

SUMMARY OF FEDERAL LEGISLATION RELATING TO HIGHWAYS:
89th CONGRESS, 1st SESSION.

The following notes, dealing with the major legislation enacted in the 1st Session of the 89th Congress (January 4, 1965 - October 23, 1965) which relates to highways and the Federal aid highway program, was prepared by Miss Marion Markham, Legal Research Specialist of the Highway Research Board.

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965*
Public Law 89-4, 89th Congress, S. 3,
March 9, 1965

The following summary contains only the provisions of the act which relate to the establishment of an Appalachian development highway system.

Sec. 2 - Congress finds the Appalachian region lagging behind the rest of the nation in its economic growth, and proposes to assist the region in meeting its special problems, to promote its economic development and to establish a framework for joint federal and state efforts toward providing the basic facilities essential to the growth of the area.

TITLE I

Sec. 101(a) - Establishes an Appalachian Regional Commission composed of one federal member appointed by the President by and with the advice of the Senate, and one member from each participating state in the region.

TITLE II

Sec. 201(a) - Authorizes the Secretary of Commerce to assist in the construction of an Appalachian development highway system to serve the region (not to exceed 2,350 miles); and local access roads (not to exceed 1,000 miles) to serve specific recreational, residential, commercial, industrial, or other like facilities, for the purpose of opening up an area or areas with developmental potential

where commerce and communication have been inhibited by lack of adequate access. Provisions of Title 23, U.S.C., applicable to Federal-aid primary highways, shall apply to the Appalachian development highway system and the local access roads where not inconsistent with this act.

Sec. 201(b) - Recommendations as to the (1) general corridor location and termini of development highways; (2) designation of local access roads; (3) priorities for construction of local access roads and major segments of development highways, and (4) other criteria, to be submitted to the Secretary of Commerce by the Commission for his approval, revision, etc.

Sec. 201(c) - No program is to be approved which cannot be financed with funds appropriated by the act, and funds available under Title 23, U.S.C. Developments highways are to be or become part of the Federal-aid primary system and maintained by the state.

Sec. 201(d) - The states may give special preference to the use of mineral resource materials indigenous to the Appalachian region in the construction of highways authorized.

Sec. 201(e) - The Secretary of Commerce is authorized to require participating states, to the extent possible, to use coal derivatives in construction of not to exceed 10 percent of roads authorized under the act, for the purpose of research and development in the use of coal and coal products in highway construction and maintenance.

Sec. 201(f) - Federal funds may participate to the extent of 50 percent of the cost of a project, or up to 70 percent if the Secretary determines that assistance in excess of 50 percent is necessary in furtherance of purposes of the act.

Sec. 201(g) - Appropriates \$840 million to carry out this purpose of the act.

(Programs for demonstration health facilities, land stabilization, conservation and erosion control, timber development organizations, mining area restoration, etc. are also provided for in this act.)

* The Appalachian Region includes certain listed counties in Alabama, Georgia, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, all counties of West Virginia, and certain counties in New York contiguous to the Appalachian region, if it is determined that these New York counties share the social and economic characteristics of the region.

APPROVAL OF APPORTIONMENT OF FUNDS FOR FISCAL YEAR 1967
FOR INTERSTATE SYSTEM
Public Law 89-139, 89th Congress, S.J. Res. 81, August 28, 1965.
(Joint Resolution)

Amends Federal-Aid Highway Act of 1956, as amended, by increasing "the additional sum of \$2,900,000,000 appropriated for the Interstate System for the fiscal year ending June 30, 1967," to \$3,000,000,000.

Sec. 2 - Authorizes use of apportionment factors contained in Table 5, "Estimated Federal-aid and State matching funds to complete the system, and apportionment factors for distribution of 1967, 1968, and 1969 fiscal year authorizations," included in The 1965 Interstate System Cost Estimate, (House Doc. 42) but reserves right to disapprove cost estimate for completion of the Interstate System contained in such document.

