in consultation with the Secretary of Transportation, the Army for Civil Works, and other heads of interested agencies, to lead and coordinate Federal efforts to develop high-speed ground transportation technologies in order to foster the implementation of magnetic levitation and high-speed rail systems as alternatives to existing transportation systems. This subsection also authorizes the Secretary to award grants and contracts for demonstrations of specific techni-
nologies in high-speed ground transportation projects or systems under construction or in operation. The conferees intend that the Secretary shall have discretion over the amount and distribution of grants and contracts made available for grants and contracts awarded pursuant to this subsection.

The conferees intend that the Secretary shall have discretion over the amount and distribution of grants and contracts made pursuant to this subsection, except that no grants of high-speed ground transportation, specifically with respect to research and development related to maglev technology, several other Federal agencies in addition to the Department of Transportation have participated in the assessment of the future potential for maglev systems, including the Department of Energy, the Army Corps of Engineers, the Department of Transportation, the Department of Defense, the Commerce, and the Environmental Protection Agency. The National Aeronautics and Space Administration, Idaho and Argonne National Laboratories, have also been involved in maglev through the National Maglev Initiative program. The conferees intend that the Secretary be required to provide reports to Congress by FY 1993 and FY 1998 on activities conducted pursuant to this subsection, the conferees intend that the Secretary shall have discretion over the amount and distribution of grants and contracts made available for grants and contracts awarded pursuant to this subsection.

The conferees envision that the Secretary would demonstrate a technology to be incorporated in a State that prohibits under State law the expenditure of Non-Federal Public funds or revenue for the development of any type of research and development of such projects or systems. Applicants eligible to participate under this demonstration program include any United States private business at the time the application is made, any entity with the demonstrated capability of performing research and development activities which do not require the participation of any United States Federal laboratory. Under a “funding agreement,” the non-Federal recipient of Federal funds automatically gets the right to ownership of any patentable inventions resulting from research conducted under the agreement. Under a CRADA, the disposition of inventions shall be negotiated. Under a CRADA, the non-Federal recipient of Federal funds may agree to give up its ownership rights, or to grant licensing rights in advance.

The conference agreement also requires the Secretary of Transportation to complete a report on the potential for constructing high-speed ground transportation systems, including a comparison of the role of a United States-designed maglev system, developed as a prototype under the
The conference substitute provides that: (a) the fifth and sixth years of the bill, the reimbursement program will be implemented.

**Program Efficiencies**

**House bill**

No comparable provision.

**Senate amendment**

The Senate amendment amends sections 1109, and 302 of title 23.

**23 U.S.C. 102(a)** provides that all Surface Transportation Program projects must be designed, constructed, operated, and maintained in compliance with applicable state and federal requirements. The design and construction standards adopted by states for projects on principal arterials shall be approved by the Secretary of Transportation.

**23 U.S.C. 102(b)** allows a state highway department to acquire property for the purpose of constructing a highway or road in accordance with the state's transportation plans and policies. The secretary of transportation may approve a state's highway department to construct a highway or road if it meets certain criteria, including the state's transportation plans and policies, and the project is in the public interest.

**23 U.S.C. 102(c)** requires the secretary of transportation to provide technical assistance to states in the development of high-speed ground transportation systems. The conference substitute also amends sections 142(g) and 158 of title 23 to provide for the development of high-speed ground transportation systems.

**Section 156 of title 23** is also amended to require the secretary of transportation to provide technical assistance to states in the development of high-speed ground transportation systems. The conference substitute also amends sections 142(g) and 158 of title 23 to provide for the development of high-speed ground transportation systems.

**Conferences substitute**

The conference substitute contains the Senate amendment.

**House bill**

No comparable provision.

**Senate amendment**

The Senate amendment amends sections 1109, and 302 of title 23.

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**Conferences substitute**

The conference substitute contains the Senate amendment.

**House bill**

No comparable provision.

**Senate amendment**

The Senate amendment amends sections 1109, and 302 of title 23.

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**Conferences substitute**

The conference substitute contains the Senate amendment.

**House bill**

No comparable provision.

**Senate amendment**

The Senate amendment amends sections 1109, and 302 of title 23.

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**Conferences substitute**

The conference substitute contains the Senate amendment.

**House bill**

No comparable provision.

**Senate amendment**

The Senate amendment amends sections 1109, and 302 of title 23.

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**Conferences substitute**

The conference substitute contains the Senate amendment.

**House bill**

No comparable provision.

**Senate amendment**

The Senate amendment amends sections 1109, and 302 of title 23.

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**Conferences substitute**

The conference substitute contains the Senate amendment.

**House bill**

No comparable provision.

**Senate amendment**

The Senate amendment amends sections 1109, and 302 of title 23.

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**Conferences substitute**

The conference substitute contains the Senate amendment.

**House bill**

No comparable provision.

**Senate amendment**

The Senate amendment amends sections 1109, and 302 of title 23.

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**Conferences substitute**

The conference substitute contains the Senate amendment.
November 26, 1991

CONGRESSIONAL RECORD—HOUSE

H11631

ment for projects undertaken within the city.

Conference substitute

Same as the Senate with respect to the provisions regarding HOV occupancy requirements.

Requires as a general condition for receiving grants in any fiscal year that a State enter into an agreement with the Secretary to implement a traffic safety program. Additionally requires for a State to receive a grant in a fiscal year succeeding the first fiscal year it receives a grant that it have a law requiring seatbelt use and achieve a rate of compliance with such law of not less than 75 percent and have a law requiring motorcycle helmet use and achieve a rate of compliance with such law of not less than 75 percent. Additionally requires for a State to receive a grant in a fiscal year succeeding the second fiscal year that it receives a grant that it have a law requiring seatbelt use and achieve a rate of compliance with such law of not less than 75 percent and have a law requiring motorcycle helmet use and achieve a rate of compliance with such law of not less than 75 percent.

Provides that each State shall measure compliance using methods which conform to guidelines issued by the Secretary.

Stipulates that if a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year 1994 such State shall spend for highway safety programs 1/100 percent of funds apportioned to the State under subsection (b)(1) of Section 402 of this title. Stipulates that if at any time after September 30, 1994 a State does not have a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year the Secretary shall transfer 50 percent of the funds apportioned to the State under each of the subsection (b)(1) of Section 402 of this title. Stipulates that if at any time after September 30, 1994 a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year such State shall spend for highway safety programs 3 percent of funds apportioned to the State under section 402 of this title. Stipulates that if a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year such State shall spend for highway safety programs 3 percent of funds apportioned to the State under subsection (b)(1) of Section 402 of this title. Provides that if a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year such State shall spend for highway safety programs 3 percent of funds apportioned to the State under subsection (b)(1) of Section 402 of this title.

House bill

Authorizes the Secretary to make grants to a State which has laws which make unlawful the operation of a motorcycle if an individual who is not wearing a motorcycle helmet and the operation of a passenger vehicle whenever an individual in the front seat (other than a child seated in a child safety seat or a child seated in a child restraint system) is not wearing a seatbelt.

Requires a State to use grants to adopt and implement traffic safety programs in vehicle safety and education, law enforcement training, monitoring of compliance, and enforcement of laws.

Requires a State, as a condition of receiving grants, to maintain their aggregate expenditures for such traffic safety programs at or above the average level in the preceding two fiscal years.

Prohibits any State from receiving a grant in more than 3 fiscal years. Stipulates that federal grants shall be a maximum of 75 percent of a State's cost of implementing such traffic safety programs in the first fiscal year, a maximum of 50 percent in the second year, and a maximum of 25 percent in the third fiscal year.

Limits aggregate amount of grants to a State under this section to 90 percent of such State's apportionment for fiscal year 1990 under Section 402 of this title.

Requires as a general condition for receiving grants in any fiscal year that a State enter into an agreement with the Secretary to implement a traffic safety program. Additionally requires for a State to receive a grant in a fiscal year succeeding the first fiscal year it receives a grant that it have a law requiring seatbelt use and achieve a rate of compliance with such law of not less than 75 percent and have a law requiring motorcycle helmet use and achieve a rate of compliance with such law of not less than 75 percent. Additionally requires for a State to receive a grant in a fiscal year succeeding the second fiscal year that it receives a grant that it have a law requiring seatbelt use and achieve a rate of compliance with such law of not less than 75 percent and have a law requiring motorcycle helmet use and achieve a rate of compliance with such law of not less than 75 percent.

Provides that each State shall measure compliance using methods which conform to guidelines issued by the Secretary.

Stipulates that if a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times in fiscal year 1994 such State shall expend for highway safety programs 1/100 percent of funds apportioned to the State under section 402 of this title. Stipulates that if at any time after September 30, 1994 a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year the Secretary shall transfer 50 percent of the funds apportioned to the State under each of the subsections (b)(1), (b)(2), and (b)(6) of Section 104 of this title to the apportionment of the State under Section 402 of this title. Stipulates that if at any time after September 30, 1994 a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year the Secretary shall transfer 50 percent of the funds apportioned to the State under each of the subsections (b)(1), (b)(2), and (b)(6) of Section 104 of this title. Stipulates that if at any time after September 30, 1994 a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year such State shall spend for highway safety programs 3 percent of funds apportioned to the State under subsection (b)(1) of Section 402 of this title. Stipulates that if a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year such State shall spend for highway safety programs 3 percent of funds apportioned to the State under subsection (b)(1) of Section 402 of this title.

 authorizes to be appropriated out of the Highway Trust Fund $40,000,000 for fiscal year 1992, $30,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994. Provides that certain provisions of chapter 1 of this title are applicable to the funds appropriated under this Section and that funds authorized to be appropriated under this Section shall remain available until expended.

Senator amendment

Authorizes the Secretary to make grants to a State which has laws which make unlawful the operation of a motorcycle if any individual on the motorcycle is not wearing a motorcycle helmet and the operation of a passenger vehicle whenever an individual in the front seat (other than a child seated in a child safety seat or a child restraint system) is not wearing a seatbelt.

Requires a State to use grants to adopt and implement traffic safety programs in vehicle safety and education, law enforcement training, monitoring of compliance, and enforcement of laws.

Requires a State, as a condition of receiving grants, to maintain their aggregate expenditures for such traffic safety programs at or above the average level in the preceding two fiscal years.

Prohibits any State from receiving a grant in more than 3 fiscal years. Stipulates that federal grants shall be a maximum of 75 percent of a State's cost of implementing such traffic safety programs in the first fiscal year, a maximum of 50 percent in the second year, and a maximum of 25 percent in the third fiscal year.

Limits aggregate amount of grants to a State under this section to 90 percent of such State's apportionment for fiscal year 1990 under Section 402 of this title.

Requires as a general condition for receiving grants in any fiscal year that a State enter into an agreement with the Secretary to implement a traffic safety program. Additionally requires for a State to receive a grant in a fiscal year succeeding the first fiscal year it receives a grant that it have a law requiring seatbelt use and achieve a rate of compliance with such law of not less than 75 percent and have a law requiring motorcycle helmet use and achieve a rate of compliance with such law of not less than 75 percent. Additionally requires for a State to receive a grant in a fiscal year succeeding the second fiscal year that it receives a grant that it have a law requiring seatbelt use and achieve a rate of compliance with such law of not less than 75 percent and have a law requiring motorcycle helmet use and achieve a rate of compliance with such law of not less than 75 percent.

Provides that each State shall measure compliance using methods which conform to guidelines issued by the Secretary.

Stipulates that if a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times in fiscal year 1994 such State shall expend for highway safety programs 1/100 percent of funds apportioned to the State under section 402 of this title. Stipulates that if at any time after September 30, 1994 a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year the Secretary shall transfer 50 percent of the funds apportioned to the State under each of the subsections (b)(1), (b)(2), and (b)(6) of Section 104 of this title. Stipulates that if at any time after September 30, 1994 a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year such State shall spend for highway safety programs 3 percent of funds apportioned to the State under subsection (b)(1) of Section 402 of this title. Stipulates that if a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year such State shall spend for highway safety programs 3 percent of funds apportioned to the State under subsection (b)(1) of Section 402 of this title.

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Authorizes to be appropriated out of the Highway Trust Fund $45,000,000 for fiscal year 1992, $30,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994. Provides that if a State does not have both a law requiring helmet use and a law requiring seatbelt use at all times during a fiscal year, then in the succeeding fiscal year such State shall spend for highway safety programs 3 percent of funds apportioned to the State under subsection (b)(1) of Section 402 of this title.

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Conferees agreement

The conference agreement generally follows the Senate Bill. The agreement adopts the House language on the purposes for which redirected funds may be spent by the States, and adopts the House language on definitions.
The Senate amendment requires the Secretary to prepare and submit a reclassification of title 23, United States Code, to Congress for consideration by October 1, 1993.

The conference substitute requires the Secretary to prepare and submit a proposed reclassification of title 23, United States Code, to Congress for consideration by October 1, 1991.

The Senate amendment mandates that the Bureau of Indian Affairs of the Department of the Interior shall be allowed to use Highway Trust Funds for road sealing projects on Indian reservation lands, in addition to—and not in lieu of—the BIA's road maintenance program. Pursuant to the Memorandum of Agreement between BIA and FHWA signed on May 24, 1983, the BIA is clearly responsible for maintaining roads built with Highway Trust Fund dollars. The managers expect the BIA to request funding in FY 1993 that is at least consistent with the level requested and appropriated in FY 1992.

TRAFFIC CONTROL STANDARDS

The Senate amendment directs the Secretary to revise the Manual of Uniform Traffic Control Devices to include a standard minimum maintenance level of retroreflectivity for pavement markings and signs and to define the roads that must have a center line or edge line. The conference substitute adopts the Senate language, except amount authorized and appropriated is $240,000.

The conference substitute recedes to the House.
November 26, 1991

Bridge Program may be available for highway construction training.

Conference substitute
House recedes to Senate amendment.

Erosion Control

House bill
No provision.

Senate bill
Section 140B directs the Secretary to develop erosion control guidelines for States to follow in carrying out projects under this Act.

Conference substitute
Same as Senate bill.

International Transportation Outreach

House bill
The House amendment authorizes the Department of Transportation to conduct a program to share technological innovations developed abroad with the U.S. highway community and to increase transfers of U.S. Highway transportation technology to foreign countries. Chapter 3 of title 23, United States Code, is amended.

Senate amendment
The Senate amendment authorizes the Department of Transportation to conduct a program to share technological innovations developed abroad with the U.S. highway community and to increase transfers of U.S. Highway transportation technology to foreign countries.

Conference substitute
The Conference Substitute includes the Senate provision with the House amendment to Chapter 3 of title 23, United States Code.

Education and Training Program

House bill
The House bill authorizes the Secretary of Transportation to make grants and enter into contracts for a transportation assistance program to provide access to modern highway technology for urbanized areas with populations of 50,000 to 1,000,000 and rural areas. Technical assistance program centers are established to provide usable technology and information to rural and urban transportation agencies to expand their expertise in road and transportation areas.

The Secretary of Transportation is authorized to conduct and report to Congress on the results of a study to determine the appropriate symbol for highway signs to commemorate the Interstate system as the Dwight D. Eisenhower National System of Interstate and Defense Highways.

Senate amendment
The Senate amendment contains a provision authorizing the Secretary to make grants and enter into contracts for a transportation assistance program to provide access to modern highway technology for urbanized areas with populations of 50,000 to 1,000,000 and rural areas. Technical assistance program centers are established to provide usable technology and information to rural and urban transportation agencies to expand their expertise in road and transportation areas.

The Secretary shall establish and administer the Dwight David Eisenhower Transportation Fellowship Program to attract qualified students to the field of transportation and engineering and research. No less than $2,000,000 per fiscal year is provided for this program. Development of new and efficient transportation infrastructure requires that the nation's brightest minds be attracted to the transportation and engineering and research professions. The Senate amendment authorizes the Dwight David Eisenhower Transportation Fellowship Program designed to accomplish this objective.

The conference recognizes that the fellowship program will be most successful if it serves to attract critical masses of students and professors to evolve into centers of excellence. Therefore, the conference intends that the program shall be limited to no more than fifty universities, to be selected by the Secretary on the basis of their academic reputation in the transportation engineering and research fields. The conference intends that the fellowships should be awarded competitively, and be available only to students enrolled in work toward a graduate degree in transportation engineering and research. The conference intends that they not be limited to students studying in transportation-related field following graduation.

The Conference of Transportation is authorized to conduct and report to Congress on the results of a study to determine the appropriate symbol for highway signs to commemorate the Interstate system as the Dwight D. Eisenhower National System of Interstate and Defense Highways.

National Highway Institute

House bill
The House bill establishes a National Highway Institute within the Federal Highway Administration to provide technical training programs for federal, state and local employees, U.S. citizens, and foreign nationals engaged in highway work. Up to one-fourth of one percent of all funds appropriated to a State for the Federal-aid primary system funds are available to the State highway department for payment of up to 80 percent of the cost of tuition and direct educational expenses.

