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COMMITTEE REPORT

FINANCE

4/21/75

HOUSE

Mr. Speaker:

Date 4/30/75

The Committee on W JUDICIARY has had HB 314

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR HB 314 AND THAT

CS FOR HB 314 DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

"other" _____

Members signing the Majority report:

[Signature] do pass

[Signature] DO Pass as amended

Members NOT concurring in the Majority report:

[Signature] recommends: Do Not Pass unless amended

[Signature] recommends: " " "

[Signature] recommends: do not pass

[Signature] recommends: no rec

_____ recommends: _____

[Signature] Chairman

House Judiciary Committee
April 22, 1975

The meeting was called to order at 7:13 p.m. by Chairman Gardiner. All members were present.

HB 314 Outdoor Advertising

Walt Parker, Commissioner of the Department of Highways, testified that the present statute bans signs within 660 feet -- the bill would ban signs visible within 660 feet. The bill is needed to conform to federal statutes. Without it Alaska will lose 10% of federal highway monies - \$10-12 million.

page 1, line 19: delete "secondary"
page 2, line 14: insert "primary delete "secondary"
This amendment was to permit advertising on secondary roads which are not funded by federal money.

Mr. Williams of the Department of Highways stated that non-complying signs would be allowed to stand until July 1, 1976. After that date there would be condemnation and compensation paid to the sign owner.

Mr. Bradley moved to adopt the Commerce amendments and move the bill out. Mr. Specking objected.

Mr. Parr moved to amend the motion to delete "or secondary" from the existing laws. Mr. Gardiner objected. The amendment carried.

The bill was moved out as CS with individual recommendations.

SB 96 Salmon eggs

Commissioner Brooks stated that last year this bill died in committee. During the summer regulations were adopted permitting the sale of eggs. The Attorney General recommends that this sale be allowed in the statute. Roe are worth from \$1 to \$1.50 a pound. This is wasted if the eggs are not sold. This was why emergency regulations were adopted affecting a limited area. Roe used to be used for dog food, but now there are fewer dogs in the area. 2.4 million subsistence fish were taken last year. This was due to a large chum run.

Jimmy Huntington stated that illegal traffic in roe was minimal in the AYK area, heavier in the Nenana area. Statistics showed illegal sales accounted for 10-15% of the total in areas where Japanese had processing. He favored trying the bill.

MEMORANDUM

TO: Hon. Terry Gardiner, Chairman
House Judiciary Committee
Alaska State Legislature

DATE : April 28, 1975

FROM: Walter B. Parker
Commissioner
Department of Highways

DATE :

00-3077

SUBJECT:

HB 314

This is to clarify testimony offered your committee on HB 314 concerning outdoor advertising.

We have no strong feelings on the inclusion of secondary system roads under the terms of this bill. Federal law does not speak to the secondary system; it requires outdoor advertising control only on interstate and primary highways. Removing the secondary system from present law and HB 314 will not jeopardize receipt of any federal aid to highway construction. If the secondary system is included in HB 314 and left in existing statutes, funds expended for control of outdoor advertising along the secondary system will be State funds. Outdoor advertising control along the secondary system is ineligible for federal aid at this time.

I have enclosed for your distribution copies of the letter with which the Alaska Department of Highways described its sign policy last summer. I must emphasize that the sign policy described above is a stringent requirement of the Federal-Aid Highway Program and is now being rigorously enforced by the federal government.

If I may be of any further assistance, please feel free to call my office.

Enclosures

WBP/DMD/mth

July 15, 1974

RE: Political Signs
23-2900

TO: All individuals who have filed for State or
Statewide office with the Lieutenant Governor.

(List Attached)

Political signs placed within highway rights of way or within 600 feet of the right of way line and visible from a primary State Highway are prohibited under State law. The law is stringent in this regard and has made us responsible for enforcement. Alaska's entire Federal-aid Highway program would be jeopardized if we shirked our responsibility.

We earnestly solicit your help by instructing your campaign managers not to place signs in the prohibited areas; if such signs are presently in existence, please remove them immediately.

Political signs remaining in the prohibited areas will be removed by us and stored in our nearest maintenance yard for ninety days and then destroyed. They may be recovered any time prior to the ninety days by paying for removal and storage costs.

If you are in doubt concerning the width of the right of way in a given location, please contact the nearest district highway office for information.

Anchorage
5700 Tudor Rd.
Phone: 337-1511

Fairbanks
2301 Peger Rd.
Phone: 452-1911

Juneau
Switzer Creek
Box 3-1000
Phone: 789-0841

Valdez
Box 507
Phone: 835-4322

Nome
Box 220
Phone: 443-5266

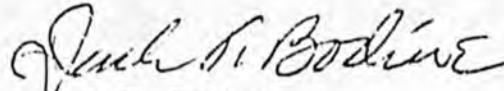
We need your help in this job and ask that you report to our nearest District Office any other known political signs within the prohibited area.

Political Signs
July 15, 1974
Page II

All candidates are being notified of our responsibility by this letter,
and all prohibited political signs will be treated in the same manner.

Very truly yours,

B. A. Campbell
Commissioner of Highways



Jack T. Bodine
Acting Right of Way Director

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF HIGHWAYS

OFFICE OF THE COMMISSIONER

P. O. BOX 1467 — JUNEAU 99801
(907) 364-2121

April 17, 1975

Re: 00-3077
House Bill 314

Honorable Terry Gardiner
Alaska State Representative
State Capitol Building
Juneau, Alaska 99811

Dear Mr. Gardiner:

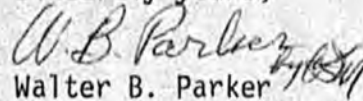
In support of our request for your favorable consideration of the captioned legislation, we are attaching a copy of the Federal Highway Amendments of 1974 and a copy of a letter from the Assistant Chief Counsel for Right-of-Way and Environmental Law, Federal Highway Administration, Department of Transportation.

The purpose of the proposed amendment is to bring Alaska into compliance with federal law. Failure to do so will subject the state to loss of ten percent of the entire federal participation in Alaska's highway program (approximately \$10-\$12 million). It should be noted that the off-system roads program, by which the State has the most opportunity to meet local requirements, would be affected by over \$1 million in lost funds. The State can ill afford any further cut back of transportation facilities.

Since the federal law provides that each state must be in compliance by July 1, 1975 or the end of the present legislative session, it is crucial that action be taken at this time.

Therefore, we again respectfully request your assistance in passing this much needed legislation.

Sincerely yours,


Walter B. Parker
Commissioner

Attachment

WBP/HNW:jo

UNITED STATES GOVERNMENT

Memorandum

Regional Counsel
110-001
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

DATE: JAN 20 1975

SUBJECT: Model Legislation to Meet the Outdoor Advertising and Junkyard Control Provision in the Federal-Aid Highway Amendments of 1974

In reply refer to: FCC-40

FROM : Assistant Chief Counsel for Right-of-Way and Environmental Law

Department of Law

TO : All Regional Counsels

JAN 21 1975

63
600-1000-1000

We have drafted model legislation which it is believed will enable States to comply with the outdoor advertising and junkyard provisions of the Federal-Aid Highway Amendments of 1974. It is noted that a State must adopt these controls by July 1, 1975, or the end of its next legislative session, whichever is later, or be subject to the penalties in 23 U.S.C. 131(b). Our draft legislation takes the form of subjecting signs beyond 660 feet of the right-of-way to the same controls as signs within 660 feet by reference. We did not feel it practical to draft model legislation to amend various sections of existing State law to cover the signs beyond 660 feet, because of the wide variations in such existing legislation. Of course, any State could adopt specific amendments to their law to remove the 660-foot limitations. However, the States should be cautioned that the control is different within and without 660 feet in three important respects. (First, signs beyond 660 feet are controlled whether or not in zoned or unzoned commercial or industrial areas. Second, signs beyond 660 feet are only controlled if outside of urban areas. Third, signs beyond 660 feet are only controlled if they were erected for the purpose of their message being read from the main traveled way of an Interstate or primary system highway. For the first reason, just a repeal of the 660-foot limitation on control in existing law would not effectuate compliance with the Federal statute.