Senate amendment
The Senate amendment establishes a National Highway Institute within the Federal Highway Administration to provide technical training programs for federal, state and local employees, U.S. citizens, and foreign nationals engaged in highway work. Up to one-fourth of one percent of all Surface Transportation Program funds apportioned to a State are available to the State highway department for payment of up to 75 percent of the cost of tuition and direct educational expenses.

Conference substitute
Same as Senate amendment.

Regulatory Interpretation

House bill
No comparable provision.

Senate amendment
The Senate amendment establishes that steel coating is covered by the federal regulations interpreting Buy America legislation.

Conference substitute
Same as Senate amendment.

Clear Gasoline Requirement

House bill
No comparable provision.

Senate amendment
The Senate amendment imposes a clear gasoline requirement on refiners pursuant to the Clean Air Act.

Conference Substitute
Same as Senate amendment.

National Defense Highways

House bill
No comparable provision.

Senate amendment
The Senate amendment declares that upon certification by the Secretary, after consultation with the Secretary of Defense, a highway or portion of highway located outside the territory of the United States that is important to the national defense, up to $20,000,000 shall be made available for re-
construction of an eligible highway from the Interstate Construction Program funds.

Conference substitute

H11634

House recedes to Senate amendment.

Senate amendment

The Senate amendment authorizes a study to be conducted to determine a fair and equitable apportionment formula for the allocation of Federal-aid highway funds.

Conference substitute

The conference substitute contains the allocation formula study.

STORMWATER PERMITS

House bill

No comparable provision.

Senate amendment

Section 140L of the Senate Amendment extends certain application deadlines for the allocation of Federal-aid highway funds. Industrial activities from municipally owned or operated facilities. Individual permit applications must be submitted no later than October 1, 1992, except that where a timely group permit application is denied the applicant would be entitled an additional six months from the date of the denial to submit an individual application. Group application deadline are extended until September 30, 1991 for Part I and October 1, 1992 for Part II except that for municipalities of under 250,000 an additional period of time is provided. No stormwater discharge permits for industrial activities for municipalities of under 100,000 are required prior to October 1, 1992 except stormwater discharges from municipally owned or operated public utilities, airports, and certain landfills. The conference substitute also requires that general permit regulations for stormwater discharges be promulgated no later than February 1, 1992. The conference substitute is not intended to prejudice or in any manner affect any ongoing litigation, including Natural Resources Defense Council v. U.S. Environmental Protection Agency, Case Nos. 90-70071 and 91-70200 (9th Cir., 1990).

INVESTIGATION AND REPORT

House bill

No comparable provision.

Senate amendment

The Senate amendment provides for a study on the feasibility of requiring that trucks be restricted from using the left lanes of Interstate highways.

Conference substitute

The Senate recedes to the House.

STORMWATER PERMITS

House bill

No comparable provision.

Senate amendment

The Senate amendment establishes an Interstate Transportation Agreement and Compact. States have Congressional approval to enter into and carry out agreements or compacts to address interstate highway and bridge problems of regional significance identified by metropolitan planning organizations.

Conference substitute

The conference substitute establishes the Interstate Study Commission for Transportation for the National Capital Region to make recommendations on funding and management of the transportation systems of the region. The Commission will evaluate existing mechanisms and processes by which transportation decisions are made within the region and make recommendations to provide a coordinated regional approach and process for funding and implementing transportation improvements, primarily focusing on interstate highway and bridge systems. The conferences intend that the recommendations developed by the commission will be consistent with the planning requirements for metropolitan areas, and the recommendations will be made to Congress, the Department of Transportation, the governors of Maryland and Virginia, the mayor of the District of Columbia and the National Capital Region Transportation Planning Board.

Montana-Canada Trade

House bill

Identical provision.

Senate amendment

The Senate amendment directs the Senate Committee on Transportation to conduct the study.

Conference substitute

The Conference Substitute contains the Senate amendment.

LEVEL OF EFFORT

House bill

No comparable provision.

Senate amendment

The Senate amendment provides additional funding to states who have a lower than average per capita disposable income as compared to the average State per capita disposable income, as well as taking into account the effect of tolls and fuel taxes on energy conservation, energy security, and environmental quality.

Conference substitute

The Senate recedes to House.

SENSE OF SENATE (LEVEL OF EFFORT)

House bill

No comparable provision.

Senate amendment

The Senate amendment establishes a non-comparative status for the Hudson River adjacent to a bulkhead line.

Conference substitute

The Senate recedes to the Senate.

MONTANA- CANADA TRADE

Senate amendment

The Senate amendment directs committee conferences to determine each State's total apportionments in a way that reflects each State's total effort for highways including each State's ability to finance its total effort for highways, as measured by its per capita disposable income as compared to the average State per capita disposable income, as well as taking into account the effect of tolls and fuel taxes on energy conservation, energy security, and environmental quality.

Conference substitute

The Senate recedes to House.

House bill

No comparable provision.

Senate amendment

The Senate amendment directs committee conferences to determine each State's total apportionments in a way that reflects each State's total effort for highways including each State's ability to finance its total effort for highways, as measured by its per capita disposable income as compared to the average State per capita disposable income, as well as taking into account the effect of tolls and fuel taxes on energy conservation, energy security, and environmental quality.

Conference substitute

The Senate recedes to House.

MILLER HIGHWAY

House bill

No comparable provision.

Senate amendment

The Senate amendment directs committee conferences to determine each State's total apportionments in a way that reflects each State's total effort for highways including each State's ability to finance its total effort for highways, as measured by its per capita disposable income as compared to the average State per capita disposable income, as well as taking into account the effect of tolls and fuel taxes on energy conservation, energy security, and environmental quality.

Conference substitute

The Senate recedes to House.

House bill

No comparable provision.

Senate amendment

The Senate amendment directs committee conferences to determine each State's total apportionments in a way that reflects each State's total effort for highways including each State's ability to finance its total effort for highways, as measured by its per capita disposable income as compared to the average State per capita disposable income, as well as taking into account the effect of tolls and fuel taxes on energy conservation, energy security, and environmental quality.

Conference substitute

The Senate recedes to House.
House bill
Section 121(m) requires the Secretary to revise the Manual of Uniform Traffic Control Devices and other Federal Highway Administration regulations as may be necessary to permit states and local governments to install stop or yield signs at any railroad-highway grade crossing on a public highway, between 59th and 72nd Streets, which has independent utility and logical termini and should be advanced under (a) its own independent engineering and environmental process and rapid schedule.

Revision of Manual

House bill
Section 121(c) of the House bill requires the Secretary to initiate a rulemaking proceeding to revise the guidelines and establish standards for installation of roadside barriers and other safety appurtenances. This rulemaking shall reflect criteria related to approval standards contained in the National Cooperative Highway Research Program recommendation 359, which provide a level of crashworthy performance to accommodate vans, mini-vans, pickup trucks and 4-wheel drive vehicles, along with all other vehicles.

Senate amendment
The Senate amendment contains no comparable provisions.

Conference substitute
The Senate amendment contains no comparable provisions.

CONGRESSIONAL RECORD — HOUSE H 11635

November 26, 1991

Conference substitute
The conferences have authorized $14.5 million to undertake engineering and environmental studies and begin to realign Miller Highway between 50th and 72nd Streets, to promote the development of a major public-private works project which will include the creation of a 23-acre public waterfront property to be built with private funds. This authorization shall not be construed to interrupt or interfere with the current rehabilitation of the Miller Highway on its present alignment, which is urgently needed to ensure public safety. Moreover, this project shall be deemed separate and independent from the Route 8A project between 50th and 72nd Streets, which has independent utility and logical termini and should be advanced under (a) its own independent engineering and environmental process and rapid schedule.

Senate amendment
The Senate bill contains no comparable provisions.

Conference substitute
The Senate amendment contains no comparable provisions.

Conference substitute
The substitute adopts the Senate version which, in effect, maintains existing law, but requires that the programs listed as mandatory programs under the Senate bill be listed as optional programs within the guidelines promulgated by the Secretary. If the Secretary does not prioritize the programs, the Secretary is required to submit a report to the Congress explaining at least those programs which are to be included in the 1992-1997 program.

Senate amendment
The Senate amendment contains no comparable provisions.

Conference substitute
The Senate amendment contains no comparable provisions.

Conference substitute
The Senate amendment contains no comparable provisions.

Conference substitute
The short title of this part is the "Highway Safety Act of 1991."

SECTION 2001—HIGHWAY SAFETY PROGRAMS

House bill
The House bill, in section 201, amends Section 403 to provide for mandatory and optional programs for Section 402 grants.

Conference substitute
The Senate bill contains no comparable provisions.

Conference substitute
The Senate amendment contains no comparable provisions.

Conference substitute
The Conference substitute adopts the House provision.

SECTION 2002—ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES

House bill
The House bill, in section 203, maintains the existing program under section 410 of Title II to establish basic and supplemental grants for the program. The bill establishes basic and supplemental grants programs. The Secretary is required to submit a report to the Congress explaining the criteria for these grants.

Conference substitute
The conference substitute requires that any person operating a motor vehicle under the influence of alcohol or other drugs shall be subject to mandatory suspension of driving privileges if the Secretary determines that the driving privileges of the person have been revoked.

Senate amendment
The Senate amendment contains no comparable provisions.
REFERENCES

The Senate amendment, at Section 202.

The Conference substitute adopts the Senate provisions, with modifications to include an additional authorization for FY 1995 of $76,857,782 for carrying out the National Traffic and Motor Vehicle Safety Act of 1966 as follows: $6,722,000 for FY 1992; $71,333,436 for FY 1993; $74,044,106 for FY 1994. These amounts are included in the Administration's budget request for FY 1992, increased by the inflation factor recommended by the Congressional Budget Office for the remaining fiscal years. The Senate amendment also authorizes appropriations for the National Highway Traffic Safety Administration to carry out the Motor Vehicle Information and Cost Savings Act as follows: $6,455,000 for FY 1992; $5,731,430 for FY 1993; and $6,987,224 for FY 1994.

Conference substitute

The Conference substitute adopts the Senate provisions, with modifications to include an additional authorization for FY 1995 of $76,857,782 for carrying out the National Traffic and Motor Vehicle Safety Act of 1966 as follows: $6,722,000 for FY 1992; $71,333,436 for FY 1993; $74,044,106 for FY 1994. These amounts are included in the Administration's budget request for FY 1992, increased by the inflation factor recommended by the Congressional Budget Office for the remaining fiscal years. The Senate amendment also authorizes appropriations for the National Highway Traffic Safety Administration to carry out the Motor Vehicle Information and Cost Savings Act as follows: $6,455,000 for FY 1992; $5,731,430 for FY 1993; and $6,987,224 for FY 1994.

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November 26, 1991

House bill

No provision.

Senate amendment

The Senate requires the Secretary of Transportation to conduct rulemakings on a number of issues:

(1) Impact standard: Section 205 of the Senate amendment requires the Secretary, within 18 months after enactment, to promulgate a final rule to extend FMVSS 214, to MPVs and other light trucks, such as minivans, sport utility vehicles and small trucks.

The Senate notes that approximately 8,000 Americans die each year in side impact crashes, and approximately 23,000 suffer serious, nonfatal injuries. After many years of work, NHTSA recently issued an upgraded side impact standard for passenger cars, to prevent injuries to the chest and pelvis in such crashes. At the same time, NHTSA indicated that it would continue its work on side impact in MPVs and other light trucks. The Senate amendment would require that the passenger car standard be applied to MPVs and other light trucks.

This Section also would require that the Secretary complete a rulemaking, within a time certain, to consider methods of preventing head injury in side impact crashes.

(2) Protection against rollover: Section 210 of the Senate amendment requires rulemaking to prevent unreasonable risk of rollover in passenger cars, MPVs and other light trucks. The Senate notes that NHTSA's own research indicates that a significant percentage of accidents involving rollover occur in MPVs and other light duty trucks and passenger cars involved vehicle rollover. To date, no rule has been issued to deal with this problem. The Senate amendment would require completion of the rulemaking within 12 months of enactment.

(3) Improved design for seatbelts: Section 224 of the Senate amendment requires a rulemaking, to be completed within 12 months of enactment, to consider whether to amend the current standard for seatbelt design to account for the needs of children and shorter adults. The Senate notes that there is some evidence that current seatbelt design does not protect adequately children and that such a problem could be remedied easily by minor design changes. The Senate notes that while NHTSA's study of the National Safety Council conducted research to determine if vehicle occupants could be protected by reducing the height of seatbelts, the Senate amendment would require completion of the rulemaking within 12 months of enactment.

(4) Safety child booster seats used in passenger cars and other motor vehicles: Section 225 of the Senate amendment requires a rulemaking, to be completed within 12 months of enactment, to increase the safety of child booster seats. Booster seats are designed to elevate children so that they are in the proper position to use lap and shoulder belts. The Senate notes that a study conducted for NHTSA, "Evaluation of the Performance of Child Restraint Systems," indicates that current systems may not restrain adequately a child in a crash, and some may put pressure on the child's abdomen. The Senate amendment is a response to the concerns expressed in this study.

(5) Methods of reducing head injuries: Section 226 of the Senate amendment would require a completion of a rulemaking, within two years of enactment, to consider methods of reducing head injuries caused by contact to components of passenger automobiles, MPVs and other light trucks.

The Senate notes that each year a large number of Americans suffer head injuries in automobile crashes. Many of these victims are permanently disabled. The Senate notes that an airbag can reduce the number of head injuries resulting from frontal crashes. Even if all cars were equipped with airbags, however, head injuries will still occur from rollover, side impact, and other crashes. NHTSA indicates that many of these head injuries could be prevented if additional padding were placed in the interior portions of the vehicles likely to come into contact with a crash victim's head.

Conference substitute

The conference substitute provides in lieu of the above mentioned provisions a process for conducting rulemakings in accordance with the National Traffic and Motor Safety Act of 1966. It also provides that any resulting standards be enforced in accordance with the 1966 Act. The conference substitute includes a procedure for initiating a rulemaking either as an Advanced Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) or the Secretary to act on these matters in accordance with the 1966 Act.

The conference substitute provides for conducting rulemakings consistent with the 1966 statute and the Administrative Procedure Act. Except as otherwise provided, completion could include promulgation of a final rule (with or without changes from the proposed rule), or deciding not to promulgate a rule through termination of the rulemaking process (which decision may include a deferral of a rule, or a decision to start all over at some later date). In the event that the Secretary determines that there is a need for delay in conducting a rulemaking, in the case of this special provision a final rule is to be promulgated within the timeframe specified.

Thus, with exception of the head injury protection issue, the conferences do not predetermine the outcome of these rulemakings.

The Secretary is free to conclude the rulemaking in any manner consistent with the Act and the rules of the road. The conferees expect the Secretary to act on these matters in accordance with the time schedule provided.

With the exception of number five, the listing of these matters for initiating rulemakings is not to be construed as a determination by Congress as to whether or not a rule shall be finalized or if it is finalized what it should contain. The objective of the Senate amendment is to give the Secretary the authority to determine the outcome of these rulemakings in accordance with the 1966 Act and to provide the Secretary with the discretion to make these determinations.

For these five matters, the conferences except the Secretary to initiate either an ANPRM or a NPRM by May 31, 1992. If the Secretary cannot begin any one of these by that date, he must give notice of the decision to provide a new date for that decision to take effect. If the Secretary does not act, the, the APA and the Secretary may decide not to proceed to an NPRM after issuing the ANPRM if, after final rulemaking action is taken it must be published in the Federal Register.

In the case of Section 2503(5) which provides for improved head injury protection regarding interior components of passenger (frontal, side, and roof impacts) and other vehicles (rollovers, side impact, and other crashes), the conference substitute provides for a process for conducting rulemakings consistent with the 1966 statute and the Administrative Procedure Act. Except as otherwise provided, completion could include promulgation of a final rule (with or without changes from the proposed rule), or deciding not to promulgate a rule through termination of the rulemaking process (which decision may include a deferral of a rule, or a decision to start all over at some later date). In the event that the Secretary determines that there is a need for delay in conducting a rulemaking, in the case of this special provision a final rule is to be promulgated within the timeframe specified.

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lyzed to determine correlations between vehicle rollover propensity and accident involvement. Correlations were found when controlling for variations in the individual crashes, such as driver demographics, weather conditions, and road conditions. This analysis was completed in the spring of 1991 and will provide the basis for the forthcoming ANPRM.

The conferences would expect NHTSA to issue an ANPRM before May 31, 1992. Indeed, the conference understands that an ANPRM has recently been submitted to the Office of Management and Budget.

**SECTION 2504—RECALL OF CERTAIN MOTOR VEHICLES**

**House bill**

No provision.

**Senate amendment**

Section 216 of the Senate amendment provides the Secretary with authority to require manufacturers to recall defective vehicles to enhance safety defect and non-compliance recall response rates. DOT's review of techniques such as postcard reminders to increase recall order has been required since 1988 to be equipped with brackets to allow installation of lap-shoulder belts. This provision, according to the Senate, is intended to close a loophole that exists in the current law.

**Conference substitute**

The conference substitute adopts the Senate provision. The conference notes that a letter from NHTSA Administrator Jerry Curry to the Chairman of the House Committee has been sent. The Senate amendment, dated November 7, 1991, this provision was recommended by the Department of Transportation.

**SECTION 2505—REAR SEATBELTS**

**House bill**

No provision.

**Senate Amendment**

Section 411 of the Senate bill provides that the Secretary expend such funds as are deemed necessary from funds appropriated to carry out the Cost Savings Act for FY 1992 and 1993 to provide consumers with information about retrofitting their vehicles with rear seat lap-and-shoulder belts. The Senate notes that such belts only recently have been required to be installed as original equipment on certain makes and models, and compiled in part through NHTSA's rulemaking, to conclude that rear seat shoulder belts enhance vehicle safety.

All rear passenger seats have required since 1988 to be equipped with brackets to allow installation of lap-shoulder belts. Consumers and auto dealers should be made fully aware of the availability of retrofit kits.

**Conference substitute**

The conference adopts the Senate provision, with the modification that the program would be conducted solely during FY 1993.

**SECTION 2507—BRAKE PERFORMANCE STANDARDS FOR PASSENGER CARS**

**House bill**

No provision.

**Senate amendment**

Section 222 of the Senate amendment requires a rulemaking to be completed within 12 months of enactment, to consider whether to adopt a standard requiring antilock brake systems on new passenger cars. The Senate notes that there is evidence that these systems are useful in avoiding accidents, particularly in bad weather, and that the section requires that NHTSA give priority consideration to whether they should be required.

**Conference substitute**

Not later than December 31, 1993, the Secretary, in consultation with the National Highway Traffic and Motor Vehicle Safety Act of 1966, shall publish an Advanced Notice of Proposed Rulemaking to consider the need for antilock brake standards for passenger cars, including antilock brake standards. The rulemaking is to be completed not later than the date of initiation of the ANPRM, in accordance with clause 2502(b)(2)(B)(ii). In order to facilitate and encourage innovation and effectiveness of these standards could be enhanced by insuring that each standard is subject to testing on a regular, rotating basis.

**Conference substitute**

The Conference substitute requires the Secretary to establish a schedule for investigating compliance with each Federal Motor Vehicle Safety Standard in effect which is capable of being tested. This provision is a result of a December 1993 GAO report, "Motor Vehicle Safety: Enforcement of Federal Standards Can Be Enhanced," which found that enforcement of these standards could be enhanced by insuring that each standard is subject to testing on a regular, rotating basis.

**SECTION 2508—STANDARDS OF COMPLIANCE TEST PROGRAM**

**House bill**

No provision.

**Senate amendment**

Section 227 requires the Secretary to establish a schedule for investigating compliance with each Federal Motor Vehicle Safety Standard in effect which is capable of being tested. This section is a result of a December 1993 GAO report, "Motor Vehicle Safety: Enforcement of Federal Standards Can Be Enhanced," which found that enforcement of these standards could be enhanced by insuring that each standard is subject to testing on a regular, rotating basis.

**Conference substitute**

The Conference substitute requires the Secretary to establish a schedule for investigating compliance with each Federal Motor Vehicle Safety Standard in effect which is capable of being tested. This section is a result of a December 1993 GAO report, "Motor Vehicle Safety: Enforcement of Federal Standards Can Be Enhanced," which found that enforcement of these standards could be enhanced by insuring that each standard is subject to testing on a regular, rotating basis.

**SECTION 2508—AUTOMATIC CRASH PROTECTION AND SAFETY BELT USE**

**House bill**

No provision.

**Senate amendment**

The Senate notes that the current regulation of the Department of Transportation (DOT) requires that passenger cars be equipped with "passive restraints," which include either airbags or automatic seatbelts. These requirements were added to the 1991 Amendments to the DOT to make passenger cars equipped with airbags on all models at all times. In order to be engaged. When fully effective, in model year 1994, these regulations will require that all cars have one of these forms of restraint. Thus, as manufacturers add airbags to passenger side of the front seat (i.e. the front outboard seating position). 49 C.F.R. 571.208.

The Senate notes that in March 1991, DOT issued a similar requirement for passive restraints in the "light truck" fleet, which includes mini vans, small pickups, and sport utility vehicles. 56 Fed. Reg. 12472-12473. In December 1990, DOT proposed a regulation which would require that all light trucks, which originally were used primarily for cargo or work purposes, now make up approximately one-third of the new passenger stock, be equipped with passive restraints by family. Under the DOT rule, "light trucks" will be required to have "passive restraints" (automatic belts or airbags) on both the driver and front passides. The following schedule: 20 percent of the vehicles manufactured after September 1, 1994; 50 percent of those manufactured after September 1, 1995. The Senate notes that airbags are expected to reduce the number of fatalities in a vehicle.
The Conferences expect that the Secretary will require written documentation of the facts that have made the inflatable restraint exemption no longer intended to be available in situations in which vehicle production plans are interrupted or altered for reasons unrelated to the inflatable restraint, such as general economic conditions or work stoppages at the vehicle manufacturing plant.

In granting the exemption, the Secretary must require that the manufacturer recall the affected vehicle and install the inflatable restraint within a reasonable time, which is to be proposed by the manufacturer subject to approval by the Secretary. The Secretary must require that the Secretary must include a requirement for vehicle recall and installation of the inflatable restraint, and a date by which that recall and installation must be completed.

The substitute directs the Secretary to require labeling for each exempted motor vehicle and to provide that the label can only be removed after recall and installation of the airbag. If the vehicle is delivered to the dealer without an inflatable restraint the Secretary shall require that written notification be given to the dealer and first purchasers of such exempted motor vehicles in such manner and containing such information as the Secretary determines. The notice requirement is to inform the dealer and the consumer once the vehicle has reached the showroom of the dealer. Such notice is not necessary if the exemption is granted for the vehicle, and the vehicle is not sold by the manufacturer to the dealer prior to installation of the airbags. The bill does not specify the content of the label. However, the intent is to inform the prospective purchaser that the inflatable restraint is absent and will have to be installed prior to sale.

With respect to subsection (c), the Conferences note that, in the case of a label, it be conspicuous and that it not be removed by anyone until the inflatable restraint is installed.

With respect to subsection (d), the Conferences note that a system can be developed, the Secretary then shall determine whether such a crashworthiness rating system can be developed, and shall publish that determination. If it is determined that such a system can be developed, the Secretary is to conduct a rulemaking proceeding to develop such a rule within established time limits.

The Senate notes that the Motor Vehicle Information and Cost Savings Act currently requires DOT to compile crashworthiness information. However, the only such information available is obtained through research outlined in the Senate amendment to the NHTSA New Car Assessment Program, and is not available at the vehicle's point of sale. The Senate notes that NHTSA studies indicate that consumers find it difficult to compare the crashworthiness features of different vehicles. Upon completion of the study, the Secretary then shall determine whether such a crashworthiness rating system can be developed, and shall publish that determination. If it is determined that such a system can be developed, the Secretary is to conduct a rulemaking proceeding to develop such a rule within established time limits.

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Senate amendment

Section 209 of the Senate amendment requires the Secretary to establish written guidelines for conducting expeditious and thorough investigations of noncompliance with any requirements issued under the National Highway Traffic Safety Act, which includes NHTSA safety standards and recall orders. The Secretary also must develop written guidelines for determining which types of investigations shall be the subject of a civil penalty proceeding. This provision was based on recommendations in the 1986 GAO report previously referred to in connection with section 207 of the Senate amendment.

Conference substitute

Senate recedes.

MULTIPURPOSE PASSENGER VEHICLE SAFETY

House bill

No provision.

Senate amendment

Section 209 of the Senate amendment requires the Secretary to complete, within 12 months of enactment, a rulemaking to review the classifications and reclassifications of vehicles weighing under 10,000 pounds. The Senate notes that since the 1960s, NHTSA defined a number of vehicle classes, including a type called multipurpose vehicles (MPVs) (less than 10,000 pounds and designed for carrying 10 persons or less, constructed either on a truck chassis or for occasional off-road operation). GAO recommended in 1978 that NHTSA review its system of classification of vehicles under 10,000 pounds. The Senate notes that since the original classification of passenger vehicles, the types of vehicles making up the passenger fleet have changed dramatically. The use of patterns of multipurpose vehicles (MPVs) have changed from primarily cargo-carrying to primarily passenger-carrying. The Senate notes that there are differences between Customs Service classifications for duty purposes and NHTSA classification for safety purposes.

The Senate notes that in 1988 NHTSA issued a Notice of Proposed Rulemaking to consider reclassification. NHTSA terminated this rulemaking proceeding in April 1991, finding that although there could be some benefits from reclassification, the current classification scheme was less important because many passenger car safety standards had been extended to light trucks. The Senate notes that since NHTSA recognizes, the current situation with respect to current safety standards does not resolve the classification issue for the future. The Senate amendment intends that classification review should be conducted to insure that the current classifications are logical and accurate, and insure that future safety standards are applied appropriately across the fleet.

In addition, this section requires that any reclassification be undertaken only when the relevant “database” of 10,000 pounds which is undertaken must consider the Customs Service Classification of vehicles and, to the maximum extent practicable, include as a passenger automobile any vehicle classified by the Customs Service as a vehicle principally designed for the transport of persons. The Senate amendment notes that there currently is no coordination between NHTSA and Customs, and that vehicles receiving favorable duty treatment as passenger vehicles may not be required to meet passenger safety standards. While it may not be practicable to conform NHTSA passenger automobile classification completely to the classification made by the Customs Service, it is the intent of this section to insure that NHTSA reviews the Customs classification in the course of its classification process.

Conference substitute

Senate recedes.

IMPACT RESISTANCE CAPABILITY OF BUMPERS

House bill

No provision.

Senate amendment

Section 212 of the Senate amendment establishes two requirements with respect to bumpers. Subsection 212(a) amends the Motor Vehicle Information and Cost Savings Act to require the Secretary to promulgate a rule regarding disclosure by the manufacturer, of the speed at which the bumper meets the applicable Federal damage criteria. Such information must be provided to the Secretary and disseminated by the Secretary to consumers in a form to facilitate comparison among various vehicle types. Subsection 212(b) requires the Secretary to amend, within one year of enactment, the standard for bumper impact capability, in order to return to the standard in effect on January 1, 1982. 5 The current standard requires bumpers to withstand established levels of damage at impact speeds up to 2.5 miles per hour without damage to the safety features or the exterior or sheet metal of the vehicle. The standard also requires the vehicle to withstand certain levels of damage at impact speeds up to 5 miles per hour.

Conference agreement

Senate recedes.

STATE MOTOR VEHICLE INSPECTION PROGRAMS

House bill

No provision.

Senate amendment

Section 215 of the Senate amendment requires the Secretary to report regularly to Congress on its efforts to assist states and non-highway motor vehicle inspection programs. The Senate notes that a recent GAO report, "Motor Vehicle Safety: NHTSA Should Resume Its Support of State Periodic Inspection Programs," found that such inspection programs reduce highway accident rates by reducing the number of poorly maintained vehicles. The Senate also requires that the Secretary report to the appropriate congressional committees, within two years of enactment, on the implementation of these lights.

Conference substitute

Senate recedes.

DARKENED WINDOWS

House bill

No provision.

Senate amendment

Section 217 of the Senate amendment requires the Secretary to conduct a rulemaking to consider certain safety issues related to the use of daytime running lights on vehicles and the adequacy to current safety standards in this regard. The Senate notes that NHTSA completed a study of this issue in May 1991, determined that rulemaking is appropriate. This section would insure that such rulemaking is completed in a timely fashion.

Conference substitute

Senate recedes.

GENERAL PROVISION CONCERNING USE OF LIGHTS

House bill

No provision.

Senate amendment

Section 218 of the Senate amendment establishes a grant program to encourage the states to increase the rate of seat belt usage among their citizens, and to educate their citizens about the proper use of child restraint systems. Grants would be available for a maximum of three fiscal years, to fund a declining percentage of the cost to states of their programs to achieve the required goals. Grants would be available to states that (1) have in effect mandatory seat belt laws applicable to front seat passengers; (2) achieve either 70 percent seat belt usage by those passengers or a stated, and increasing, improvement over 1989 use rates; and (3) have in effect a program determined by the Secretary to encourage the correct use of child restraint systems.

Conference substitute

Senate recedes. A similar grant program is included in Title I of the conference report.

PEDESTRIAN SAFETY

House bill

No provision.

Senate amendment

Section 220 of the Senate amendment required that NHTSA complete a rulemaking, within two years of enactment, to minimize pedestrian injury attributable to vehicle design elements such as hoods, hoo d ornaments, fenders and grilles. The Senate notes that some preliminary research in other countries has identified these devices as planned injuries. This section would require that a rulemaking be conducted utilizing that research.

Conference substitute

Senate recedes.

DAYTIME RUNNING LIGHTS

House bill

No provision.

Senate amendment

Section 221 of the Senate amendment required that NHTSA complete a rulemaking, within 12 months of enactment, to authorize passenger cars and MPVs to be equipped with daytime running lights. The Senate notes that some preliminary research in other countries has indicated that these lights reduce accidents. However, some state laws on headlight configuration have the effect of prohibiting the use of such lights. This section also requires that the Secretary report to the appropriate congressional committees, within two years of enactment, on the complications of these laws.

Conference substitute

Senate recedes. The conference note that on August 12, 1991 NHTSA issued a notice or proposed rulemaking on the issue of whether manufacturers should be permitted to produce vehicles with daytime running lights despite state laws concerning headlight configuration.

HEADS-UP-DISPLAYS

House bill

No provision.

Senate amendment

Section 223 of the Senate amendment required a rulemaking, to be completed within 12 months of enactment, to authorize passenger cars and MPVs to be equipped with heads-up displays, which permit the driver to obtain information on speed, fuel level, and other instrument readings without looking down, should be required in cars and MPVs. The Senate notes that there is some preliminary research that such displays may reduce accidents by allowing the driver to keep his or her eyes on the road while obtaining instrumentation. The rulemaking required by this section would not have to result in the issuance of a new or different performance standard or requirements. It is presumed, however, that
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NHTSA would establish such standard if its investigation showed that they were practicable, would meet the need for motor vehicle safety, and could be stated in objective terms.

Conference substitute

Senate recedes.

TITLE III—TRANSIT

Conference substitute

Senate recedes to House.

Agency Name Change

House bill

The House contains a provision that would rename the Urban Mass Transportation Administration (UMTA) as the Federal Transit Administration (FTA).

Senate amendment

The Senate bill contains a similar provision.

Conference substitute

The conference report includes the House provision.

Findings and Purposes

House bill

No similar provisions.

Senate bill

The Senate bill contained a provision not included in the House bill that would add a new finding that a significant improvement in public transportation is necessary to achieve national goals for improved air quality, energy conservation, international competitiveness and mobility for the elderly, persons with disabilities and the economically disadvantaged in urban and rural areas of the country.

This section would also amend Section 210 to state that an objective of the Act will be to provide State and local governments with financial resources to help implement the national goals related to improved air quality, international competitiveness and mobility for the elderly, persons with disabilities and economically disadvantaged persons.

Conference substitute

The conference report includes the Senate provision which has been incorporated into Title I.

Capital Grants—Elderly and Persons with Disabilities

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would amend Section 3 of the Act to allow public transit agencies to apply for capital funding under the Section 3 grant program for transportation projects that are specifically designed to meet the needs of elderly persons and persons with disabilities.

Conference substitute

The conference report includes the Senate provisions.

Section 3—Program Allocations

House bill

The House bill contains a provision not included in the Senate bill that would allocate 18 percent of Section 3 funds for a minimum apportionment program which guarantees that each State will receive ½ of 1 percent of Mass Transit Account funds distributed annually. These funds may be used, at the discretion of the Governor of the state, at the request of the Secretary, for any highway or transit capital project eligible for Federal funding. The Federal share for minimum apportionment projects will be 90 percent, unless a lower Federal share is specified under title 23, United States Code.

Senate amendment

The Senate bill contained a provision not included in the House bill that would require the Secretary to allocate Section 3 grant funds in the following way: 40 percent for rail modernization; 40 percent for construction of new fixed guideway systems and extensions to fixed guideway systems; and 20 percent for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities.

Conference substitute

House recedes to Senate with an amendment to create a rural transit set aside of 5.5% of the 20% percent allocated for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus facilities.

Advance Construction—Technical Amendment Related to Interest Cost

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would amend Section 3(1) to make the advance construction mechanism more workable by deleting language that requires grantees to bet on future inflation. The bill substitutes the requirement that operators obtain the most favorable interest terms reasonably available for the project at the time of borrowing.

Conference substitute

The conference report includes the Senate provision with an amendment to ensure that operators use due diligence in obtaining the most favorable interest terms.

Capital Grants Early Systems Work Contracts

House bill

No similar provision.

Senate amendment

The Senate bill contained a provision not included in the House bill that would authorize the Secretary to enter into full funding contracts and early systems work agreements with applicants to provide for more efficient project management.