The model legislation we have drafted reads:

1. Outdoor Advertising Control Extended Beyond 660 Feet.

Control of outdoor advertising signs, displays and devices is extended to signs, displays and devices located beyond 660 feet of the edge of the right-of-way of the Federal-aid Interstate or primary systems outside of urban areas erected with the purpose of their message being read from the main traveled ways of such systems. Such signs, displays or devices are prohibited, whether or not in commercial or industrial areas, unless they are of a class or type allowed and erected within 660 feet of the edge of the right-of-way of such system outside of commercial or industrial areas.

UNITED STATES GOVERNMENT

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Regional Counsel
110-001
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

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Department of Law

TO: All Regional Counsels

JAN 27 1975
U.S. DEPARTMENT OF TRANSPORTATION

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2. Just Compensation Payable for Signs Beyond 660 Feet.

Legal outdoor, advertising signs, displays or devices prohibited by section 1 shall be removed upon the payment of just compensation in the same manner and subject to the same limitations as signs lawfully erected within 660 feet of the edge of the right-of-way of the Federal-aid Interstate and primary systems outside of commercial and industrial areas.

3. Landmark Signs.

Signs lawfully in existence on October 22, 1965, determined by the State, subject to the concurrence of the United States Secretary of Transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this section, are not required to be removed.

NOTE: (1) This model act follows the control language of the Federal-Aid Highway Amendments of 1974, but a State may adopt language effecting stricter limitations with respect to signs, displays and devices, in accordance with 23 U.S.C. 131(k). These stricter controls might limit signs beyond 660 feet in urban areas, or prohibit any sign visible from the highway.

NOTE: (2) This model act does not cover sections 109(c) or 110 of the 1974 Amendments which require just compensation upon the removal of outdoor advertising or the relocation, removal or disposal of junkyards. We view these provisions as ending the hiatus period of October 22, 1965, to January 1, 1968, in Federal law during which there was no requirement for just compensation. However, if the State in its law does not require the payment of just compensation for signs or junkyards in existence prior to the adoption of State-wide outdoor advertising or junkyard control, additional State amendments to its control laws should be adopted providing;

(a) Just compensation shall be paid upon the removal of any outdoor advertising sign display or device lawfully erected under the laws of this State which is caused to be removed under this [Chapter] [Article].

(b) Just Compensation shall be paid the owner for the relocation removal, or disposal of a junkyard lawfully established under the laws of this State which is caused to be relocated, removed or disposed of under this [Chapter] [Article].

(Signed) _____

Edwin J. Reis

Alaska, no part of such a ferry operation shall be in any foreign or international waters.¹²⁶

(6) No such ferry shall be sold, leased, or otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from such a disposition shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to such State. Any amount so credited shall be in addition to all other funds then apportioned to such State and available for expenditure in accordance with the provisions of this title.¹²⁷

(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1975, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1975, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount.¹²⁸

Sec. 130. Railway-highway crossings.

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section.

¹²⁶ Amended by sec. 139(h) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 271).

¹²⁷ New subsection added by sec. 139 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

¹²⁸ New subsection added by sec. 132 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 267).

may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

Sec. 131. Control of outdoor advertising.¹²⁹

(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, shall be

¹²⁹ This section was revised by the Highway Beautification Act of 1965, Title I, Public Law 89-285, Oct. 22, 1965 (79 Stat. 1020).

reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

(c) Effective control means that after January 1, 1968, such signs, displays, and devices shall, pursuant to this section, be limited to (1) directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning the lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located.

(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographic jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.¹³⁰

(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

¹³⁰ Amended by sec. 6(a) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

(f) The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

(g) Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays, and devices—

(1) those lawfully in existence on the date of enactment of this subsection,

(2) those lawfully on any highway made a part of the interstate or primary system on or after the date of enactment of this subsection and before January 1, 1968, and

(3) those lawfully erected on or after January 1, 1968.

The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

(i) In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable.

(j) Any State highway department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State highway department shall be entitled to such payments unless the State maintains the control required under such agreement. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.¹³¹

¹³¹ Amended by sec. 6(b) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

~~AMERICAN ASSOCIATION OF STATE HIGHWAY~~

AND TRANSPORTATION OFFICIALS

341 NATIONAL PRESS BLDG.

WASHINGTON, D. C. 20004

FEDERAL-AID HIGHWAY AMENDMENTS OF 1974

DECEMBER 17, 1974.—Ordered to be printed

Mr. WRIGHT, from the committee of conference
submitted the following

CONFERENCE REPORT

(To accompany S. 3934)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3934) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Federal-Aid Highway Amendments of 1974".

HIGHWAY AUTHORIZATIONS

Sec. 101. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) *For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, an additional \$100,000,000 for the fiscal year 1976. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, an additional \$50,000,000 for the fiscal year 1976. Sums authorized by this paragraph are in addition to the authorizations for fiscal year 1976 for these systems in section 104(a)(1) of the Federal-aid Highway Act of 1973.*

(2) *For control of outdoor advertising under section 131 of title 23, United States Code, \$50,000,000 for the fiscal year 1975.*

(3) *For control of junkyards under section 136 of title 23, United States Code, \$15,000,000 for the fiscal year 1975.*

(4) *For landscaping the scenic enhancement under section 319(b) of title 23, United States Code, \$10,000,000 for the fiscal year 1975.*

(5) Nothing in paragraph (1) or (b) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319 (b), or chapter 4 of title 23, United States Code.

(6) For off-system roads under section 219, title 23, United States Code, \$200,000,000 for the fiscal year 1976.

INDIAN RESERVATION ROADS AND BRIDGES

Sec. 102. (a) Paragraph (9) of subsection (a) of section 104 of the Federal-Aid Highway Act of 1973 is amended to read as follows:

"(9) For Indian reservation roads and bridges, \$83,000,000 for the fiscal year ending June 30, 1974, \$81,000,000 for the fiscal year ending June 30, 1975, and \$82,000,000 for the fiscal year ending June 30, 1976."

(b) The definition of the term "Indian reservation roads and bridges" in subsection (a) of section 101 of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges, including roads and bridges on the Federal-aid systems, that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

(c) Section 208 of title 23, United States Code, is amended by relettering subsections (c) and (d) as (d) and (e), respectively, and adding a new subsection (c) as follows:

"(c) Before approving as a project on an Indian reservation road or bridge any project on a Federal-aid system in a State, the Secretary must determine that obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads and bridges, of a fair and equitable share of funds apportioned to such State under section 104 of this title."

(d) No funds appropriated under the expanded definition of this section shall be expended without the formal consent of the governing body of the tribe band or group of Indians or Alaska Natives for whose use the Indian reservation roads and bridges are intended.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

Sec. 103. Section 147 of the Federal-Aid Highway Act of 1973 is amended to read as follows:

"(a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas and small urban areas, and between such areas and urbanized areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services, there are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1975, and \$60,000,000 for the fiscal year ending June 30, 1976, of which \$50,000,000 shall be out of the Highway Trust Fund, to the Secretary of Transportation to carry out demonstration projects for public mass transportation

highways in rural areas and small urban areas. Projects eligible for Federal funds under this section shall include highway traffic control devices, the construction of passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, the purchase of passenger equipment other than rolling stock for fixed rail, and the payment from the General Fund for operating expenses incurred as a result of providing such service. To the extent intercity bus service is provided under the program, preference shall be given to private bus operators who lawfully have provided rural highway passenger transportation over the routes or within the general area of the demonstration project.

"(b) Prior to the obligation of any funds for a demonstration project under this section, the Secretary shall provide for public notice of any application for funds under this section which notice shall include the name of the applicant and the area to be served. Within sixty days thereafter, a public hearing on the project shall be held within the proposed service area."

DEMONSTRATION PROJECT--RAILROAD-HIGHWAY CROSSING

Sec. 104. Section 163 of the Federal-Aid Highway Act of 1973 is amended by relettering subsection (a) as paragraph (a)(1) and adding the following new paragraph:

"(2) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out an engineering and feasibility study for a demonstration project in Lafayette, Indiana, for relocation of railroad lines from the central area of the city. There are authorized to be appropriated to carry out this paragraph \$360,000 for the fiscal year ending June 30, 1975."

TRANSPORTATION FOR ELDERLY AND HANDICAPPED PERSONS

Sec. 105. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning, design, construction, and operation of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance for mass transportation (including the programs under title 23, United States Code, the Federal Aid Highway Act of 1973, and this Act) effectively implement this policy.

(b) Subsection (b) of section 165 of the Federal Aid Highway Act of 1973 (87 Stat. 282) is amended to read as follows:

"(b) The Secretary of Transportation shall require that projects receiving Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (c) of section 103, title 23, United States Code, or (3) section 147 of the Federal-Aid Highway Act of 1973 shall be planned, designed, constructed, and operated to allow effective utilization by elderly or handicapped persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity

ound and those with semiambulatory capabilities, are unable without special facilities or special planning or design to utilize such facilities and services effectively. The Secretary shall not approve any program or project to which this section applies which does not comply with the provisions of this subsection requiring access to public mass transportation facilities, equipment, and services for elderly or handicapped persons."

VEHICLE SIZES AND WEIGHTS

Sec. 106. (a) Section 127 of title 23, United States Code, is amended by striking out "eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of seventy-three thousand two hundred and eighty pounds," and inserting in lieu thereof the following: "twenty thousand pounds carried on any one axle, including all enforcement tolerances; or with a tandem axle weight in excess of thirty-four thousand pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more; provided, That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances."

(b) The first sentence of section 127 of title 23, United States Code, is amended by inserting immediately after "July 1, 1956," the following: "except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974." The third sentence of such section is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974."

ENFORCEMENT

Sec. 107. (a) Chapter 1 of title 23 of the United States Code is amended by inserting after section 140 the following new section:

§ 141. Enforcement of requirements

"Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary, the Federal-aid urban system and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this

title, and all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this section."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by striking out

"141. Real property acquisition policies."

and inserting in lieu thereof the following:

"141. Enforcement of requirements."

ALASKA FERRY OPERATIONS

Sec. 108. Paragraph (5) of subsection (a) of section 129 of title 23, United States Code, is amended to read as follows:

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

CONTROL OF OUTDOOR ADVERTISING

Sec. 109. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds support" med on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way."

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to (1) directional and official signs and notices; which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size,

appropriate to implement this section. (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, (3) signs, displays, and devices advertising activities conducted on the property on which they are located, and (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section."

(c) Subsection (9) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

"Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

CONTROL OF JUNKYARDS

Sec. 110. Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

ADVANCE CONSTRUCTION

Sec. 111. (a) Subsection (a) of section 115 of title 23, United States Code, is amended by striking out "including the Interstate System," each of the two places it appears and inserting in lieu thereof at each such place the following: "other than the Interstate System."

(b) Section 115 of title 23, United States Code, is amended by redesignating subsection (b) as subsection (c) and by adding immediately after subsection (a) the following new subsection:

"(b) When a State proceeds to construct any project on the Interstate System without the aid of Federal funds, as that System may be designated at that time, in accordance with all procedures and all requirements applicable to projects on such System, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the cost of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

"(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Interstate System, and

"(2) the project conforms to the applicable standards under section 109 of this title."

DONATIONS

Sec. 112. Section 323 of title 23, United States Code, is amended by striking out "after he has been tendered the full amount of the estimated just compensation as established by an approved appraisal of the fair market value of the subject real property," and by inserting in lieu thereof the following: "after he has been fully informed

of his right to receive just compensation for the acquisition of his property."

SPECIAL BRIDGE REPLACEMENT PROGRAM

Sec. 113. Subsection (c) of section 144 of title 23, United States Code, is amended to read as follows:

"(c) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated out of the Highway Trust Fund \$100,000,000 for the fiscal year ending June 30, 1972, \$150,000,000 for the fiscal year ending June 30, 1973, \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, and \$125,000,000 for the fiscal year ending June 30, 1976, to be available until expended. Such funds shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter."

UNIFORM NATIONAL SPEED LIMIT

Sec. 114. (a) Chapter 1 of title 23 of the United States Code, relating to highways, is amended by inserting at the end thereof a new section as follows:

"§ 151. National Maximum Speed Limit

"(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour, or (2) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clause (2) of this subsection shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

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

"(c) Notwithstanding the provisions of section 120 sums apportioned to any State under section 101 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

"(d) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section."

(b) The analysis of such chapter 1 is amended by inserting at the end thereof the following:

"151. National maximum speed limit"

(c) Section 2 of the Emergency Highway Energy Conservation Act is repealed.

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

Sec. 115. (a) Chapter 1 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

§ 155. Access highways to public recreation areas on certain lakes

"(a) The Secretary is authorized to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

"(1) No portion of any access highway constructed or reconstructed under this section shall exceed thirty-five miles in length nor shall any portion of such highway be located more than thirty-five miles from the nearest part of such recreation area.

"(2) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials, after consultation with the head of the Federal agency (if any) having jurisdiction over the public recreation area involved.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 70 per centum of the cost of construction or reconstruction of such project.

"(c) All of the provisions of this title applicable to highways on the Federal-aid system (other than the Interstate System) determined appropriate by the Secretary, except those provisions which the Secretary determines are inconsistent with this section, shall apply to any highway designated under this section which is not a part of the Federal-aid system when so designed.

"(d) For the purpose of this section the term 'lake' means any lake, reservoir, pool, or other body of water resulting from the construction of any lock, dam, or similar structure by the Corps of Engineers, Department of the Army, or the Bureau of Reclamation, Department of the Interior, or the Tennessee Valley Authority, and any multipurpose lake resulting from construction assistance of the Soil Conservation Service, Department of Agriculture. This section shall apply to lakes Secretary or hereafter constructed or authorized for construction.

"(e) There is authorized to be appropriated not to exceed \$25,000,000 for the fiscal year 1976 to carry out this section. Amounts authorized by this subsection for a fiscal year shall be available for that fiscal year and for the two succeeding fiscal years."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"155. Access highways to public recreation areas on certain lakes."

AUBURN BRIDGE

Sec. 116. (a) In order to provide access between the historical portion of the city of Auburn, California, Auburn District Fairgrounds, city park and parking lots, and the Auburn Dam Overlook area, for motor

vehicles and for passage of pedestrians, equestrians, and cyclists under a highway relocation, the Secretary of the Interior is authorized to construct, in lieu of a drainage culvert, an intermediate size bridge across a shallow ravine. The bridge, at approximate stations 154+26 to 155+30 (84 feet), shall be part of the State Highway Number 49 relocation through the city of Auburn, California.