Conference substitute

The conference agreement includes the Senate provision with technical amendments.

Transit Definitions

House bill

The House bill contains a provision not included in the Senate bill. That makes the terms transit, public transportation and mass transportation synonymous.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision.

Conference substitute

The conference report includes the House provision.

Capital Grant or Loan Program

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would rename section 3 of the Urban Mass Transportation Act of 1964 to read "Capital Grant or Loan Program" rather than "Discretionary Grant or Loan Program".

Conference substitute

The conference report does not include the Senate provision.

Section 3—Letter of Intent

House bill

The House bill contains a provision not included in the Senate bill that eliminates the letter of intent process currently used by the Secretary to make discretionary grants under the UMTA Section 3 program.

Senate amendment

No similar provision.

Conference substitute

House recedes to Senate.

Section 3—I nnovative Techniques

House bill

No similar provision.

Senate amendment

The Senate bill contained a provision not included in the House bill that would expand eligible activities under the section 3 discretionary program to include projects that introduce innovative techniques and methods to public transportation. This change merely codifies existing statute by incorporating language from section 4(1) into section 3.

Conference substitute

The conference report does not contain either provision.

Security Grants

House bill

The House bill contained a provision not included in the Senate bill that would set aside $10,000,000 annually from the section 3 bus discretionary program for projects which enhance transit security.

Senate bill

No similar provisions.

Conference substitute

The conference report contains the House provision with an amendment to provide funding for transit security through the section 3 discretionary program rather than the section 3 a discretionary program. Section 9 recipients must spend 1% of their formula apportionment on transit security projects or certify to the Secretary that transit security needs are adequately met. Transit security would also be added as a factor for consideration in the development of transportation plans and programs.

Section 3—Grandfathered Jurisdictions

House bill

No similar provision.

Senate bill

The Senate bill contained a provision not included in the House bill that would clarify that all existing letters of intent, full funding grant agreements and letter of commitment will remain in effect with passage of this Act.

Conference substitute

The conference agreement included the Senate provision.

The conference agreement included the Senate provision.

Conference substitute

The conference report included the Senate provision.

Matching Shares

House bill

The House bill contained a provision not included in the Senate bill that would in-
crease the federal share for projects under Section 3 of the UMT Act from 75 percent to 80 percent.

**Senate bill**

The Senate bill contained a provision not included in the House bill that would establish a higher federal match for those projects funded under section 3, 9, 16(b), and 18 that involve the acquisition of bus-related equipment (e.g. lift equipment, particular trams) or the construction of facilities (e.g. alternative fuels facilities) required by the Clean Air Act Amendments of 1990 or the Americans with Disabilities Act. The federal match would be set at 90 percent of the cost of such equipment or facilities. The Secretary would determine the portion or portions of a project eligible for the higher federal match.

**Conference substitute**

The conference report includes the House provision and the Senate provision with an amendment to also make vehicle-related equipment required by the Clean Air Act, as amended or the Americans with Disabilities Act eligible for a 90 percent federal match.

**House bill**

Section 305 creates an intermodal transportation process by combining the fundamental requirements of highway and transit planning under sections 134 and 135 of title 23, United States Code.

**Senate amendment**

The Senate bill contains a similar provision with the following amendments.

**Conference substitute**

The conference report includes the Senate provision with an amendment to delete the words “maximum feasible.”

**House bill**

The House bill contained a provision not included in the Senate bill that would allow “tripper service” to accommodate the needs of students in New York City.

**Senate bill**

No comparable provisions.

**Conference substitute**

The conference report included the House provision with a modification to define express bus service to include special school bus service intended to reduce pressure on regular scheduled local bus service.

**Use of Population Estimates and Census Data**

**House bill**

The House bill did not include a similar provision.

**Senate bill**

The Senate bill contained a provision not included in the House bill that would require more frequent updates of the population and resulting allocation of funds under Section 18 and Section 9 for small urbanized areas. Under current law, all UMTA formula programs use population statistics from the most recently available Federal Census. This section would require the Secretary to use intercensus population estimates provided by the Secretary of Commerce to update the formulas every four years.

The Senate bill also contained a provision not included in the House bill that would require the Secretary to use data from the 1990 census, to the extent practicable, in determining allocation of funds under Sections 9, 16(b)(2) and 18 for fiscal year 1992.

The Secretary of Transportation and the Secretary of Commerce would be required to coordinate efforts to expedite the availability of census data in a form that is appropriate for the transit program formulas. The Secretary of Transportation would notify the Congressional authorizing Committees of actions taken under this section within 9 months of enactment of the Federal Transit Act.

**Conference substitute**

The conference agreement contained the Senate provision with an amendment to delete the language that would require the use of interim estimates for the most recent fiscal year 1992 and limiting the use of intercensus data to Section 16(b)(2) and 18 programs.
The Senate bill would allow the Governor of a state to transfer 25 percent of the funds allocated to that state for expenditure in urbanized areas of less than 200,000 population under the section 9 program to any other transportation purpose eligible for Federal funding under title 23, United States Code, and an additional 10 percent if transit services are being adequately maintained in those areas.

The Senate bill would also allow the Governor a state to transfer 25 percent of the funds allocated to that state for expenditure in rural areas under the section 18 program to any other transportation purpose eligible for Federal funding under title 23, United States Code, and an additional 10 percent if transit services are being adequately maintained in those areas.

Senate bill

The Senate bill would provide that, in a transportation management area, formula grants for construction projects could also be used for highway projects; provided that (i) such use is approved by the metropolitan planning organization in accordance with section 696 after appropriate notice and opportunities for public comments are provided to affected transit providers, (ii) adequate provision is first made for any program of investments required to comply with the Americans with Disabilities Act, and (iii) funds for the State or local government share of the project are eligible to fund either highway or transit projects, or the Secretary finds that State or local law provides a dedicated source of sufficient funding available to fund local transit projects.

Conference substitute

The conference report contains the Senate provision with an amendment to remove the Secretary's authority to certify that sufficient funding is available to fund local transit projects.

Special procurement

House bill

The House bill contains a provision that would permit the use of "turnkey" procurement in the award of grants for the construction of bus systems. A "turnkey bus system project" is defined as one in which a grant recipient contracts with a consortium of firms, an individual firm(s), or a vendor to build, operate, maintain, and improve a public transportation system that meets specific performance criteria and which is operated by the vendor for a period of time. Multiyear rolling stock procurements are also specifically permitted.

Senate amendment

The Senate bill contained a similar provision.

Conference substitute

The conference report includes the Senate provision. The House provision combines the special procurement provisions with an amendment to set aside $20,000,000 for operating expenses. The conference report includes the Senate provision and the Senate provision for transfer of assets under section 16 and section 18.

Elderly and persons with disabilities

House bill

The House bill would permit the use of section 18(b)(2) funds for operating expenses. The House bill would also include a provision that public bodies are eligible for capital funding under Section 18(b)(2) only if they certify to the Governor that no non-profit corporations are readily available in an area to provide transportation for elderly persons and persons with disabilities. The conference report includes a provision to allow eligible capital expenses to include the acquisition of transportation services under a contract or lease. The conference report includes the House provision regarding meal delivery service for homebound persons.

House bill

The House bill contains a provision not included in the Senate bill that requires the Secretary to conduct a study on the eligibility requirements of individuals with disabilities for off-peak reduced transit fares.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision.

Tax funds for Pennsylvania

House bill

Section 329 sets aside an additional $1,000,000 in Section 9 and 18 funds in fiscal year 1992 for the State of Pennsylvania for elderly and handicapped transportation services. The conference report does not include the Senate provision.

Intercity bus transportation

House bill

The House bill contains a provision not included in the Senate bill that would provide that, before apportioning section 18 funds, the Secretary shall set aside $20,000,000 for intercity bus transportation.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the Senate provision with an amendment to set aside funds for intercity bus service from each State's apportioned section 18 funds rather than provide a discretionary set-aside from the entire program. A State would be required to spend 5% of its section 18 allocation in fiscal years 1992, 1993, and 1995 in fiscal year 1994 and all years thereafter for the development of an intercity bus program unless it certifies to the Secretary that the State's intercity bus needs have been adequately met relative to other rural needs in the State.
The Future Transit Needs of the Nation. In-
Senate amendment

No comparable provision.

Conference substitute

The conference report does not include the Senate provision.

House bill

Section 332 ensures compliance with budgetary guidelines.

Senate amendment

No comparable provision.

Conference substitute

The conference report includes the House provision with a conforming amendment.

House bill

The House bill contains a provision not included in the Senate bill that would allow the New Jersey Transit Corporation to apply Petroleum Violation Escrow Account (PVEA) Funds as a credit toward the non-Federal match of transit projects.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision with an amendment to forgive the SEPTA loan.

NEW JERSEY URBAN CORE PROJECT

House bill

The House bill would prescribe terms and conditions which the Secretary must include in a full funding grant agreement for the construction of the New Jersey Urban Core Project.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House provision.

MILWAUKEE ALTERNATIVES ANALYSIS

House bill

Section 333 requires the Secretary to approve the undertaking of an alternatives analysis for the East-West Central Milwaukee Corridor.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House amendment included in the House provision.

House bill

The Senate bill would amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to permit the construction of new fixed guideway systems or extensions to such systems, the Act's directive that the "degree of local financial commitment shall be considered acceptable only if "(i) each proposed local source of capital and operating funding is stable, reliable, and available within the proposed project timetable; shall not prevent funding for projects for which there is a reasonable expectation of local funding. The conferees expect that the guidelines would include among the types of financial commitment that constitute an acceptable degree of local financing, state and local levies or assessments, annual state or local general fund appropriations, anticipated bond revenues, in kind contributions, and other possible funding sources.

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NOVEMBER 26, 1991

PETROLEUM VIOLATION ESCROW ACCOUNT FUNDS

House bill

The House bill would allow the New Jersey Transit Corporation to apply Petroleum Violation Escrow Account (PVEA) Funds as a credit toward the non-Federal match of transit projects.

OPERATING ASSISTANCE

The House bill would provide an additional $2,700,000 to the Niagara Frontier Transit Authority for service associated with the 1993 World University Games.

The House bill would increase the operating assistance limitation for the Staten Island Ferry by $1,000,000 in FY 1992.

Senate amendment

The Senate bill would amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to permit a commuter rail line (Tri-County Rail Authority) in south-eastern Florida to continue to receive federal operating assistance under section 9.

Conference substitute

The conference report includes the House and Senate provisions.

FORGIVENESS OF OBLIGATION

House bill

The House bill would forgive the balance on a grant agreement made to the Fayetteville Transit Authority.

The House bill would extend the period by which the Southeastern Pennsylvania Transit Authority (SEPTA) must repay certain loans to UMTA by 10 years.

Senate bill

No comparable provision.

Conference substitute

The conference report includes the House provision with an amendment to forgive the SEPTA loan.

MILWAUKEE ALTERNATIVES ANALYSIS

House bill

Section 333 requires the Secretary to approve the undertaking of an alternatives analysis for the East-West Central Milwaukee Corridor.

Senate amendment

The Senate bill did not include a similar provision.

Conference substitute

The conference report includes the House amendment included in the House provision.

SECTION 3—NEW STARTS

House bill

The House bill included provisions that would require new start projects to be authorized in statute in order to receive funds. The bill would require FTA to submit to Congress annually a report on new starts.

Senate bill

The Senate bill included provisions not included in the House bill that would revise the new starts criteria and project development process.

Conference substitute

The conference report contains provisions from both the House and Senate bills.

The Conferences want to make clear that, in establishing guidelines for construction of new fixed guideway systems or extensions to such systems, the Act's directive that the "degree of local financial commitment shall be considered acceptable only if "(i) each proposed local source of capital and operating funding is stable, reliable, and available within the proposed project timetable; shall not prevent funding for projects for which there is a reasonable expectation of
The Senate bill did not include a similar provision.

The conference substitute
The conference report includes the House provision with amendments.

The conference report includes the House provision with amendments.

The conferences expect the Connecticut Department of Transportation to continue to designate the Penquonnock (Peck) River Railroad Bridge project as a high priority project to be completed within available funds. The conferences concurrently direct the federal Urban Mass Transportation Administration, in acting on the Connecticut Department of Transportation’s funding request for the Peck Bridge project, to take account of the importance the conferees place on the completion of this project for the state of Connecticut and the proper functioning of the entire Northeast rail corridor.

The managers direct that $250,000 of the funds made available under section 3 be used to initiate an analysis of the possible route, options and incremental phases for assistance necessary for a rail connection between North Station and South Station in Boston, Massachusetts.

This study should include an operating analysis, taking into consideration the option of connecting such service with existing or proposed rail services to and from Boston, including the connection’s capability of meeting the regional, intrastate and interstate transportation demands.

This study should include an engineering and financial analysis, taking into consideration a regional commuter railroad service, Massachusetts intercity service and Amtrak intercity service. UMTA is responsible for the overall study, but should conduct it in coordination, as deemed necessary, with the Federal Railroad Administration, Amtrak, private freight lines and regional transportation authorities.

The study is intended only as an assessment of feasibility, but shall include recommendations for possible federal assistance. This analysis shall be of rail link separate and distinct from the Boston Central Artery/Third Harbor Tunnel project and the Federal Highway Administration.

Of the funds authorized to be appropriated under this Act, the conferences intend that $750,000 be provided to assist the Research Triangle Regional Public Transportation Authority with a regional transit planning study to identify transportation system deficiencies, possible solutions, and evaluate transit technology alternatives.

### AUTHORIZATIONS

#### House bill
The House bill would authorize the following amounts for FTA programs:

### FEDERAL TRANSIT ADMINISTRATION

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**Congressional Record — House**

Senoate amendment—Continued

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**TITLE IV—MOTOR CARRIER ACT OF 1991**

**House bill**

SECTION 401, SHORT TITLE

This section may be cited as the "Motor Carrier Act of 1991.

Senate amendment

This part may be cited as the Motor Carrier Safety Assistance Program Reauthorization Act of 1991.

Conference substitute

Retains the House title.

**Motor Carrier Safety Assistance Program Amendments**

House bill

Amends section 402 of the Surface Transportation Assistance Act of 1982. The principal changes affect the purposes the goals of the program and the plan that must be submitted by the states participating in the program.

Subsection (a) permits new activities to be initiated in this program. It further provides that state plans must ensure that these new activities will not diminish other aspects of the program. In addition, subsection (a) requires the plan to ensure that fines imposed and collected will be reasonable and appropriate, and that the program will be coordinated with the state highway safety plan under section 402 of Title 23 of the United States Code.

Subsection (e) amends the program to allow states to begin certain new activities and to incorporate these activities into their respective programs. States may incorporate motor vehicle size and weight enforcement, controlled substance interdiction activities, and enforcement of state traffic laws. The size and weight enforcement activities under this program must be directed at weighing vehicles at other than fixed-site weighing stations. These activities can include weighing activities at seaports and at locations such as steep grades or mountainous terrains where weight may cause more acute safety problems. These activities can be carried out only in conjunction with principal activity...
level recognizes the need for increased traffic-related enforcement efforts (not less than $7.5 million to be spent for this purpose annually, beginning in fiscal year 1990). This Senate amendment requires that each of the States should use Program funds to improve their existing traffic safety enforcement programs affecting operators of commercial motor vehicles. Therefore, each State should receive an appropriate portion of the earmarked funds.

Finally, section 2(b) of the bill amends the existing provision that each of the Programs of the Surface Transportation Assistance Act of 1982. Under that amendment, funding of $65,000,000 is allocated for fiscal years 1990 through 1993.

The conferees expect that local government operating costs, the cost of equipment, and other enforcement of the existing Motor Carrier Assistance Program established under Section 404 of the Surface Transportation Assistance Act of 1982. Under that amendment, funding of $65,000,000 is allocated for fiscal years 1990 through 1993.

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Commerce Commission, in consultation with the participating states and the truck- ing industry, may limit as much of the paperwork and other compliance burdens as possible. Section 405 specifies that the only evidence of payment or other identification a vehicle must carry under this system is a copy of the receipt given the carrier by the base state.

States which did not collect bingo stamp fees under the former program will be able to collect the new fees authorized by Section 405. Additionally, states must participate in the base state program in order to collect the new fees. States are expressly prohibited from charging a fee for the registration of a carrier's interstate operating authority or for any other filings which may be required under Section 405.

The new fee system is to be based upon the number of vehicles which a carrier operates in a state and the number of states in which that carrier operates. States will not be allowed to charge a greater fee under Section 405 than the fee they charged under the former program. If a state failed to file valid fees under the former program, the states may notify the Secretary of enactment of such State law within 30 days and the Secretary must publish notice of the enactment in the Federal Register.

New subsection (j)(4) provides that states may further restrict or prohibit vehicles covered by this provision, however, any such restriction or prohibition must be consistent with section 412(b) and (c) of the Act. Any such changes must be submitted to the Secretary. Such change must be published in the Federal Register by the Secretary.

New subsection (k) provides that within 90 days after the effective date of this subsection (October 1, 1991) states must complete and file in writing with the Secretary a list of all state statutes, regulations, limitations and conditions governing the operation of these types of vehicles.