(b) Upon completion such bridge shall be transferred to the State of California for operation and maintenance as a part of the highway relocation. The cost of the bridge, less the original planned drainage culvert, shall be considered as nonreimbursable.

(c) There is authorized to be appropriated to carry out this section the sum of \$250,000 (October 1975 price levels) plus or minus such amounts as may be justified by changes in price indexes applicable to the type of development involved herein.

NORTHEAST CORRIDOR DEMONSTRATION-RAIL CROSSINGS

Sec. 117. Subsection (a) of section 322 of title 23, United States Code, is amended by inserting at the end thereof the following:

"The Secretary may permit selected individual public crossings of unusually low-potential hazard to remain at ground level, if they are provided with the best available protection."

OVERSEAS HIGHWAY

Sec. 118. (a) The Secretary is authorized to undertake projects for the reconstruction or replacement of bridge structures of a two-lane nature on the Overseas Highway, to Key West, Florida. The Federal share payable on account of such projects shall not exceed 70 per centum of the costs of such reconstruction or replacement.

(b) There are authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$100,000,000, to carry out such projects. Such sums shall be available until expended except that of the funds authorized under this section only \$10,000,000 for the fiscal year ending June 30, 1975, and \$15,000,000 for the fiscal year ending June 30, 1976, can be obligated.

§ 53. 119. (a) For the purpose of this section the term—

BIKEWAY DEMONSTRATION PROGRAM

Sec. 119. (a) For the purpose of this section the term—

(1) "bikeway" means a bicycle lane or path, or support facility, a bicycle traffic control device, a shelter, or a parking facility to serve bicycles and persons using bicycles;

(2) "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

(b) (i) The Secretary is authorized to make grants to States for demonstration projects for the construction of bikeways. Such bikeways shall be for commuting and for recreational purposes and shall be located in urbanized areas and such other urban areas as are designated by the State highway department under subsection 103(d) of title 23, United States Code.

(2) The Federal share of any demonstration project for the construction of a bikeway shall be 80 per centum of the total cost of such

project. The remaining 20 per centum of such cost shall be paid by the grantee.

"(3) No grant shall be made under authority of this Act unless such bikeway project is in accordance with continuing comprehensive transportation planning process carried on cooperatively by States and local communities in accordance with section 134 of title 23, United States Code.

(4) The Secretary shall establish, by regulation, construction standards for bikeway projects for which grants are authorized by this Act, and shall establish, by regulation, such other requirements as may be necessary to carry out this Act.

(c) Grants made under this Act shall be in addition to, and not in lieu of, any sums available for bicycle projects under section 217 of title 23, United States Code.

(d) There are authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for the fiscal year 1976.

EXTENSION OF CARPOOLS

Sec. 120. (a) The last sentence of section 3(d) of the Emergency Highway Energy Conservation Act (Public Law 93-239) is amended by striking out "December 31, 1975" and inserting in lieu thereof "December 31, 1977".

(b) The Secretary of Transportation is authorized to make grants for demonstration projects designed to encourage the use of carpools in urban areas. Such a project may include, but not be limited to, such measures as systems for locating potential riders and informing them of convenient carpool opportunities, designating existing highway lanes as preferential carpool highway lanes or shared bus and carpool lanes, providing related traffic control devices, and designating existing publicly owned facilities for use as preferential parking for carpools. There is authorized to be appropriated not to exceed \$7,500,000 to carry out this subsection.

SAFER ROADS PROGRAM

Sec. 121. The first sentence of sub-section (c) of section 405 of title 23, United States Code, is amended by striking the word "and" after "crossings," and inserting in lieu thereof the following: "the correction of high-hazard locations, and".

OFF-SYSTEM ROADS

Sec. 122. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 219. Off-system roads

"(a) The Secretary is authorized to make grants to States for projects for the construction, reconstruction, and improvement of any off-system road (including, but not limited to, the replacement of bridges, the elimination of high-hazard locations, and roadside obstacles).

"(b) On or before January 1 next preceding the commencement of each fiscal year the Secretary shall apportion the sums authorized

to be appropriated to carry out this section among the several States as follows:

"(1) one-third in the ratio which the area of each State bears to the total area of all States;

"(2) one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States; and

"(3) one-third in the ratio in which the off-system road mileage of each State bears to the total off-system road mileage of all the States. Off-system road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(c) Sums apportioned to a State under this section shall be made available for expenditures in the counties of such State on a fair and equitable basis.

"(d) Sums apportioned under this section and programs and projects under this section shall be subject to all of the provisions of chapter 1 of this title applicable to highways on the Federal-aid secondary system except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section. The Secretary is not authorized to determine as inconsistent with this section any provision relating to the obligation and availability of funds.

"(e) As used in this section the term "off-system road" means any toll-free road (including bridges) in a rural area, which road is not on any Federal-aid system and which is under the jurisdiction of and maintained by a public authority and open to public travel."

(b) The analysis of chapter 2, title 23, United States Code, is amended by adding at the end thereof the following:

"219. Off-system roads."

BRIDGES ON FEDERAL DAMS

Sec. 123. (a) Section 320(d) of title 23 of the United States Code (as amended) is amended by striking out "\$25,261,000" and inserting in lieu thereof "\$27,561,000".

(b) All sums appropriated under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be available for expenditure in the same manner and for the same purpose as provided for in subsection (b) of section 116 of the Federal-Aid Highway Act of 1970 (Public Law 91-607).

DEMONSTRATION PROJECTS

Sec. 124. The Secretary of Transportation shall carry out a demonstration project for construction of a high-density urban highway intermodal transportation connection between Franklin Avenue and Fifty-ninth Street, South, in Minneapolis, Minnesota. The Federal share of such project shall be 90 per centum of the cost thereof. Such highway shall be placed on a Federal-aid system before any funds are expended under this section. There is authorized to be ap-

appropriated, out of the Highway Trust Fund, not to exceed \$53,000,000 to carry out this section, except that not to exceed \$10,000,000 for the fiscal year 1975, and \$15,000,000 for the fiscal year 1976, shall be expended to carry out this section.

ROUTE WITHDRAWALS

SEC. 125. (a) Section 103(c)(2) of title 23 of the United States Code is amended by striking out the period following "House Report Numbered 92-1447" and inserting in lieu thereof a comma and the following: "increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion hereof which is the basis of such 1972 cost estimate."

(b) Section 103(c)(3) of title 23 of the United States Code is amended by striking out the period following "House Report Numbered 92-1447" and inserting in lieu thereof a comma and the following: "increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion hereof which is the basis of such 1972 cost estimate."

SCHOOL BUS DRIVER TRAINING

SEC. 126. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following new section:

§ 406. School bus driver training

"(a) The Secretary is authorized to make grants to the States for the purpose of carrying out State programs approved by him of driver education and training for persons driving school buses.

"(b) A State program under this section shall be approved by the Secretary if such program—

"(1) provides for the establishment and enforcement of qualifications for persons driving school buses;

"(2) provides for initial education and training and for refresher courses;

"(3) provides for periodic reports to the Secretary on the results of such program; and

"(4) includes persons driving publicly operated, and persons driving privately operated, school buses.

"(c) Not less than \$7,500,000 of the sums authorized to carry out section 402 of this title for fiscal year 1976 shall be obligated to carry out this section. Such sums shall be apportioned among the States in accordance with the formula established under subsection (e) of section 402 of this title. The Federal share payable on account of any project to carry out a program under this title shall not exceed 70 per centum of the cost of the project."

(b) The analysis of chapter 4, title 23, United States Code, is amended by adding at the end thereof the following:

"406. School bus driver training."

And the House agree to the same.

JIM WRIGHT,
JOHN C. KLUCZYNSKI,
HAROLD T. JOHNSON,
W.M. HARSHA,
JAMES C. CLEVELAND,

Managers on the Part of the House.

JENNINGS RANDOLPH,
MIKE GRAVEL,
QUENTIN BURDICK,
HOWARD BAKER,
ROBERT T. STAFFORD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3934) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE:

Senate bill

Provides that this Act may be cited as the "Federal-Aid Highway Amendments of 1974".

House amendment

Provides that this Act may be cited as the "Federal-Aid Highway Act of 1974".

Conference substitute

The conference substitute is identical to the Senate bill.

PARKWAYS

Senate bill

Section 101 amends section 101(a)(5) of the Federal-Aid Highway Act of 1973 to provide the following authorizations for appropriations out of the Highway Trust Fund for parkways:

- (1) \$60,000,000 for the fiscal year ending June 30, 1974.
- (2) \$75,000,000 for each of the fiscal years ending June 30, 1975, and 1976.

House amendment

No comparable provision.

Conference substitute

No comparable provision.

HIGHWAY AUTHORIZATIONS

Senate bill

The Senate bill contains no comparable provision for primary or secondary systems authorizations, and off-system roads.

The Senate bill contains an authorization for \$65,000,000 for each of the fiscal years 1975 and 1976 for outdoor advertising.

In addition, the Senate bill contains an authorization of \$15,000,000 for each of the fiscal years 1975 and 1976 for control of junkyards.

The Senate bill also contains an authorization of \$15,000,000 for each of the fiscal years 1975 and 1976 for landscaping and scenic enhancement.

House amendment

Section 102 of the House amendment authorizes the following sums to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, \$900,000,000 for the fiscal year 1976. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, \$500,000,000 for the fiscal year 1976.

(2) For control of outdoor advertising under section 131 of title 23, United States Code, \$50,000,000 per fiscal year for the fiscal years 1975 and 1976.

(3) For control of junkyards under section 136 of title 23, United States Code, \$15,000,000 per fiscal year for the fiscal years 1975 and 1976.

(4) For landscaping the scenic enhancement under section 319 (b) of title 23, United States Code, \$10,000,000 per fiscal year for the fiscal years 1975 and 1976.

(5) Nothing in paragraph (1) or (6) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 1 of title 23, United States Code.

(6) For off-system roads under section 219, title 23, United States Code, \$200,000,000 for the fiscal year 1976.

Conference substitute

The conference substitute authorizes the following sums for purposes of carrying out the provisions of title 23, United States Code:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, \$100,000,000 for the fiscal year 1976. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, \$50,000,000 for the fiscal year 1976.

(2) For control of outdoor advertising under section 131 of title 23, United States Code, \$50,000,000 per fiscal year for the fiscal year 1975.

(3) For control of junkyards under section 136 of title 23, United States Code, \$15,000,000 per fiscal year for the fiscal year 1975.

(4) For landscaping the scenic enhancement under section 319 (b) of title 23, United States Code, \$10,000,000 per fiscal year for the fiscal year 1975.

(5) For off-system roads under section 219, title 23, United States Code, \$200,000,000 for the fiscal year 1976.

INDIAN RESERVATION ROADS AND BRIDGES

Senate bill

Section 102(a) amends section 101(a)(9) of the Federal-Aid Highway Act of 1973 to provide the following authorizations for appropriations for Indian reservation roads and bridges:

(1) \$83,000,000 for the fiscal year ending June 30, 1974.

(2) \$81,000,000 for the fiscal year ending June 30, 1975.

(3) \$83,000,000 for the fiscal year ending June 30, 1976.

Section 102(b) amends the term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, by inserting "including roads and bridges of the Federal-aid systems," immediately after "bridges".

Section 102(c) adds a new section 208(c) to title 23, United States Code, which reads as follows:

"(c) Before approving as a project on an Indian reservation road or bridge any project on a Federal-aid system in a State, the Secretary must determine that obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads and bridges, of a fair and equitable share of funds apportioned to such State under section 104 of this title."

Section 102(d) requires the consent of the governing body of the tribe, band, or group of Indians or Alaska Natives before any funds appropriated under the expanded definition by this section are expended.

House amendment

No comparable provision.

Conference substitute

The conference substitute is the same as the Senate bill.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

Senate bill

Section 103 authorizes an additional \$45,000,000 for the Rural Highway Public Transportation Demonstration Program, raising the total to \$75,000,000 for fiscal years 1975 and 1976. Of this amount, one-third is to be provided by general fund appropriations and two-thirds from the Highway Trust Fund. The payment of operating expenses is authorized from the general fund appropriations for the demonstration program. The Senate bill also provides that, when intercity bus service is provided as part of the demonstration program, preference is to be given to private operators who are providing or have provided service in the area of a project. The bill further provides that public notice, including the name of the applicant, must be given in each proposed project area and that a public hearing must be held within 60 days.

House amendment

No comparable provision.

Conference substitute

The conference substitute is identical to the Senate bill.

DEMONSTRATION PROJECT—RAILROAD-HIGHWAY CROSSING

Senate bill

Section 101 of the Senate bill amends section 163 of the Federal-Aid Highway Act of 1973 by directing the Secretary of Transportation to carry out an engineering and feasibility study for a demonstration project in Lafayette, Indiana, for relocation of railroad lines. The section authorizes the appropriation of \$360,000 to carry out this amendment.

House amendment

No comparable provision.

Conference substitute

The conference substitute is the same as the Senate bill.

TRANSPORTATION FOR ELDERLY AND HANDICAPPED PERSONS

Senate bill

Section 105(a) of the Senate bill contains a statement of national policy which is similar to that found in section 16(a) of the Urban Mass Transportation Act of 1964, as amended, and which declares that elderly and handicapped persons have the same right to utilize mass transportation systems as other persons.

The section amends section 165(b) to insure that any project receiving Federal financial assistance under the Federal-aid urban system, interstate transfer, or rural bus demonstration sections of the Federal-Aid Highway Act of 1973 shall be "planned, designed, constructed and operated so as to allow effective utilization by elderly or handicapped persons", including those in wheelchairs.

House amendment

No comparable provision.

Conference substitute

The conference substitute is identical to the Senate bill.

VEHICLE SIZES AND WEIGHTS

Senate bill

Section 106 of the Senate bill amends section 127 of title 23, United States Code, by striking out "eighteen thousand pounds carried on any one axle, with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of seventy-three thousand two hundred and eighty pounds," and inserting in lieu thereof the following: "twenty thousand pounds carried on any one axle, including all enforcement tolerances; ten thousand pounds on the steering axle of any truck tractor, including all enforcement tolerances; or with a tandem axle weight in excess of thirty-four thousand pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more: *Provided*, That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances."

House amendment

No comparable provision.

Conference substitute

The conference substitute is identical to the Senate bill except as follows:

(1) The phrase "10,000 pounds on the steering axle of any truck tractor, including all enforcement tolerances;" is deleted.

(2) Because of inclusion in the Senate passed bill of a new and optional weight limitation on any group of two or more consecutive axles of vehicles operating on the Interstate System, additional language was added by the Conference Committee to express the intent of the Senate as stated by the floor manager when this provision was debated on the Senate floor. The added language makes it clear that any vehicle or combination of vehicles that could lawfully operate in a State on the date of enactment of the Federal-Aid Highway Amendments of 1974 may be permitted to continue to operate on the Interstate System in such State even though the overall gross weight of any group of consecutive axles may exceed that permitted by the formula in this section.