If the state fails to file within the specified time, the Secretary is given the authority to fix the fee.

The state is further required to certify in writing that the state had determined pursuant to a state statute or regulation in effect on or before June 1, 1991 that such commercial motor vehicles combinations could lawfully be operated on such relevant system and highways, and such combinations were in operation on a regular or periodic basis or pursuant to a temporary length limit freeze. Permits issued under this provision shall be on a temporary and exceptional basis. This provision is inaccurate. The state has the burden of proof.

If the Secretary determines the certification is inaccurate, the Secretary is required to amend the list published in the Federal Register.

This subsection also provides that no state statute or regulation shall be included on the list published by the Secretary merely on the grounds that it is authorized, or is in effect on or before June 1, 1991, or the Secretary is required to publish notice of such action.

This subsection further provides the lists published in the Federal Register shall become final on the 30th day after publication. The provisions on the exceptions of adjustments made pursuant to paragraphs 2(C), (3), and (4) and subparagraph (D) of paragraph 5.

New subsection (j)(6) requires the Secretary to issue regulations establishing guidelines for states to follow in making minor adjustments for safety or road construction purposes.

This subsection (j)(7) provides that nothing in this subsection should be construed to allow operation on the relevant system or highways of any commercial motor vehicle combinations not in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in the state on or before June 1, 1991.

States could further restrict the operation of commercial motor vehicle combinations with two or more cargo carrying units whose cargo units exceed the length limitation for commercial motor vehicles on or before June 1, 1991, or whose cargo carrying units by specific configuration were not in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that state on or before June 1, 1991, and were authorized pursuant to state law.

The provisions on the preparation of the list of applicable state length limitations and requirements under the Senate Amendment. Specifically, the Secretary would determine and publish within 60 days of enactment the list of applicable state length limits, restrictions, and requirements.

The list would become final within 60 days after publication. The Senate Amendment has no comparable provisions on length of buses as contained in the House bill.

The Conference Agreement includes the length limitation for commercial motor vehicles as provided by both House and Senate provisions. The Senate Amendment adds a new provision that the Secretary may be authorized to make such a length limitation for commercial motor vehicles on or before November 3, 1992. The Secretary must notify the Secretary of enactment of such State law within 30 days and the Secretary must publish notice of the enactment in the Federal Register.

New subsection (j)(4) provides that states may further restrict or prohibit vehicles covered by this provision, however, any such restriction or prohibition must be consistent with section 412(b) and (c) of the Act. Any such changes must be submitted to the Secretary. Such change must be published in the Federal Register by the Secretary.
narrow than the House bill's original exception for longer combination vehicles. The Senate Amendment did not contain an express provision on special permits under state law.

The Conference Agreement also contains a modified and more narrow version of the House provision which allowed a state to make minor adjustments to routing-specific and vehicle operating restrictions if the minor adjustments were for specific, safety-related purposes and emergency nature. In addition, such adjustments would have to be for specific situations made necessary by safety purposes and road construction. The Secretary is required to issue rules establishing criteria for states to follow in making such minor adjustments. Any state making such minor adjustments is required to notify the Secretary within 30 days. The Secretary is required to publish notice of such action.

Preparation of the list of state length limits was originally completed on or before June 1, 1991. However, the Senate amendment did not contain this requirement. The Senate amendment requires the Secretary to complete the list of length limits under state law. The initial list is considered an interim list. No state statute or regulation is to be included on the list submitted by a state merely because it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not on the list. The Secretary is required to publish the final list in the Federal Register. The Secretary is required to review the list for accuracy and also solicit public comment on the accuracy of the information in the interim list. Not later than 90 days after enactment, the Secretary is required to publish the final list after making any revisions to correct inaccuracies. After publication of the final list, commercial motor vehicle operations with two or more cargo carrying units may not operate on the National System of Interstate and Defense Highways and designated Federal-aid primary system highways except as published on the list. A procedure is provided for the Secretary to correct any inadvertent mistakes which may later be discovered on the list.

In addition, the Conference Agreement includes the provisions in the House bill requiring states to allow passenger buses of up to 45 feet to utilize the Interstate System and designated classes of Federal-aid Primary Seven highways and related House language is proposed to notify the Secretary of the access provisions of subsection 412(a).

LONGER COMBINATION VEHICLE REGULATIONS, STUDIES AND TESTING

House bill

Provides that the Secretary must begin and complete a rulemaking to establish minimum training requirements for operators of longer combination vehicles. A final rule is required by October 1, 1991.

New subsection 408(c) provides for a safety study on longer combination vehicles. The report on the study is due two years after October 1, 1991.

New subsection 408(c) requires the Secretary to study the effects on drivers, including driver fatigue, of driving longer combination vehicles. The report on the study is due two years after October 1, 1991.

New subsection 408(b) directs the Secretary to conduct tests on the operation of longer combination vehicles in order to determine if the Federal safety regulations are needed for longer combination vehicles. The Federal safety regulations to be addressed are those contained in Subchapter B of Chapter III of Title 49 of the Code of Federal Regulations. The report is due three years after October 1, 1991.

New subsection 408(c) provides $1,000,000 a year out of the Highway Trust Fund for FY 1992-1996 to replace the Secretary to carry out this section.

The Senate amendment imposes new penalties and disqualifications for operators of commercial motor vehicles who violate out-of-service orders. Penalties are also imposed upon employers that allow or require an operator to violate such orders.

Senate amendment

No comparable provision.

Conference substitute

The Senate amendment imposes new penalties and disqualifications for operators of commercial motor vehicles who violate out-of-service orders. Penalties are also imposed upon employers that allow or require an operator to violate such orders.

Senate amendment

No comparable provision.

Conference substitute

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No comparable provision.

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Senate amendment

No comparable provision.

Conference substitute

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Senate amendment

No comparable provision.

Conference substitute

The Senate amendment imposes new penalties and disqualifications for operators of commercial motor vehicles who violate out-of-service orders. Penalties are also imposed upon employers that allow or require an operator to violate such orders.
Antilock brakes have been required on heavy trucks and buses in Europe since October 1, 1990 and will be required in Japan and mass transportation industries. Identical provisions were signed into law on October 29, 1991, as a part of the Fiscal Year 1992 Department of Transportation Appropriations Conference Report (Public Law 102-143).

**ENFORCEMENT OF BLOOD ALCOHOL CONCENTRATION LIMITS**

**House bill**

No provision.

**Senate amendment**

The Senate amendment requires the Department of Transportation to initiate within 18 months after initiation unless the Secretary determines that a six month extension is necessary. The rulemaking proceeding must include an examination of antilock systems, means of improving brake compatibility and methods of ensuring effectiveness of brake timing.

The Conferences note that a critical component of rulemaking on truck brake performance is the issue of stopping-distance performance. On October 21, 1991 NHTSA published a notice in the Federal Register, Vol. 56. No. 203 indicating:

Accidents involving heavy trucks have a disproportionate (higher) fatality rate than all other motor vehicles. This (planned) rulemaking proposes to reinstate stopping distance performance requirements in Section 121 so as to help improve heavy vehicle braking performance and hence reduce the number of accidents involving these vehicles. Although a court decision found that Section 121, as it then existed was unenforceable, additional accident data and technical review have persuaded NHTSA that the court's requirement can now be met.

NHTSA goes on to indicate that it intends to issue a notice of proposed rulemaking on stopping distance in October, 1991. Thus, the Conferences expect that the rulemaking in question under this section as it relates to stopping distance will be initiated through a NPRM rather than an ANPRM.

**FEDERAL HIGHWAY ADMINISTRATION POSITIONS**

**House bill**

No provision.

**Senate amendment**

The Senate amendment provides for two new positions as the Federal Highway Administration. The new personnel will be used to implement the Title.

**Conference substitute**

Senate Amendment.

**COMPLIANCE REVIEW PRIORITY**

**House bill**

No provision.

**Senate amendment**

The Senate amendment provides that the Secretary shall give priority to compliance safety reviews for motor carriers that have drivers who are found to have a pattern of violations of safety laws.

**Conference substitute**

Senate Amendment.

**TRANSPORTATION DRUG AND ALCOHOL TESTING**

**House bill**

No provision.

**Senate amendment**

The Senate bill provides a requirement for drug and alcohol testing of transportation workers in the aviation, railroad, motor carrier and mass transportation industries. Identical provisions were signed into law on October 29, 1991, as a part of the Fiscal Year 1992 Department of Transportation Appropriations Conference Report (Public Law 102-143).

**Senate amendment**

The Senate amendment provides for the same funding levels, however, it contains provisions for drug and alcohol testing which includes training and training materials funding in its deductions permitted to be made by the Secretary for administrative purposes. The Senate amendment requires that grants be made on a competitive basis. The funding is at 100 percent.

**Conference agreement**

The Senate amendment with a cap placed upon research grants at $500,000.00 and driver education at $350,000.00 for each fiscal year. The provision is included in Section 402.

**INTRASTATE COMPATIBILITY**

**House bill**

No provision.

**Senate amendment**

The Senate amendment provides for the issuance of regulations specifying a common standard for ensuring compatibility of Intrastate commercial motor vehicle safety laws with Federal safety regulations under the Motor Carrier Safety Assistance Program. The Senate amendment provides for the Common Carrier Carrying Transportation for Charitable Purposes.

**House bill**

No provision.

**Senate amendment**

The Senate amendment adds to the Controlled Substances Act (21 U.S.C. 801 et seq.), after section 408, a new section 409 entitled “Transportation Safety Offenses.”

This new section provides that any person who violates section 401(a)(1) or section 416 of that Act, by distributing or possessing with intent to distribute a controlled substance or who again violates section 410(a)(1) or section 416 of that Act, by distributing or possessing with intent to distribute a controlled substance, shall be subject to the greater of (1) a term of imprisonment of not less than 3 years and not more than life imprisonment, or (3) three times the maximum punishment authorized by section 401(b).

Additionally, this new section requires that after a prior conviction under the new section, a person who again violates section 401(a)(1) or section 416 of the Controlled Substances Act shall be subject to the greater of (1) a term of imprisonment of not less than 3 years and not more than life imprisonment, or (3) three times the maximum punishment authorized by section 401(b) for the first offense.

New section 409 prohibits the suspension or revocation of any sentence imposed under section 409. Also, an individual convicted under this section is required to serve a minimum sentence prior to being eligible for parole.

The new section uses the term “safety area” as it is defined in part 752 of title 23 of the Code of Federal Regulations.

Also, new section 409 requires the U.S. Sentencing Commission, to promulgate or amend sentencing guidelines for a defendant convicted of violating section 409 of the Controlled Substances Act. The Senate amendment provides that a sentence is two levels greater than the level that would have been assigned for the underlying controlled substance offense and not less than level 26. This new section also specifies that if the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission should
use the instruction in paragraph (1) to achieve a comparable result. These offenses would be subject to only one enhancement as found under the guidelines.

Conference substitute

The Senate recedes to the House based on an understanding of the Conferences that the House and Senate Conferences on the Crime bill have agreed to include a drug-free truck stop provision in the conference report on that bill.

EXEMPTION OF CUSTOM HARVESTING EQUIPMENT

House bill

No provision.

Senate amendment

The Senate amendment provides that states may waive the commercial drivers license requirement with respect to drivers of certain types of vehicles. The vehicles are those used to transport farm supplies from retail dealers to or from a farm, vehicles used for custom harvesting, and to vehicles used to transport livestock feed. Whether or not such vehicles are controlled and operated by a farmer.

Conference substitute

The substitute removes custom harvesting farm machinery from the Act. Operators of such machinery are not covered by the Commercial Motor Vehicles Safety Act of 1986. A state, however, may still impose a requirement that comercial drivers license if it so desires. The change does not apply to vehicles used to transport this type of machinery.

TITLE V—INTERMODEL TRANSPORTATION

NATIONAL GOAL TO PROMOTE INTERMODAL TRANSPORTATION

House bill

The House bill establishes as a national goal the encouragement and promotion by the Federal government of an intermodal transportation system to improve energy efficiency, productivity growth, international competitiveness and to obtain the optimum yield from the Nation's transportation resources.

Senate amendment

No comparable provision.

Conference substitute

Same as the House provision.

The fundamental transportation challenge facing the Nation today is the development of an integrated transportation system that will accelerate, expedite, enhance and improve the movement of people and goods in an energy-efficient manner. Audacious and bold new approaches are needed if the nation is to transform the existing separate, balkanized transportation systems into a single, coordinated unit that will provide in full the nation to confront the realities of the 1990s and the 21st century.

An intermodal transportation system—the use of combinations of two or more modes of transportation—holds the key to the development of a transportation system that will meet the emerging economic, environmental and social challenges of the decades ahead. The nation will not be able to meet all of those demands through continued reliance on separate, isolated modes of transportation.

Development of an intermodal transportation system will result in the increased productivity growth the nation needs to compete in the global economy of the 21st century. We can no longer rely on a transportation system designed for the 1950s to provide the support for American industry to compete in the international marketplace.

Since 1973, real wages and the American standard of living have been declining. Transportation advances using new innovative technologies and the existing transportation systems are essential to reversing this decline in the quality of life.

An intermodal transportation system will provide the means to confront the nation's energy vulnerability. With fully 63 percent of our oil resources devoted to transportation, two-thirds of the nation's transportation policy is an energy policy. Events in the Persian Gulf in 1990 and 1991 have shown that the nation can no longer afford to rely on such vulnerable sources for our own energy supply. If the nation is to reduce its dependence on foreign oil sources, reduced use of oil for transportation is required.

The Clean Air Act Amendments of 1990 made air pollution policy an overriding factor in transportation policy. The centerpiece of the plan to reduce air pollution is transportation control measures, many of which focus on reduced Vehicle Miles Traveled (VMT). States and Metropolitan Planning Organizations must develop Transportation Improvement Programs (TIPs) that the Clean Air Act requires to comply with State Implementation Plans (SIPs) under the Clean Air Act Amendments.

DUTIES OF SECRETARY: OFFICE OF INTERMODALISM

House bill

The House bill creates as a duty of the Secretary of Transportation the coordination of Federal intermodal transportation policy and the initiation of policies to promote efficient intermodal transportation.

To carry out the intermodal responsibilities of the Secretary, an Office of Intermodalism is established within the Department of Transportation to be headed by a Director who must be appointed within six months of the date of enactment.

The Director is required to develop an intermodal transportation data base in coordination with the states and metropolitan planning organizations. The compilation of such data on both regional and national lines, is crucial to the development of an efficient transportation system. The data base is to include information on the movement of goods in domestic transportation, patterns of movements by intermodal transportation, and information on public and private investment in intermodal transportation systems and services.

The Director must coordinate Federal research on intermodal transportation and must provide technical assistance to states and metropolitan planning organizations in urban areas with populations of 1 million or more to facilitate collection of data on intermodal transportation.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute adopts the House provision except that the Office of Intermodalism is created within the Office of the Secretary. The Director is required to collect, process, and disseminate intermodal transportation data through the new Bureau of Transportation Statistics.

MODEL INTERMODAL TRANSPORTATION PLANS

House bill

The House bill requires the Secretary to award grants of no more than $500,000 for the development of model state intermodal transportation plans. Grants may be awarded to a maximum of six states representing a variety of geographic regions and transportation needs, patterns and modes. States must complete the plans within 18 months of the grant award.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute contains the House provision except that the grants for model state intermodal transportation plans may be awarded to more than six states.

This title is designed to establish the essential process of developing transportation systems that will include the necessary interconnections and access to seaports, air-
The House bill directs the Secretary to enter into an agreement within 60 days of enactment with the National Academy of Public Administration to continue a search for options for organizing the Department of Transportation to increase the effectiveness of programs to reduce costs, and improve intermodal coordination among surface transportation-related agencies.

The Senate amendment

No comparable provision.

Conference substitute

The conference substitute contains the House provision.

National Commission on Intermodal Transportation

House bill

The House bill contains no provision.

Senate amendment

The Senate amendment authorizes a transportation assistance program to provide highway and transportation agencies in urbanized areas of 50,000 to 1 million population and in rural areas, access to modern highway technology.

Conference substitute

This section establishes a National Commission on Intermodal Transportation, consisting of 11 members selected to represent diversified transportation expertise on intermodalism, to develop a National Intermodal Transportation Plan with a specific agenda for implementation. The Commission is required to submit its agenda to Congress by September 30, 1993. It is crucial for the development of an efficient intermodal transportation system that the Commission recognize the need for innovation through the maximum integration of transportation systems and the earliest possible development of advanced technology to increase efficiency. New approaches are needed for the economic, energy and environmental challenges of the 1990s and the 21st century to enhance the nation's leadership in the global economy.

The Commission should review the need for unified decision-making on transportation policy and implementation. The structure of existing modal administrations may no longer be the best means of developing transportation efficacy and advance.

In its Plan, the Commission should recognize the accelerated importance of foreign trade and international commerce to the nation's economic growth and development. The 1990 Census that more than 50 percent of the nation's population now lives in metropolitan areas of more than 1 million. Each of these trends have enormous implications for future transportation policy.