STATE ENFORCEMENT

Senate bill

Section 107 of the Senate bill amends section 127 of title 23, United States Code, by adding a new subsection (b) which requires each State to certify annually that State size and weight laws are being enforced on Federal-aid primary, secondary, and urban systems within the State.

The section provides that, whenever State certification fails to satisfy the Secretary that State vehicle size and weight limitations are being adequately and uniformly enforced on any non-Interstate Federal-aid system, the Secretary must refuse to approve programs or projects for such system until he receives assurance satisfactory to him that the requirements of this subsection are being met.

House amendment

Section 107 of the House amendment provides that each State must certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Interstate System in accordance with section 127 of this title, and all speed limits on public highways in accordance with section 2 of the Emergency Highway Energy Conservation Act (Public Law 93-239). The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this section.

Conference substitute

The conference substitute is a combination of the Senate bill and the House amendment and requires each State to certify to the Secretary annually that it is enforcing all State laws respecting maximum vehicle size and weights on all Federal-aid systems. In addition, this section enforces all maximum speed limits on public highways.

ALASKA FERRY OPERATIONS

Senate bill

Section 108 of the Senate bill amends section 129(g) (5) of title 23, United States Code, by augmenting the operating authority of the Alaska ferry system in international waters to include stops at appropriate points in the Dominion of Canada.

House amendment

No comparable provision.

Conference substitute

The conference substitute is the same as the Senate bill.

CONTROL OF OUTDOOR ADVERTISING

Senate bill

Section 109 amends section 131(b) of title 23, United States Code, to require that "effective control" of outdoor advertising include measures for regulating signs erected more than 660 feet from the nearest edge of the right-of-way if they are legible from the main traveled way of the highway. The test of legibility is whether the message on a sign, either pictorial or written, can be communicated to a motorist with normal vision traveling at the posted speed on the main traveled way. This amendment would not prevent States from imposing more stringent controls, including restrictions on all signs visible from the controlled highway. This section also authorizes the Secretary to impose a penalty of 10 percent of the highway funds apportioned to any State which did not provide after January 1, 1975, or the end of the next session of the State Legislature, whichever is later, for the control of signs beyond 660 feet which are legible from the main traveled way.

In addition, this section guarantees just compensation for the removal only of those signs lawfully erected under State law prior to enactment of the Federal-Aid Highway Act of 1974.

Section 109(e) amends section 131(f) of title 23, United States Code, by expanding the use of official "logo" signs to the Primary System, as well as the Interstate.

Section 109(g) of the Senate bill amends section 131(i) of title 23, United States Code, to provide for Federal financial assistance to the States in establishing information centers at safety rest areas and other travel information systems within the rights-of-way of Interstate and primary highways. The Federal share of the cost of establishing the information centers and other alternate information systems is 75 percent, and up to 20 percent of the funds provided for section 131 may be used for these purposes.

Section 109(h) amends section 131(m) of title 23, United States Code, to provide for an increase in authorizations for highway beautification to \$65 million for each of the two fiscal years 1975 and 1976.

House amendment

Section 103(a) of the House amends section 131(b), title 23, United States Code, by extending outdoor advertising controls beyond the present 660 feet from the edge of the highway right-of-way to cover signs which are visible from the main traveled way and which were erected for the purpose of being read from the main traveled way of the Interstate or Federal-aid primary system, and States would be given until January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to conform to such extended control requirements.

Section 103(b) amends the definition of "effective control" in section 131 of title 23, United States Code.

Section 103(c) amends subsection (d) of section 131, title 23, United States Code, to assure that outdoor advertising in areas zoned industrial or commercial will be permitted in the extended control zone.

Section 103(d) amends section 131(e) of title 23, United States Code, to indicate that any nonconforming sign under State law enacted to comply with such section shall be removed no later than the end of the fifth year which becomes nonconforming, except as determined by the Secretary.

Section 103(e) amends section 131(f) of title 23, United States Code, to authorize the Secretary to permit the States to allow certain directional signs within the right-of-way of Federal-aid primary highways. Section 103(f) of the House amendment amends section 131(g) of title 23, United States Code, to insure the payment of just compensation in the case of signs which were lawfully erected under State law but which are required to be removed. In addition, section 103(g) of the House amendment adds three new subsections to provide as follows:

(1) Subsection (o) provides that no sign lawfully in existence on June 1, 1972, giving directional information in the specific interest of the traveling public need be removed until December 31, 1975, or until the State where the sign is located certifies that directional information is reasonably available from other sources, whichever first occurs.

(2) Subsection (p) is designed to prevent inequities from arising where a second removal of a sign is required by virtue of the provisions contained in this bill, a new amendment authorizing 100 percent Federal funding for removing such signs is added.

(3) Subsection (q)(1) directs the Secretary to assist States in assuring the motorist adequate directional information concerning available goods and services. He is further directed to consider functional and esthetic factors in developing the national standards for highway signs authorized by section 131 (e) and (f). Paragraph (2) of subsection (q) lists those signs which could be considered to provide directional information about available goods and services. Paragraph (3) directs the Secretary to encourage the States to defer removing necessary directional information signs of this type which were in place on June 1, 1972, until all other non-conforming signs were removed. Paragraph (4) permits any facility providing the motorist with goods and services in the interest of the traveling public to continue using one nonconforming sign in each direction on any highway subject to a State statute implementing section 131. If the

sign renders directional information about the facility, it had been in place on June 1, 1972, and it is within 75 miles of the facility or such distance as the State shall establish. A qualifying sign is to remain until the Secretary is satisfied that the information is being provided by one of the enumerated alternatives, or such other alternative as the State deems adequate.

Conference substitute

The conference substitute adopts section 103(a) of the House amendment, section 109(b) of the Senate bill with an amendment which deletes the words "and legible from the main traveled way of the system" and inserts in lieu thereof "located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way," and accepts section 103(f) of the House amendment.

CONTROL OF JUNKYARDS

Senate bill

Section 110(a) of the Senate bill amends the first sentence of section 336(j) of title 23, United States Code, to provide compensation to the owner for the relocation, removal, or disposal of junkyards lawfully in existence on the effective date of State legislation enacted to comply with section 336(j).

Section 110(b) authorizes \$15,000,000 for each of the fiscal years ending June 30, 1975, and June 30, 1976.

House amendment

Section 101 of the House amendment is essentially the same as section 110(a) of the Senate bill.

Section 103(3) of the House amendment is the same as section 110(b) of the Senate amendment.

Conference substitute

The conference substitute is the same as section 101 of the House amendment.

RESEARCH AND PLANNING

Senate bill

Section 111 of the Senate bill amends section 307(a) of title 23, United States Code, to authorize the Secretary in his discretion to engage in research with respect to beautification, roadside development, and scenic enhancement.

House amendment

No comparable provision.

Conference substitute

No comparable provision.

LANDSCAPING AND SCENIC ENHANCEMENT

Senate bill

Section 112 of the Senate bill authorizes the appropriation of \$15,000,000 for each of the fiscal years 1975 and 1976 for the purpose of carrying out section 319(b) of title 23, United States Code.

House amendment

Section 102(4) of the House amendment authorizes the appropriation of \$10,000,000 per fiscal year for the fiscal years 1975 and 1976 for the purpose of carrying out section 319(b) of title 23, United States Code.

Conference substitute

Section 101(4) of the conference substitute is the same as the House amendment, except that such section authorizes an appropriation of \$10,000,000 for fiscal year 1975.

SPECIAL BRIDGE REPLACEMENT PROGRAM

Senate bill

Section 113 of the Senate bill amends section 141(e) of title 23, United States Code, to provide increased authorizations for the special bridge replacement program of \$50,000,000 for each of the fiscal years 1975 and 1976.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill, except that the increased authorization is only for fiscal year 1976.