It is important that the Commission pay special attention to economic productivity concerns. The intermodal research agenda should be oriented towards increasing our national economic productivity.

The Commission should focus on creating a public-private alliance to target intermodal projects that are essential to close obvious deficiencies and gaps in our transportation system.

The Commission should investigate and study:
1. The need for innovation through the maximum integration of transportation systems and the earliest possible application of advanced technology to increase efficiency. New approaches are needed for the economic, energy and environmental challenges of the 1990s and the 21st century to enhance the nation's leadership in the global economy.
2. Areas for additional research and development with an agenda for carrying out the research and development program; and
3. The relationship of intermodal transportation to rates, costs and economic productivity.

The Commission will be composed of 11 members appointed in consultation with the House and Senate Minority Leaders, the Senate Majority Leader, the Speaker of the House, and the House Minority Leader. The Commission member should include representatives of Federal, State and local governments, foreign governments, colleges and universities, transportation agencies, industry, labor, business, trade associations, and the public. The Commission should include representatives of the public interest or nonprofit funds to carry out collaborative research under this section shall be derived from Section 104(a) of the fund.

Senate amendment

The Senate amendment directs the Secretary to conduct a coordinated long-term research program for the development of highway research for the development of highway research and development and implementation of Strategic Highway Research Program results. The Secretary must conduct a long-term pavement performance testing.

Section (f) of this section requires one and one-half percent of state apportionments under Sections 104 and 144 be reserved to state research and planning purposes only, and requires that states use 25 percent of the funds for long-term pavement performance testing.

Conference substitute

The conference substitute combines the House and Senate provisions. Two percent of state apportionments are to be made available for state research and planning purposes.

Eisenhower Fellowship Program

House bill

No comparable provision.

Senate amendment

The Senate amendment provides for the establishment of a transportation research fellowship program at a level of $2,000,000 per fiscal year.

Conference substitute

The conference substitute is the provision in the Senate amendment. Development of a national transportation infrastructure requires that the nation's brightest minds be attracted to the...
transportation engineering and research professions. The Dwight David Eisenhower Transportation Fellowship Program is designed to accomplish this objective. The conferees recognize that the fellowship program will not be able to attract critical masses of students and professors to evolve into centers of excellence. Therefore, the conferees intend that the program should not exceed more than ninety universities, to be selected by the Secretary on the basis of their academic reputation in the transportation engineering and research areas. The conferees intend that the fellowships should be awarded competitively, and be available only to students enrolled in work toward a graduate degree in transportation engineering or research, but exceptions can be made for students in the final year of undergraduate engineering degrees who can demonstrate that they intend to specialize in a transportation-related field following graduation.

NATIONAL HIGHWAY INSTITUTE

House bill

The House bill provides for the continuation of the National Highway Institute and removes the limitation on the number of training programs to allow for training of U.S. citizens and foreign nationals engaged in highway work of interest to the United States.

Senate amendment

The Senate amendment is the same as the House bill, but provides for a 2 percent Federal share.

Conference substitute

The conference adopts the Senate amendment with a 2 percent Federal share.

INTERNATIONAL TRANSPORTATION OUTREACH PROGRAM

House bill

The House bill requires the Secretary of Transportation to conduct an international transportation outreach program to: (1) seek, evaluate, and disseminate information about innovations abroad for application in the United States; (2) to encourage use of American goods and services abroad; and (3) to assist developing countries to improve their surface transportation technology and institutions. Funds provided by cooperating organizations or persons may be held in a special account and used in furtherance of the outreach program.

Senate amendment

The Senate amendment provides authority for an international outreach program but does not require it.

Conference substitute

The conference substitute is the Senate amendment modified by a House provision requiring coordination with other appropriate Federal agencies.

EDUCATION AND TRAINING

House bill

The House bill continues the Rural Transportation Assistance Program (RTAP) to provide technical assistance to highway and transportation agencies in rural areas and urbanized areas of 50,000 to 1,000,000 in population.

Senate amendment

The Senate amendment contains two provisions continuing the Rural Transportation Assistance Program (RTAP) to provide technical assistance to highway and transportation agencies in rural areas and urbanized areas of 50,000 to 1,000,000 in population.

Conference substitute

The conference substitute is the Senate amendment modified by a House provision requiring coordination with other appropriate Federal agencies.

APPLIED RESEARCH AND TECHNOLOGY PROGRAM; SEISMIC RESEARCH PROGRAM

House bill

The House bill amends Section 307 of Title 23 to require the Secretary to establish and implement a research and applied technology program. The purpose of the program is to accelerate testing, evaluation, and implementation of technologies that may improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit, and intermodal transportation systems. Eighteen months after date of enactment, the Secretary must issue guidelines on selection of technologies, test locations, and collection and evaluation of test data. The Secretary is required to transmit to the Federal Emergency Management Agency a report on the progress and findings of the applied technology program.

Conference substitute

The conference substitute is the Senate amendment modified by a House provision requiring coordination with other appropriate Federal agencies.

FUNDING FOR THE APPLIED TECHNOLOGY PROGRAM

The conference substitute continues RTAP technical assistance programs and expanding RTAP services to include assistance to urban agencies. The conference substitute expands RTAP services to include assistance to urban agencies. The conference substitute expands RTAP services to include assistance to urban agencies.

Senate amendment

The Senate amendment is the same as the House bill, but does not require it.

Conference substitute

The conference substitute is the Senate amendment modified by a House provision requiring coordination with other appropriate Federal agencies.

The conference substitute is the provision in the House bill with clarification that it is implementing the seismic research program in cooperation with other Federal agencies participating in the National Earthquake Hazards Reduction Program.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the provision in the House bill with clarification that it is implementing the seismic research program in cooperation with other Federal agencies participating in the National Earthquake Hazards Reduction Program.

BUREAU OF TRANSPORTATION STATISTICS

House bill

The conference substitute is the Senate amendment modified by a House provision requiring coordination with other appropriate Federal agencies.

Conference substitute

The conference substitute is the Senate amendment modified by a House provision requiring coordination with other appropriate Federal agencies.

The conference substitute is the Senate amendment modified by a House provision requiring coordination with other appropriate Federal agencies.
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other federal agencies, the States, and other non-federal entities, pursue a comprehensive program for the collection and analysis of data relating to the performance of the national transportation system.

A new process is developing better indicators for productivity, efficiency, energy use, air quality related to vehicle operation, congestion, safety, maintenance, and other factors that affect the overall performance of the national transportation system. It is the intention of the conferees that the Director be directly involved in planning and review of the research to develop indicators for the national transportation systems. The most often reported indicators of productivity of transportation systems today are weight, miles or passengers, and data are not sufficient to conclude the economic effects of these indicators. While the underlying data are easily collected, these indicators are inadequate, because they convey little information about important issues such as the amount of fuel consumed, the cost of maintaining and repairing infrastructure and vehicles, the amount of pollution produced, the number of injuries, if any, the reliability of timely arrival, and other factors that affect the costs and benefits of alternative decisions involved in transportation infrastructure planning. It is the intention of the conferees that the Director be closely involved in data gathering and in data analysis. The conferees intend that such indicators are identified, and that data relative to their measurement are collected, analyzed, and reported.

The Director shall assure that data and other information are collected in such a manner as to maximize the ability to compare data from different regions and over time, such that trends and regional differences, if they exist, can be detected and analyzed for statistical significance. The Director shall ensure that the data are collected in a way that can be controlled for accuracy, and promulgate guidelines for the collection of such information to ensure that the information is accurate, meaningful, and in a form that permits systematic analysis.

The Director shall coordinate the activities of the Bureau with related information gathering activities of other agencies. The conferees intend that data managed by the Bureau shall not be limited to highway transportation, but is extended to include rail, air, and intermodal transportation systems involving rail, highways, ships, and air transport. The purpose of this change in section 115 of the previous Act is to ensure that the Bureau can efficiently gather data and provide them to interested parties. The conferees also intend that the Bureau provide data on transportation systems in the United States and their ability to integrate with one another, commercial or financial information provided by other organizations to fill identified data gaps, rather than to organize and conduct studies in order to insure the most cost-effective use of transportation monitoring resources.

The Bureau shall be under the direction of a Director who shall be appointed by the President, by and with the advice of the Senate. The Director shall have substantial technical experience in the compilation and analysis of transportation statistics. The term of the appointment shall be four years, to begin within 180 days of enactment of this Act. It is the intention of the conferees that the term of office of the Director overlap with that of the President. The Director shall report directly to the Secretary and be an employee of the Office of the Director.

The conferees intend that the Director be given substantial latitude to insure that Bureau data and information are not biased by any way by political considerations, and that release of data shall not be subject to policy review. Date collected by the Bureau shall not be disclosed publicly in a manner that would reveal that an individual is consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade secrets and commercial or financial information provided by any person. The conferees recognize that statistics may become biased if the very fact that a datum is being measured causes the object of measurement to change its characteristics or behavior. This may happen if data collected for the purpose of describing a system also can be used to cause harm to someone. The conferees intend that the Bureau data are collected and stored in such a way that they cannot be used to prosecute individuals or reveal business information that could harm persons or organizations.

The conferees intend that the Director consult with officials involved in other Federal data collection activities to identify the most appropriate means to meet the criteria.

The Director shall produce annual reports on transportation statistics and submit them to Congress, the States, and other interested parties. These reports shall compare transportation statistics among the states and regions and shall be reporting on trends at the state, regional, and national level. The conferees intend that if the statistics are based on estimates, rather than complete censuses, quantitative estimates of statistical significance and trends and changes also shall be provided. The report shall include such indicators as are enumerated in section 303(b), indicators developed under section 115(a)(3), and other indicators, as appropriate for conducting cost-benefit analyses, prioritizing transportation system problems, and analyzing proposed solutions. In the estimation of costs and benefits, the conferees intend that it is not acceptable to set a cost or benefit at zero only because it cannot be quantified precisely. The conferees also intend that proposals for increased expenditures that may result in decreased property values next to rights-of-way should be included, as well as benefits associated with increased reliability, more enjoyable transportation, and other social costs and benefits.

The conferees also, where feasible, use data already collected by the modal Administrators or other agencies. The Director shall identify any additional specifications or quality assurance that must be applied to such data to ensure that it meets the needs of the Bureau.

$90 million is authorized to conduct the work of the Bureau. The conferees intend that the Bureau be funded at a minimum of $4 million during fiscal year 1992, plus $500,000 to begin the National Academy of Sciences study. It is the intent of the conferees that the Bureau be funded at no less than $25 million in each of the last years of this authorization.

ADVISORY COUNCIL ON TRANSPORTATION STATISTICS

House bill

No comparable provision.

Senate amendment

The House amendment provides for the establishment of an Advisory Council on Transportation Statistics to advise the Director of the Bureau of Transportation Statistics.

Conference substitute

The Conference substitute is the Senate provision.

DOT DATA NEEDS

House bill

The House bill requires the Secretary to enter into an agreement with the National Academy of Sciences to study on the adequacy of data collection procedures and capabilities of the Department of Transportation.

Senate amendment

The Senate Amendment requires a similar data needs study but requires the Secretary to consult with an Advisory Council on Transportation Statistics in entering into the agreement with the National Academy of Sciences.

Conference substitute

The Conference substitute is the Senate provision.
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S E N A T E  A M E N D M E N T

No comparable provision.

Conference substitute

The Senate amendment directs the Secretary to conduct a study of whether current procurement practices used by state departments and agencies are adequate to ensure the quality and cost-effectiveness of projects. The Secretary is directed to report to Congress within two years with an assessment of the need for a national policy on quality assurance.

No comparable provision.

Conference substitute

The conference substitute contains the Senate amendment.

E V A L U A T I O N  O F  S T A T E  P R O C U R E M E N T  P R A C T I C E S

House bill

The House bill provides for improvements and integration of intermodal transportation facilities, including methods of achieving the optimum yield from such systems.

Senate amendment

The Senate amendment directs the Secretary to determine whether U.S. to Mexico and U.S. to Canada trade and commercial vehicles, and other state and local revenue sources.

The Conference substitute is the provision in the House bill.

STATE LEVEL OF EFFORT

House bill

The Senate amendment requires the Federal Highway Administration to enter into contracts with nonprofit organizations to study the fundamental chemical properties and physical properties of petroleum asphalts and modified asphalts used in highway construction. Authorization of $3 million per fiscal year are provided to fund the studies. A test strip must be implemented to demonstrate energy and environmental advantages of shale oil modified asphalts under extreme climatic conditions. Funds are available for construction. The Senate amendment adds a provision that the Secretary of Commerce, in consultation with the National Infrastructure Rehabilitation Council, shall examine the impact of the infrastructure rehabilitation projects on the long-term national infrastructure needs.

Committee substitute

The conference substitute contains the House bill provision.

RESEARCH ADVISORY COMMITTEE

House bill

The Research Advisory Committee (RAC) is established in the House bill to ensure that the Department takes maximum advantage of available outside advice in planning and evaluating its research program. The Department's research must both feed and be fed by the research programs of other organizations and the results of the Department's research must serve the national needs.
for the test strip are to be made available from funds for parks and park highways.

Conference substitute

The conference substitute directs the Administrator of the Federal Highway Administration to make fundamental studies of the performance of petroleum asphalts and modified asphalts used in highway construction. The conference substitute directs the Administrator to include that the Department will stimulate basic scientific research and research in long-term, high-risk highway vehicle sciences. The conference substitute directs the Administrator to enter into such contracts on the basis of the technical and analytical support and related research. Based on previous research and the volume of performance data that must be considered, the conference substitute directs the Administrator to provide at least $3 million each year. This funding level will ensure that there is alignment between field performance characteristics of petroleum asphalts with diagnostic chemical and physical property tests designed to predict performance of petroleum asphalts. The conference substitute directs the Administrator to enter into such contracts on the basis of the Western Research Institute's demonstrated expertise and experience in such related research programs in addition to the organization's past research activities on behalf of the Strategic Highway Research Program. The conference substitute directs the Administrator to enter into such contracts on the basis of the Western Research Institute's demonstrated expertise and experience in such related research programs in addition to the organization's past research activities on behalf of the Strategic Highway Research Program. The conference substitute directs the Administrator to enter into such contracts on the basis of the Western Research Institute's demonstrated expertise and experience in such related research programs in addition to the organization's past research activities on behalf of the Strategic Highway Research Program. The conference substitute directs the Administrator to enter into such contracts on the basis of the Western Research Institute's demonstrated expertise and experience in such related research programs in addition to the organization's past research activities on behalf of the Strategic Highway Research Program. The conference substitute directs the Administrator to enter into such contracts on the basis of the Western Research Institute's demonstrated expertise and experience in such related research programs in addition to the organization's past research activities on behalf of the Strategic Highway Research Program.
This center shall be similar to the other national centers established under this section but it shall not be subject to all of the provisions of 49 U.S.C. 1607(b) such as the federal share. It shall be specifically funded for three fiscal years at 80% federal share and the funds shall not be subject to any obligation limitation.

UNIVERSITY RESEARCH INSTITUTES

House bill

Section 11 of the Urban Mass Transportation Act of 1964 is amended by the House bill to require the Secretary to make grants to establish and operate an institute for national policy studies. These grants will be made to the University of South Florida, and an Institute for Intelligent Vehicle Highway Concepts at the University of Minnesota. Funding of $250,000 per fiscal year is authorized for the Institute for National Surface Transportation Policy Studies; $3 million per fiscal year is authorized for the Infrastructure Technology Institute; and $1 million per fiscal year is authorized for the Urban Transit Institute and the Institute for Intelligent Vehicle Highway Concepts.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute adopts the House provision and establishes at the University of North Carolina an Institute for Transportation Research and Education (ITRE). To support minority participation in urban transit research, grants will be made to North Carolina A&T State University, an Urban Transit Institute at Northwestern University, an Urban Transit Institute with South Florida and a consortium of Florida A&M, Florida State University, and Florida South Florida and a consortium of Florida A&M. The substitute gives the Airports Authority the full authority of the Metropolitan Washington Airports Authority which operates Washington National and Dulles Airports.

Senate amendment

No comparable provision.

Conference substitute


The legislation is necessary because of the Supreme Court’s decision in Metropolitan Washington Airports Authority v. Citizens for the Abatement of Aircraft Noise, holding unconstitutional provisions in the MWA Act of 1986 which established a Board of Review of nine Members of Congress with the power to reject a list and request additional nominations. The substitute gives the Airports Authority the full authority of the Metropolitan Washington Airports Authority which operates Washington National and Dulles Airports.

House bill

The house bill establishes a program to research, develop, operationally test, and implement vehicle highway systems. The bill requires development and implementation of a strategic plan and provides for planning grants to states and local governments to support access for operational technical projects. The bill establishes a program of financial and technical assistance for implementation of IVIS technology.

Senate amendment

The Senate provisions are similar to those in the House bill, but establishes a “Congested Corridors” program for implementation of IVIS technology.