UNIFORM NATIONAL SPEED LIMIT

Senate bill

Section 114 of the Senate bill adds a new section to chapter 1 of title 23, United States Code, to provide that the Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour, or (2) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it.

The Senate bill does not prohibit States from setting a speed limit lower than 55 miles per hour on any road.

The Senate bill also provides that sums apportioned to any State under section 104 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

House amendment

Section 112 of the House amendment amends section 2 of the Emergency Highway Energy Conservation Act to provide that such section shall cease to be in effect on and after the date on which Congress by concurrent resolution declares there is no need requiring the application of such section.

Conference substitute

The conference substitute is identical to the Senate bill.

ACCESS ROADS TO FEDERAL LAKES

Senate bill

Section 115 of the Senate bill adds a new section to chapter 1 of title 23, United States Code, authorizing \$10,000,000 annually out of the general fund during fiscal years 1975 and 1976 for constructing access highways to public recreation areas at lakes developed under programs of the Army Corps of Engineers, the Bureau of Reclamation, the Soil Conservation Service, and the Tennessee Valley Authority. Such highways are to be no more than 20 miles in length, and they must be recommended by both State and responsible local officials. In addition, the Federal share payable on account of any project authorized pursuant to this section shall not exceed 50 per centum of the cost of construction or reconstruction of such project.

House amendment

Section 108 of the House amendment adds a new section to chapter 1 of title 23, United States Code, which authorizes the Secretary of Transportation to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density. This section provides that the Secretary shall develop guidelines and standards, including as criteria the following: (1) such highway constructed or reconstructed shall not exceed 25 miles in length nor shall be located more than 35 miles from the nearest part of the recreation area; and (2) such routes shall be designated by the Secretary on the recommendation of the State and responsible local officials, after consultation with the head of the Federal agency (if any) having jurisdiction over the public recreation area involved. The Federal share payable for such project shall not exceed 70 per centum of the cost of construction or reconstruction of the project; and all the provisions of Title 23 which are applicable to non-Interstate highways on the Federal-aid system, and which are determined appropriate and not inconsistent with this section by the Secretary, shall apply to any highway designated under this section which is not a part of the Federal-aid system when so designated.

Conference substitute

The conference substitute is the same as the House amendment. It is the intent and expectation of the conferees that projects initially approved under this section will include the following: County Road 25 designated by the Corps of Engineers connecting farm to market road 982 to Tickey Creek Park east of Dallas, Texas; a route from Lawrence, Kansas, to Clinton Lake; Rapid Forge Road, between U.S. 9 and State Road 28 providing access to Paint Creek Reservoir near Greenfield, Ohio; access roads to Lake Raystown, located in Huntingdon County, Pennsylvania; Hemlock Road, located in Glade Township, Warren County, Pennsylvania, beginning at the end of Pennsylvania Avenue and running along the north side of the Allegheny River to the dam; and various access roads to lakes in Indiana.

PARKWAYS AND ASSOCIATED LANDS AND RIGHTS-OF-WAY

Senate bill

Section 116 of the Senate bill amends section 207 of title 23 of the United States Code by adding a new subsection which indicates that

parkways and all associated lands and rights-of-way funded in whole or in part from the Highway Trust Fund shall be managed solely for scenic and recreational use and passenger car travel.

House amendment

No comparable provision.

Conference substitute

No comparable provision.

NORTHEAST CORRIDOR DEMONSTRATION-RAIL CROSSINGS

Senate bill

Section 117 of the Senate bill amends section 322 of title 23, United States Code, to permit under certain circumstances selected public rail-road-highway crossings to remain at ground level and to be provided with appropriate warning and protection devices.

This section also provides a uniform cost-sharing formula for crossings on Federal-aid and non-Federal-aid routes, 90 percent Federal and 10 percent State funds.

This section authorizes to be appropriated from the general fund not to exceed \$22,000,000 and out of the Highway Trust Fund such additional sums as are necessary to carry out the provisions of this section (exclusive of subsection (f)).

House amendment

No comparable provision.

Conference substitute

The conference substitute is the same as section 117(a) of the Senate bill.

OVERSEAS HIGHWAY

Senate bill

Section 118 authorizes the Secretary to undertake projects for the reconstruction or replacement of bridge structures of a 2 lane nature on the Overseas Highway to Key West, Florida. The Federal share of this project shall not exceed 75 per centum of total cost. In addition, this section authorizes to be appropriated out of the Highway Trust Fund not to exceed \$116,250,000 to carry out such projects. Such sums shall be available until expended except that of the funds authorized under this section only \$10,000,000 for the fiscal year ending June 30, 1975, and \$15,000,000 for the fiscal year ending June 30, 1976, can be obligated.

House amendment

Section 114 of the House amendment authorizes from the Highway Trust Fund \$10,000,000 for fiscal year 1975 and \$15,000,000 for fiscal year 1976 for the reconstruction of Federal-aid primary routes in the State of Florida. This would be at the regular 70 percent Federal matching ratio.

Conference substitute

The conference substitute is the same as the Senate bill, except that total authorizations are reduced to \$109,200,000 and the Federal matching ratio is reduced to 70 percent.

BIKEWAY DEMONSTRATION PROGRAM

Senate bill

Section 119 of the Senate bill authorizes \$20 million—\$10 million from the Highway Trust Fund and \$10 million in general funds—for expenditure, upon application by a State, in urban areas currently eligible to receive urban system highway funds. These funds are available for expenditure only for bikeway projects and are intended to be supplementary to bikeway funds available under the ongoing Federal-aid highway program. The Federal share of any demonstration project for the construction of bikeways shall be 80 per centum of the total cost of such project.

House amendment

No comparable provision.

Conference substitute

The conference substitute is the same as the Senate bill, except that only \$10 million is authorized from the General Fund for fiscal year 1976.

Termination of Federal Highway Construction Contracts.

Senate bill

Section 120 of the Senate bill creates an administrative procedure which defines grounds upon which a highway contractor may seek to terminate a Federal contract, and, in effect, recognizes certain acts on the part of the Federal Government as constituting force majeure.

House amendment

No comparable provision.

Conference substitute

No comparable provision.

CARPOOLING

Senate bill

Section 121 of the Senate bill modifies provisions of the Emergency Highway Conservation Act (P. L. 93-239) relating to incentives for carpooling by extending the date for application for carpool demonstration programs by one year to December 31, 1975, and authorizes \$5,000,000 out of the Highway Trust Fund specifically for carpooling projects. The Federal share of any such project shall be 90 per centum and shall not exceed \$1,000,000.

House amendment

Section 115 of the House amendment amends section 3(d) of the Emergency Highway Conservation Act (P. L. 93-239) by extending the date on which application must be submitted to December 31, 1975.

Conference substitute

The conference substitute is the same as the House amendment, except that an additional \$7,500,000 from the General Fund is authorized for distribution at the discretion of the Secretary.

FEDERAL-AID SAFER ROADS DEMONSTRATION PROGRAM

Senate bill

Section 122 of the Senate bill amends section 405(e) of title 23, United States Code, to permit appropriated funds to be used for projects to correct high hazard locations on public roads not on the Federal-aid system.

House amendment

No comparable provision.

Conference substitute

The conference substitute is identical to the Senate bill.

ADVANCE CONSTRUCTION

Senate bill

No comparable provision.

House amendment

Section 105 of the House amendment amends section 115 of title 23, United States Code, to provide that when a State has obligated all funds for any Federal-aid system, including the Interstate System, apportioned to it, and proceeds to construct any project on that Federal-aid system without the aid of Federal funds, the Secretary is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to the State. The Secretary is not authorized to approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought.