Conference substitute

The conference substitute combines the provisions of the House bill and Senate amendment. Requirements for development of a prototype by 1997 may be satisfied by a two-thirds vote. The conference substitute gives the Airports Authority the authority to submit to the Board of Review recommendations. The individuals on the list submitted by the Speaker and the President pro tempore of the Senate, and the conference substitute makes a number of changes in the requirements for the Board. The substitute gives the Airports Authority the authority to submit to the Board of Review recommendations. The substitute gives the Airports Authority the authority to submit to the Board of Review recommendations.

The Conference Substitute includes the provision that the Board of Review’s Report for the next fiscal year be submitted to the Board of Review.

The substitute makes the following provisions:

1. Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The Board of Review, the action could be taken. If the Board of Review made a recommendation, the Authority could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.

2. The substitute makes the following provisions:

(a) Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The Board of Review, the action could be taken. If the Board of Review made a recommendation, the Authority could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.

3. The substitute makes the following provisions:

(a) Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.

(b) The substitute makes the following provisions:

(a) Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.

(c) The substitute makes the following provisions:

(a) Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.

(d) The substitute makes the following provisions:

(a) Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.

(e) The substitute makes the following provisions:

(a) Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.

(f) The substitute makes the following provisions:

(a) Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.

(g) The substitute makes the following provisions:

(a) Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.

(h) The substitute makes the following provisions:

(a) Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.

(i) The substitute makes the following provisions:

(a) Under the 1986 Act, the Board of Review was given authority to submit to the Board of Review recommendations. The Board of Review procedure was unconstitutional, the Supreme Court criticized the Board of Review procedure and held it unconstitutional. The Board of Review could not take the proposed action. The substitute gives the Board of Review additional authority to approve actions submitted by the Airports Authority.
tion would be limited to not more than ten hours, and no motions to re-commit would not be in order.

(4) The substitute includes a provision ratifying actions of the Airports Authority which were submitted to the Board of Review before the Supreme Court's decision. This provision basically clarifies existing law on the effect of an adverse court order where more than four vacancies on the Board of Review, the Airports Authority will have no power to take the actions which must be submitted to the Board of Review. The substitute would clarify that the Airports Authority was not against the Airports Authority failing to comply with the statutory requirement that it appoint a Board of Review.

(5) A new provision is added to existing law directing the Comptroller General to review the Airports Authority's contracting procedures for compliance with government contracting principles and the provisions of existing law requiring the Authority to use competitive bidding procedures. The provision would require the Comptroller General to file periodic reports with the House and Senate Aviation committees.

(7) To supplement the new authority, the substitute includes a provision that every contract must include a provision that no member of the Board of Review may benefit from the contract.

(8) The substitute authorizes the Secretary of Transportation to amend the lease of the airport to the Authority to incorporate the new Board of Review procedures.

Several provisions in the Conference substitute adjust the expiration dates of provisions in section 6007(f)(4)(B)(vi) which states that "...a contract in connection with the issuance of underwriters or to contracts funded by the Airports Authority's power was meant to protect the bond proceeds. It should be clear that the substitute should be clarified; the exception in section 6007(f)(4)(B)(vi) which states that "...a contract in connection with the issuance of underwriters or to contracts funded by the Airports Authority, notifying the Board of Review. This will protect the bond proceeds.

TITe VIII—REVENUE-RELATED PROVISIONS

A. HIGHWAY-RELATED EXCISE TAX PROVISIONS

1. TAX RATES

Present law

Current highway motor fuels and other highway excise taxes (the "HTF taxes") are scheduled to expire after September 30, 1995. These taxes include: 11.5 cents per gallon on gasoline and special motor fuels; 17.5 cents per gallon on highway diesel fuel; 12 percent of retail price on heavy trucks and truck trailers; graduated taxes on heavy highway vehicles; and 7.5 cents per gallon on gasoline. All revenues from these taxes are deposited in the Highway Trust Fund ("HTF"), except that revenues from taxes on motorboat and small engine gasoline fuel are transferred to the Aquatic Trust Fund.

Conference agreement

The conference agreement follows the House bill. The House bill extends HTF expenditure authority through September 30, 1997. Expenditure authority for the Aquatic Trust Fund is extended through September 30, 1999.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

B. HIGHWAY TRUST FUND PROVISIONS

1. TRUST FUND EXPENDITURE AUTHORITY

Present law

Expenditure authority is scheduled to expire on October 1, 1993. The Aquatic Fund consists of two accounts: the Sport Fish Restoration Account for which there is no scheduled expiration date of expenditure authority and the Boat Safety Account for which expenditure authority is scheduled to expire after March 31, 1994.

House bill


Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

2. TRUST FUND EXPENDITURE PURPOSES

a. Highway Account generally

Present law

HTF Highway Account amounts are available to fund obligations incurred under the Highway Revenue Act of 1956, the Surface Transportation Act of 1982, the Surface Transportation and Uniform Relocation Act of 1987 ("1987 Act"), or for any amount for a general purpose authorized under these acts as in effect on the date of enactment of the 1987 Act.

House bill

The House bill adds to the permissible HTP expenditure purposes expenditures for purposes provided under the Intermodal Surface Transportation and Uniform Relocation Act (H.R. 2950).

The House bill further provides that the permissible HTF expenditure purposes include only those specified in each Act cited above, as those Acts are in effect on the date of enactment of H.R. 2950.
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House bill

End of the Federal Highway Administration, IRS, and the States) to prepare and coordinate the highway tax enforcement projects, with semi-annual reports to be made to the House and Senate authorizing committees (“Public Works”) on the expenditure of such monies.

The House bill's revenue title provides that Department of Transportation may not impose any conditions on the use of any funds allocated to the IRS, and that the IRS must submit a report to the Ways and Means Committee at least 60 days before the start of each fiscal year (after FY 1992) on the projected use of any such funds it receives. Further, the revenue title provides that (1) the annual report by the Advisory Committee also are to be made to these tax-writing committees.

The Senate amendment authorizes HTF amounts for grants to the IRS and/or States for motor fuels and other highway use tax enforcement activities. These provisions also provide for an Advisory Committee to the Secretary of Transportation (from the Federal Highway Administration, IRS, and the States) to prepare and coordinate the highway tax enforcement projects, with semi-annual reports to be made to the Senate Means and Finance Committees at least 60 days before the start of each fiscal year (after FY 1992) on the projected use of any such funds it receives. Further, the revenue title provides that the annual report by the Advisory Committee also are to be made to these tax-writing committees.

The conference agreement follows the Senate amendment with the following modifications:

(1) The conference agreement provides that the annual revenue transfers to the Trails Fund may not exceed the annual obligation ceilings contained in the bill; the Treasury Department must report annually the amount of revenues it determines to be attributable to nonhighway recreational fuel taxes to the Committees on Ways and Means and Finance; and (2) the agreement also includes additional technical modifications to conform the Trails Fund to the Code trust funds.

D. National Highway Institute Funding and Fees

Present law

There is a National Highway Institute which (among its activities) conducts training programs for Federal, State, and local highway employees.

House bill

No provision.

Senate amendment

The Senate amendment expands the Institute's charter to authorize training programs for employees of private agencies. The Institute also is authorized to establish and collect fees from any entity and to use such fees in a special account to fund its operations.

Conference agreement

The conference agreement follows the Senate amendment, with the modification limiting fees that may be assessed to amounts charged to users of the Institute's training programs, not to exceed the costs of services provided.

E. Rural Tourism Development Foundation

Present law

The Code provides tax-exempt status for any corporation which is organized under an Act of Congress and is an instrumentality of the U.S., but only if the corporation is exempt from Federal income tax under (1) provisions contained in the Code (including sec. 501(c)(4), (2) the corporation's organizing Act of 1994, or (3) a revenue Act enacted after July 17, 1984.

Contributions and gifts to or for the use of the United States for exclusively public purposes are deductible for Federal income, estate, and gift tax purposes.

House bill

No provision.

Senate amendment

The Public Works' provisions in the Senate amendment establish a charitable, nonprofit corporation to be known as the Rural Tourism Development Foundation to plan and implement projects and programs to attract foreign visitors to rural America. The provisions specifically provide that the Foundation and any income or property received or owned by it, and all transactions relating to such income or property, are exempt from all Federal, State, and local taxation.

The provisions also provide that contributions and other transfers made to or for the use of the Foundation are regarded as contributions, gifts, or transfers to or for the use of the United States.

Conference agreement

The conference agreement follows the House bill.

P. Sense of the Congress Relating to Commute-to-Work Benefits

Present law

Present law allows employers to provide employee benefits excludible from gross income of up to $21 per month (recently raised from $15 by the IRS) for mass transit use.

House bill

No provision.

Senate amendment

The Senate amendment includes a "Sense of Congress" resolution that the current dollar limit on the exclusion for employer-provided transit benefits unduly penalizes employers efforts to encourage mass transit use by employees. The Senate amendment urges that the amount excludible from employee gross income be increased.

Conference agreement

The conference agreement follows the Senate amendment.

G. Budget Act Compliance

Present law

The 1990 Budget Enforcement Act provides "spending caps" for certain expenditures and a "pay-as-you-go" requirement for...
Mr. ROE. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 2950) to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

Mr. ROE. Mr. Speaker, I would like to request, if I may, the balance of the time that is allocated to both sides.

The SPEAKER pro tempore. Mr. ROE, under his unanimous-consent request has 18 minutes remaining, and the gentleman from Arkansas (Mr. Hammerschmidt) has 17 minutes remaining.

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. Oberstar).

Mr. OBERSTAR. Mr. Speaker, I thank the indefatigable chairman of our committee, the gentleman from New Jersey (Mr. Roe) whose relentless pursuit of this legislation has brought us to the successful conclusion we celebrate this morning.

Mr. Speaker, the key word and the key concept in this bill, intermodal. This is the first time in the history of transportation legislation that one bill brings together, knits and threads together, in one conceptual and detailed piece of legislation, the several modes by which we move people and goods in this country.

As this legislation unfolds and is put into place in the many programs authorized under it, it requires consideration for the fact that people will be able to take a ride to an airport, unload his bicycle from the trunk, get aboard that airplane, fly to the destination, mount that bicycle on a car, take a drive on a scenic byway, dismount, and ride that bicycle on a bike path or on an abandoned railroad bed that has been paved over for bicycling, dismount the bike and walk a beautiful vista along that pathway, get back into the car, and drive to his final destination and enjoy the beauty of this country through the several modes of transportation made possible.

Mr. Speaker, we chart a whole new course with this legislation. We will relieve urban congestion, we will improve rural transportation, we will improve the highways of this country, we will develop new concepts through the maglev that is included in this legislation, and we will indeed chart the course for transportation now through the beginning of the next century.

Mr. Speaker, I rise in support of H.R. 2950, the Intermodal Transportation Efficiency Act of 1991, and urge its passage. I also commend, in the strongest meaning of that word possible, the leadership of the House Committee on Public Works and Transportation in the pursuit of this legislation. We will relieve urban congestion, we will improve rural transportation, we will improve the highways of this country, we will develop new concepts through the maglev that is included in this legislation, and we will indeed chart the course for transportation now through the beginning of the next century.

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H 11662

CONGRESSIONAL RECORD — HOUSE

November 26, 1991

H.R. 2950 authorizes $30 million, over 6 years, from the highway trust fund under contract authority, for scenic byways.

While the provision of our scenic byways bill authorized an Office of Scenic Byways, this provision was not adopted into H.R. 2950. A complete office may not be necessary, but I would insist that the Secretary, in consultation and the Federal Highway Administration devote adequate staff to administering this $30 million program. This is a substantial amount of public funds, but more important, the program needs the sensitivity, judgment, and time of a staff dedicated solely to it. Simply becomes a part-time job, imposed on already overworked staff, the program will not be the success it could be.

Section 147 of H.R. 2950 establishes a Scenic Byways Advisory Committee, to develop and present to the Secretary of Transportation suggestions for implementing Federal policies for scenic byways funding. These recommendations shall be regarded as advisory by the Secretary and shall not be binding on the Secretary, but he or she may determine and implement programs to achieve the purpose of this section.

The advisory committee has 12 months to develop recommendations for implementing provisions of this section, and the Secretary, in consultation with the National Scenic Byways Program, of which this section is a part, may implement programs to achieve the purpose of this section. The advisory committee shall, at the request of the Secretary, develop a comprehensive program to achieve the purpose of this section.

Section 147 does not define All-American Roads, but I would expect the Secretary to decide the definition contained in H.R. 2957: those highways designated as scenic byways "*" *" which are of historical significance, are of outstanding scenic beauty, are of q.,c,essional scenery, are of high cultural interest, or are of exceptional or unique value.

Section 147 also establishes a 3-year interim Scenic Byways Program, under which the Secretary is required to give priority to projects with corridor management plans designed to protect scenic byway values, and to those with a strong local commitment to implementing the management plans and protecting the scenic and other characteristics.

Mr. Speaker, I want to stress, as strongly as possible, the purpose of the Scenic Byways Program is to maintain and enhance the values associated with scenic byways. These byways are more than concrete and asphalt; more than paving and porthole fixing. The Scenic Byways Program is to be an addition to, not a replacement for, duplication of other programs in H.R. 2950.

Finally, section 147 provides specific protections for byways, by stipulating that the Secretary shall not fund any project that would not protect the scenic, historic, recreational, aesthetic, and archeological integrity of the highway and adjacent area.

H.R. 2950 provides for a mid-term review of many programs, it is my clear understanding that scenic byways will be one of these programs reviewed, with the purpose of following the interim program with a full-funded, adequately funded, permanent Scenic Byways Program.

BICYCLE AND PEDESTRIAN FACILITIES

Mr. Speaker, H.R. 2950 also contains important provisions to assure the construction of many more bicycle lanes, pedestrian paths and trails, and bike trails for accessible use. This is a vehicle for protecting urban and rural areas. Many of these provisions are patterned on H.R. 2287, my bicycle and pedestrian facilities bill.

Strategically placed throughout the highway provisions of H.R. 2950 are provisions relating to planning and location of bicycle and pedestrian facilities.

Section 132, bicycle transportation and pedestrian walkways, provides further direction to State Departments of Transportation to use funds appropriated under the National Highway System and rural mobility programs, the flexible program, and the Federal lands highway programs, for these facilities.

Section 132 also creates the position of State Bicycle and Pedestrian Coordinator in each State Department of Transportation. The coordinator would be responsible for promoting and facilitating the increased use of non-motorized modes of transportation, including developing facilities for the use of pedestrians and bicyclists and public education, promotional, and safety programs for using such facilities. In essence, the coordinator can establish plans and promote policies for bicycle and pedestrian groups and their agencies.

The same section would provide that any bridge deck replacement or rehabilitation project would have to accommodate bicycles, if the byways, they are permitted to operate at both ends of the bridge, as long as such accommodation can be provided at reasonable cost.

Strategically placed throughout the highway programs, bicycle and pedestrian facilities are clearly spelled out. The conference added a provision permitting 10 percent of the funds to be used for billboard removal.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I yield to the distinguished gentleman from Michigan [Mr. DINGELL], the chairman of the Committee on Energy and Commerce.
Congressional passage of the Surface Transportation Act on November 26 provides a tremendous boost to the Westside project, thanks to the herculean efforts of Senator Mark O. Hatfield and Representative Les AuCoin.

As a result of Senator Hatfield’s and Congressman AuCoin’s persistent involvement in all phases of the new act the Portland region will enjoy guaranteed federal funding levels, increased transit funding, and a mandated timetable for moving the Westside project and the Hillsboro extension to a timely completion.

Senator Hatfield and Congressman AuCoin delivered all six provisions requested by the region, and were instrumental in the adoption of two general provisions which increase the authorized amounts of funding for transit.

Specifically the bill does the following:

1. Designates the project as one of seven priority projects nationwide that have more than one element, such as the Hillsboro segment, and requires timely advancement of all elements.

2. Requires the Secretary of Transportation to provide a Full Funding Grant for the "locally preferred alternative" (Downtown to S.W. 185th by April, 1992).

3. Requires that 75 percent federal funding be provided, ($567 million over seven years).
4. Authorizes $515 million for the project for six years. Of that $15 million is reserved for Hillsboro. This continues intact the provisions first adopted by the House of Representatives.

5. Authorizes Full Funding Grant contracts to extend beyond the life of the STA so that one contract will cover an entire project, thus enabling Tri-Met to plan for project requirements into year seven and beyond.

6. Requires all existing letters of intent, full funding grant agreements and letters of commitment that are in effect when this Act is enacted to remain in effect notwithstanding other provisions. (Grandfathers Westside Letter of Intent).

7. Increases the amount of Federal transit funding from $16 billion to $31.5 billion (for fiscal years 1992 through 1997).

8. Creates a "flexible" fund modeled after Portland’s practice in the handling of the Banfield Project, that makes transit eligible for support from an estimated additional $447.5m in transportation trust funds available to Oregon urban areas.