Conference substitute

The conference substitute is the same as the House amendment.

BUS WIDTHS

Senate bill

No comparable provision.

House amendment

Section 106 amends chapter 1 of title 23 of the United States Code by providing that any bus having a width of 102 inches or less may operate on any lane of 12 feet or more in width on the Interstate System.

Conference substitute

No comparable provision.

BRIDGES OVER FEDERAL DAMS

Senate bill

No comparable provision.

House amendment

Section 109 of the House amendment amends subsection 320(d) of title 23, United States Code, by increasing the authorization for the emergency fund from \$25,261,000 to \$27,761,000, which shall be avail-

able for expenditure by the Secretary of Transportation in accordance with section 320.

Conference substitute

The conference substitute is the same as the House amendment.

OFF-SYSTEMS ROAD

Senate bill

No comparable provision.

House amendment

Section 110 amends chapter 2 of title 23, United States Code, by adding a new section authorizing the Secretary to make grants to States for projects for the construction, reconstruction, and improvement of any off-system road. Such grants may include, but not be limited to, the replacement of bridges and the elimination of high-hazard locations and roadside obstacles.

The sums authorized to be appropriated shall be apportioned by the Secretary, on or before January 1 next preceding the commencement of each fiscal year as follows: (1) $\frac{1}{3}$ in the ratio in which the area of each State bears to the total area of all States; (2) $\frac{1}{3}$ in the ratio in which the population of rural areas of each State bears to the total population of rural areas of all States; and (3) $\frac{1}{3}$ in the ratio in which the off-system road mileage of each State bears to the total off-system road mileage of all the States.

The off-system road mileage shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

The counties in each State shall receive any sums apportioned to the State, on a fair and equitable basis.

The provisions of Chapter 1 of title 23 applicable to the Federal-aid secondary system will govern all sums apportioned under this section with the exception of the provisions relating to the formula for apportionment, the requirement that these roads be on the Federal-aid system, and such other provisions determined by the Secretary to be consistent with this section. The Secretary does not have the authority to determine as inconsistent with this section any provision relating to the obligation and availability of funds.

The term "off-system road" means any toll-free road, including bridges, in a rural area, which road is not on any Federal-aid system and which is under the jurisdiction of and maintained by a public authority and open to public travel.

State and local officials in selecting roads under this section shall consider, among other matters, improvement and construction of access highways to rural areas substantially impacted by accelerated mining and power generation activities to meet national energy demands.

Section 102(6) authorizes the appropriation of \$200,000,000 for off-system roads for the fiscal year 1976.

Conference substitute

The conference substitute is the same as the House amendment.

It is the intention of the conferees that funds authorized by this section be used solely for reconstruction and improvement on existing routes. Such authorizations shall be for only one year.

DONATIONS

Senate bill

No comparable provision.

House amendment

Section 111 amends section 323 of title 23, United States Code, so as to no longer require either an appraisal or a tender of the full amount of the estimated just compensation where a party has indicated a desire to donate property.

Conference substitute

The conference substitute is the same as the House amendment.

DEMONSTRATION PROJECTS

Senate bill

No comparable provision.

House amendment

Section 115 directs the Secretary of Transportation to carry out a demonstration project for construction of a high-density urban highway intermodal transportation connection between Franklin Avenue and Fifty-ninth Street, South, in Minneapolis, Minnesota. The Federal share of such project shall be 90 per centum of the cost thereof. There is authorized to be appropriated, out of the Highway Trust Fund, not to exceed \$53,000,000 to carry out this section.

Conference substitute

The conference substitute is the same as the House amendment, except that no more than \$10,000,000 may be obligated for fiscal year 1975 and \$15,000,000 for fiscal year 1976.

AUBURN BRIDGE

Senate bill

No comparable provision.

House amendment

Section 116 authorizes the Secretary of the Interior to construct, in lieu of a drainage culvert, an intermediate size bridge across a shallow ravine in order to provide access between the historical portion of the city of Auburn, California, Auburn District Fairgrounds, city park and parking lots, and the Auburn Dam Overlook area. This section authorizes \$250,000 to carry out such bridge project.

Conference substitute

The conference substitute is the same as the House amendment.

ROUTE WITHDRAWALS

Senate bill

No comparable provision.

House amendment

Section 117 of the House amendment amends section 103(e)(4) of title 23, United States Code, to permit a State, from which an Interstate route in an urbanized area is withdrawn, to receive an amount out of general funds of the Treasury equal to the Federal share of the

cost of the removed route for use on non-highway public mass transportation projects in such urbanized area involving the construction of rail facilities or the purchase of passenger equipment for any mode of public mass transportation. Funding available for transfer is limited to the cost of the withdrawn route as reflected in the 1972 Interstate Cost Estimate. In addition, section 103(e)(2) is amended to permit Interstate funds to be transferred from a withdrawn route to a substitute route, also limited to the dollar amounts in the 1972 cost estimate.

Conference substitute

The conference substitute is the same as the House amendment.

SCHOOL BUS DRIVER TRAINING

Senate bill

No comparable provision.

House amendment

Section 118 of the House amendment authorizes \$7,500,000 out of the Highway Trust Fund for fiscal 1976 for the purpose of carrying out State programs for driver education and training for persons driving school buses.

Conference substitute

The conference substitute is revised to provide that no less than the authorized funds shall be derived from funds apportioned pursuant to section 402 of title 23, United States.

JIM WRIGHT,
JOHN C. KLUCZYNSKI,
HAROLD T. JOHNSON,
Wm. HARSITA,
JAMES C. CLEVELAND,

Managers on the Part of the House.

JENNINGS RANDOLPH,
MIKE GRAVEL,
QUENTIN BERDICK,
HOWARD BAKER,
ROBERT T. STAFFORD,

Managers of the Part of the Senate.

○

~~Kath~~
~~Sam~~
Fred
Charlie



HB 314 - Com. Parker

Williams

Area 660 ft from center

Primary + secondary roads

Now have prohibited out to 660 ft.

Signs which are visible from highway

penalty 10% of highway funds

Could delete "Secondary" highways and
still be in compliance

Signs on own premise is legal

STATE OF ALASKA

DEPARTMENT OF HIGHWAYS

OFFICE OF THE COMMISSIONER

P. O. BOX 1467 — JUNEAU 99801
(907) 364-2121

JAY S. HAMMOND, GOVERNOR

April 17, 1975

Re: 00-3077
House Bill 314

Honorable Terry Gardiner
Alaska State Representative
State Capitol Building
Juneau, Alaska 99811

Dear Mr. Gardiner:

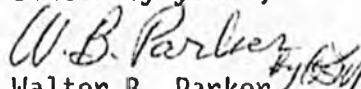
In support of our request for your favorable consideration of the captioned legislation, we are attaching a copy of the Federal Highway Amendments of 1974 and a copy of a letter from the Assistant Chief Counsel for Right-of-Way and Environmental Law, Federal Highway Administration, Department of Transportation.

The purpose of the proposed amendment is to bring Alaska into compliance with federal law. Failure to do so will subject the state to loss of ten percent of the entire federal participation in Alaska's highway program (approximately \$10-\$12 million). It should be noted that the off-system roads program, by which the State has the most opportunity to meet local requirements, would be affected by over \$1 million in lost funds. The State can ill afford any further cut back of transportation facilities.

Since the federal law provides that each state must be in compliance by July 1, 1975 or the end of the present legislative session, it is crucial that action be taken at this time.

Therefore, we again respectfully request your assistance in passing this much needed legislation.

Sincerely yours,


Walter B. Parker
Commissioner

Attachment

WBP/HNW:jo