The passage of the STA comes on the heels of the fiscal 1992 Transportation Appropriations Act. In that Act, Senator Hatfield and Congressman Les AuCoin succeeded in earmarking a $26 million appropriations for this year as well as a renewed requirement for a full funding grant agreement. The Senator and Congressmen have pledged their continued efforts to meet the project’s annual funding goals through the appropriations process.

PORTLAND TO HILLSBORO

Federal Share $681 million
(75% of federally-eligible items which total $908 million)

Local Share $110 million
(approved by voters 11/90)

State Share $115 million

Local Governments $21 million
(Tri-Met, Metro, Washington County, City of Portland)

Interest $17 million

TOTAL $944 million
Addendum

STA-Exerpts

1. The Seven Priority Projects in the STAA:

"(Sec. 3011). Assure Timetables for Project Review.
"For the purposes of this paragraph, programs of interrelated projects shall include the following:

"(i) The New Jersey Urban Core Project as defined by the Federal Transit Act Amendments of 1991...
"(ii) The San Francisco Bay Area Rail Extension Program...
"(iii) The Los Angeles Metro Rail Minimum Operable Segment-3 Program...
"(iv) The Baltimore-Washington Transportation Improvements Program...
"(v) The Tri-County Metropolitan Transportation District of Oregon Westside Light Rail Program, which consists of the following elements: the locally preferred alternative for the Westside Light Rail Project, including system related costs, set forth in Public Law 101-516 and as defined in House Report 101-584; and the Hillsboro extension to the Westside Light Rail Project as set forth in Public Law 101-516.
"(vi) The Queens Local/Express Connector Program...
"(vii) The Dallas Area Rapid Transit Authority light rail elements of the New System Plan.

2. Locally Preferred Alternative.
4. Federal Funding at 75 percent.

"(Sec. 3035.) Miscellaneous Multiyear Contracts.
(b) Westside Light Rail Project.- No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Tri-County Metropolitan Transportation District of Oregon which includes $515,000,000 from funds made available under section 3(k) (1) (B) of the Federal Transit Act at the Federal share contained in House Report 101-584 to carry out the construction of the locally preferred alternative for the Westside Light Rail Project, including system related costs, set forth in Public Law 101-516 and as defined in House Report 101-584. Such agreement shall also provide for the completion of alternatives analysis, the final Environmental Impact Analysis, and preliminary engineering for the Hillsboro extension to the Westside Project as set forth in Public Law 101-516.
5. **Full Funding Grant Contracts to Cover Entire Projects.**

"(Sec. 3007.) (c) An agreement under subparagraph (B) shall obligate an amount of available budget authority specified in law and may include a commitment, contingent upon the future availability of budget authority, to obligate an additional amount or additional amounts from future available budget authority specified in law. The agreement shall specify that the contingent commitment does not constitute an obligation of the United States. The future availability of budget authority referred to in the first sentence of this subparagraph shall be amounts to be specified in law in advance for commitments entered into under subparagraph (B). Any interest and other financing costs of efficiently carrying out the project or a portion thereof within a reasonable period of time shall be considered as a cost of carrying out the project under a full funding grant agreement; except that eligible costs shall not be greater than the costs of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a form satisfactory to the Secretary, that the applicant has shown due diligence in seeking the most favorable financing terms. The total of amounts stipulated in a full funding grant agreement for a fixed guideway project shall be sufficient to complete not less than an operable segment.

6. **Grandfathered Letters of Intent**

"(Sec. 3006.) Major Capital Investment Program. 
"(c) Grandfathered Letters of Intent.- This Act shall not be construed to affect the validity of any existing letter of intent, full funding grant agreement, or letter of commitment issued under section 3(a)(4) of the Federal Transit Act before the date of the enactment of the Federal Transit Act Amendments of 1991."

Senate Bill Report:
"The Committee intends that this "grandfather" clause will extend to the Westside Light Rail Project in Portland, Oregon, as identified in section 328 of P.L. 101-516. The Committee directs that the extension of this project to the Transit Center in the City of Hillsboro, Oregon (subject to the regional decision documented in the regions preferred alternatives report) shall proceed under the existing terms and conditions. The Committee understands that progress on the Hillsboro extension will not preclude FTA from approving alternatives analysis for other projects in the region."
TO: Dick Feeney  
FR: Jeff Boothe  
DA: December 3, 1991  
RE: Surface Transportation Act of 1991

This memorandum is intended to summarize the major provisions of interest to the region in the Intermodal Surface Transportation Infrastructure Act of 1991. It represents my best understanding of the provisions of the Act at this time. A complete copy of the bill and conference report is attached.

Federal Transit Act

Formula Grant Authorizations

This includes funding for sections 9B, 11(b), 12(a), 16(b), 18, 23 and 26. Funding for this program is split between the Mass Transit Trust Fund and General Funds, which is a change from previous law that provided funding for these programs solely out of the General Fund.

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<tr>
<td>FY 97</td>
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For FY 92 the conferees provided from the Mass Transit Trust Fund $409,710,000 to carry out section 9B and $1,345,000,000 for section 3, of which approximately $150 million is earmarked for sections 8, 16, 26(a) and 11(b), as well as the National Transit Institute and an electric vehicles program.

A 3% set aside for research, planning, and programming, a .96% set aside for administrative expenses, and a 1.34% set aside for elderly and ADA programs have been established and will be made available out of funding for sections 9B, 11(b), 12(a), 16(b), 18, 23 and 26. Of the amounts remaining, excluding a set aside for interstate transfer-transit projects, rural areas will
receive 5.5%. The balance of the funds, after the various set asides, will be available for section 9.

Section 3 Authorizations

This provides funding for bus and bus modernization, new start projects and rail modernization.

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Interstate Transfer—Transit

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Section 3 Changes

Expansion of the Major Capital Investment Program—The Act would expand eligible section 3 transit projects to include those planned, designed and carried out to meet the needs of the elderly and persons with disabilities. In addition, corridor development would also be added as an eligible project, which would include protection of rights-of-way through acquisition, construction of dedicated bus and HOV lanes, park and ride lots and other nonvehicular capital improvements that would improve transit usage in the corridor.

Section 3 Program Split—40% of Section 3 funding is made available for fixed guideway modernization, 40% for new starts and 20% for bus and bus modernization. A 5.5% set aside of section 3 funds has been established for nonurban areas.

Federal Share—Changed from 75% to 80%. The Secretary is also required to give priority consideration to those projects that include more than the non-federal share required under this section, which would include the Westside Project.

Full Funding Grant Agreements—The conferees adopted, with a few changes, the Senate provisions regarding early system work agreements, advance construction and contingent commitments. One change would authorize the Secretary to enter into full funding grant agreements (FFGA) to "cover the period of time to complete the project, including any period that may extend beyond the period of any authorization". A second change would require a certification by applicants of their due diligence in seeking the most favorable financing terms available.
a certification by applicants of their due diligence in seeking the most favorable financing terms available.

Fixed Guideway Modernization Program—The first $455 million under this program is made available to the nine original rail modernization cities. The next $42.7 million is made available to six cities, which include New York, Northeastern New Jersey, Philadelphia, San Francisco, Pittsburgh and New Orleans. The next $70 million would be apportioned: 50% according to the existing section 9(b)(2) rail modernization formula for those cities outlined above; and, 50% to both those areas that have placed systems in service not less than seven years prior to the fiscal year in which the funds are made available and to the existing cities if they can demonstrate that their rail modernization needs are not being met by the amounts made available under 9(b)(2).

Portland would qualify to receive funding if the final $70 million increment authorized for this program is appropriated. To secure these funds, though, program funding would have to be increased to $567.7 million. We may wish to lobby for this for FY 93 and beyond.

New Start Criteria—The criteria reflect a merger of the House and Senate versions. The criteria have been expanded to include a review of mobility improvements, environmental benefits and operating efficiencies. In making a project determination, the Secretary—

(1) shall consider the direct and indirect costs of relevant alternatives;

(2) shall account for costs related to such factors as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to implement each alternative analyzed; and,

(3) shall identify and consider transit supportive existing land use policies and future patterns, and consider other factors including the degree to which the project increases the mobility of the transit dependent population or promotes economic development.

Financial commitment to a project would be deemed acceptable if contingency funds are sufficient to cover unanticipated overruns; each local source of funds is stable, reliable and available within the proposed project timetable; and, local resources are available to operate the system without requiring a reduction in existing transit service in order to operate the project. FTA would also perform a stability assessment of the local financing source.

-3-
located in nonattainment areas, that are transportation control measures under the Clean Air Act and are required to carry out the State Implementation Plan would not be subject to the one corridor at a time rule and would be eligible for expedited project consideration by the Secretary.

Project Review Timetable—Borne out of frustration over UMTA delays, the conferees established timetables for UMTA approvals at each stage of the project review process. They are as follows:

<table>
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<th>Stage</th>
<th>Timetable</th>
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<tr>
<td>Alternatives Analysis</td>
<td>Within 45 days after submission of the DEIS</td>
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<tr>
<td>Preliminary Engineering</td>
<td>Following circulation of DEIS, not later than 30 days after selection of the locally preferred alternative</td>
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<tr>
<td>Final Design</td>
<td>120 days after completion of EIS</td>
</tr>
<tr>
<td>Full Funding Agreement</td>
<td>120 days after project enters into final design</td>
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</table>

Delays are permitted only at the request of the applicant or when the Secretary can demonstrate that the delay is the sole responsibility of the applicant. If a delay extends more than ten days beyond the project schedule established in the bill, the Secretary must provide a written explanation to the applicant outlining the reasons for the delay. The Secretary is also to report to Congress every six months on project delays, the reasons for the delays and is to set forth a plan for achieving timely completion of the project.

Interrelated Projects—A total of seven cities, including Portland, New Jersey Urban Core, San Francisco, Los Angeles, Baltimore, Queens and Dallas, receive special treatment under the Act. The Act requires the Secretary to enter into 1 or more FFGA’s for each program of interrelated projects. The FFGA shall include commitments to advance each of the program elements through the timetables outlined above and to provide funding for each element. The FFGA may be amended to include funding for final design and construction of the program elements.

In the case of Portland, the program of interrelated projects includes the entire Westside project from downtown Portland to Hillsboro as set forth in P.L. 101-516 and Conference Report 101-584.
Metropolitan Planning

A uniform metropolitan planning program for both highways and transit has been established in the Act. MPO's, in cooperation with the state, are to develop transportation plans for urbanized areas. The process for developing the plan shall consider all modes of transportation and shall be continuing, cooperative and comprehensive.

MPO's must be designated in areas in excess of 50,000 in population by agreement among the Governor and by at least 75% of the units of local government of the affected population. Its membership shall include local elected officials, officials of agencies that administer or operate modes of transportation and appropriate state officials. Coordination in multistate areas is encouraged and consent is given to multistate compacts.

The bill sets forth a total of fifteen factors to be considered in developing the transportation plan. They are listed on Page H11578 of the attached materials.

MPO's are also required to prepare long range plans. The plans shall, at a minimum: (1) identify transportation facilities that should function as an integrated transportation system; (2) include a financial plan indicating resources reasonably expected to be available to carry out the plan; (3) assess capital investment and other measures necessary to preserve existing systems and make efficient use of existing transportation facilities; and, (4) indicate transportation enhancement activities. The MPO shall also coordinate the development of the plan with the State Implementation Plan under the Clean Air Act.

In cooperation with the state, the MPO's shall also develop a transportation investment program (TIP) which shall be updated every two years. It shall identify priority projects and project segments to be carried out over three year periods and a financial plan that demonstrates how the program can be implemented.

Areas above 200,000 in population are designated transportation management areas. In addition to the requirements above, these areas must develop a congestion management system for the management of existing and new transportation facilities. All projects, excluding those funded under the NHS, Bridge or Interstate Maintenance Program, shall be selected by the MPO in consultation with the state and in conformance with the TIP.

In areas classified as nonattainment for ozone or carbon monoxide, funds may not be programmed for any project that increases the carrying capacity for single occupant vehicles unless it is part of a an approved transportation management system.
Section 9 Changes

The distribution of funds made available under the Mass Transit Trust Fund to areas with less than 200,000 in population has been increased from 8.64% to 9.32%. No change is made is the allocation formula for areas in excess of 200,000 in population.

Section 9 monies can also be transferred for highway purposes if (1) the decision to transfer is approved by the MPO, and, (2) the Secretary determines the funds aren't needed to comply with the ADA. In addition, funds may be transferred only if the local and state share monies are available to be spent for both transit and highway projects.

Operating Assistance--The Act provides for an annual CPI update in operating assistance, but limits the increase so that it can't exceed the increase in funds for elderly and handicapped programs in the current and prior fiscal years.

Westside Earmark

The Act also carries forward from the House bill the language earmarking $515 million for the Westside project over the next six fiscal years.

Surface Transportation

Interstate Maintenance Authorization

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Surface Transportation Program Authorization

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FY 97 4,097,000,000

**Congestion Mitigation and Air Quality Authorization**

| FY 92    | $858,000,000 |
| FY 93    | $1,028,000,000 |
| FY 94    | $1,028,000,000 |
| FY 95    | $1,028,000,000 |
| FY 96    | $1,029,000,000 |
| FY 97    | $1,029,000,000 |

**Bridge Program Authorization**

| FY 92    | $2,288,000,000 |
| FY 93    | $2,762,000,000 |
| FY 94    | $2,762,000,000 |
| FY 95    | $2,762,000,000 |
| FY 96    | $2,763,000,000 |
| FY 97    | $2,763,000,000 |

**Interstate Transfer—Highway Authorization**

| FY 92    | $240,000,000 |
| FY 93    | $240,000,000 |
| FY 94    | $240,000,000 |
| FY 95    | $240,000,000 |

These funds can be obligated for transit projects. For both highway and transit projects, the funds are apportioned in accordance with the cost estimates. Funds authorized in FY 95 for highway projects and in FY 93 for transit projects remain available until expended.

**Other Authorizations**

**Minimum Allocation**—The conferees adopted a hold harmless provision that guarantees that a state’s percentage allocation under the total apportionments in each year and for the prior year are not less than 90 percent of the state’s payments into the Highway Trust Fund, other than the Mass Transit Account. These amount to approximately $5.174 billion over the life of this Act.

**Donor State Bonus Payments**—These are intended to bring up the share of selected donor states. Oregon apparently will not receive any money under this program. A total of $3 billion will be made available over the life of this Act. These funds flow to the Surface Transportation Program and will allocated under that formula.

**Reimbursements**—This program was intended to pay back states that apparently used non-Federal funds to construct a
portion of the Interstate Highway system. A total of $2 billion is authorized in both FY 96 and FY 97. These monies also flow to the Surface Transportation Program to be allocated according to that formula.

Hold Harmless—A total of approximately $1.7 billion will be made available over the life of the bill to states according to percentage adjustments set forth in the Act. Oregon will receive an upward adjustment. These monies will flow to the Surface Transportation Program to be allocated according to the formula for that program.

90% Payments—This is another means to ensure that states receive at least 90% of the payments they are making to the Highway Trust Fund. It is estimated that a total of $415 million over the life of the bill will be authorized by this section. These monies also flow to the Surface Transportation Program to be allocated according to that formula.

National Highway System

The NHS shall consist of 155,000 miles of Interstate Highways, principal arterials and strategic highways. The Secretary must submit to the Committees for approval a designation of highways to be included in the NHS. No monies can be spent on the NHS after September 30, 1995 unless a separate law has been enacted approving the designations.

Transit and Federal-aid highways projects not on the NHS projects are eligible under the NHS if: (1) the project is in the same corridor or, in proximity to, an NHS designated highway; (2) it will improve the level of service on the highway and improve regional travel; and, (3) it is more cost effective than an improvement to the fully access controlled highway that has benefits comparable to the benefits achieved by the construction of, or improvements to, the highway not on the NHS.

Surface Transportation Program

No surprises here concerning what is eligible. Transit capital, but not operating, expenses are eligible, as are construction expenses on highways or bridges to accommodate other modes of transportation. Ten percent of the funds must be spent on transportation control measures. Ten percent of the funds must also be spent on safety programs. The remaining funds are allocated so that 62.5% go to both urban areas over 200,000 and areas of the state in nonattainment for ozone and carbon monoxide over 50,000 in population in proportion to their relative share of the state's population, and the remaining 37.5% are obligated to any area in the state.
Congestion Mitigation Program

The Senate program prevailed here. Funds are apportioned based on the severity of nonattainment and the proportion of population in the nonattainment area compared to overall population in all nonattainment areas.

Demonstration Projects

A total of $4.4 billion was provided for demonstration projects. Oregon received the following demonstration projects:

1) The states of Oregon and Washington are to give priority consideration to improvements in the Interstate 5 corridor.

2) The Ferry Street Bridge in Eugene was authorized for $23.7 million in the Bridge program.

3) Widening of U.S. 26 between the Zoo interchange and Sylvan Interchange was authorized at $14.2 million.

4) The expansion of the Columbia Slough Bridge was authorized at $2.1 million.
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COMMITTEE MEETING TITLE: JPACT

DATE: 12-12-91

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