Sec. 3 - Makes it sense of Congress that Secretary of Commerce shall submit estimates of future highway needs of Nation in January 1968 and January of every second year thereafter.

Sec. 4 - Adds new section to Title 23, U.S.C. (sec. 135) stating that each state should have a highway safety program after December 31, 1967, approved by the Secretary and designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom on highways on the Federal-aid system.

PACIFIC NORTHWEST DISASTER RELIEF ACT OF 1965
Public Law 89-41, 89th Congress, S. 2089, June 17, 1965
(Applicable to the States of California, Oregon, Washington, Nevada and Idaho)

Declaration of Purpose - Provides special measures to aid states in areas which suffered property loss and damage as a result of the floods of December 1964 and January and February 1965.

Sec. 2 - Appropriates \$50 million for fiscal year ending June 30, 1965, and \$20 million for fiscal year 1966, in addition to emergency relief funds authorized by sec. 125 of Title 23, U.S.C., for repair and reconstruction of highways, roads, and trails, damaged as the result of a disaster.

Sec. 3(a) - Authorizes Secretary of Agriculture and Secretary of Interior (separately) to reimburse timber sale contractors or otherwise arrange to bear road and trail construction and restoration costs either directly or in cooperation with timber purchasers for restoring roads in any stage of construction authorized by contract, for purchase of timber from lands under his jurisdiction to substantially the same condition as existed prior to damage resulting from floods. Includes costs necessary to complete road construction not performed under such contract prior to floods, to extent costs have increased due to floods.

Costs are to be borne as follows: Timber purchaser to pay 15 percent of the first \$4,500 on any single timber purchase contract; Secretary to bear remaining portion. (Not applicable if cost, or increase in cost, less than \$500.)

Sec. 3(b) - If Secretary determines that damages are so great that restoration, reconstruction or construction not practical under cost-sharing arrangement, Secretary may allow cancellation of contract.

Sec. 3(c) - Amends sec. 2 (par.(3)) of Federal-aid Highway Act of 1964, to provide that of the \$123 million authorized for fiscal year 1966, not to exceed \$38 million be used solely for forest development roads and trails in the five states in the flood areas during fiscal year 1966, and \$85 million during fiscal year 1967.

Sec. 7 - These provisions expire on June 30, 1966, except with respect to payment of expenditures for obligations and commitments entered into under the act on or before such date.

EXCISE TAX REDUCTION ACT OF 1965

Public Law 89-44

89th Congress, H.R. 8371, June 21, 1965

The following summary contains only those provisions of the Excise Tax Reduction Act of 1965, which relate to taxes paid by highway users.

TITLE II

Sec. 201(a) - Provides for reduction of present 10 percent tax on passenger automobiles to: 7 percent from the date of enactment to 12-31-65; 6 percent for the period 1-1-66 through 12-31-66; 4 percent for the period 1-1-67 through 12-31-67; 2 percent for the period from 1-1-68 through 12-31-68; and 1 percent on 1-1-69.

Sec. 201(b) - Repeals tax on parts and accessories suitable for use on passenger automobiles and on chassis and bodies for trailers and semi-trailers suitable for use in connection with passenger automobiles. Effective January 1, 1966.

Sec. 202 - Repeals tax on cutting oil; retains 6 percent tax on lubricating oil, and provides for refund of tax on lubricating oil used for other than highway purposes. Effective January 1, 1966.

Sec. 210 - Amends sec. 209(c)(1) of Highway Revenue Act of 1956 relating to general provisions for transfers to Highway Trust Fund by allocating amounts equal to 100 percent of tax on parts and accessories for busses, trucks, etc., and on lubricating oil to highway trust fund. Effective January 1, 1966.

TITLE IV

Sec. 401 - Documentary stamp taxes relating to conveyances no longer to be imposed after January 1, 1968.

TITLE VIII

Sec. 801 - Amends sec. 4063(a) of Internal Revenue Code of 1954, pertaining to specific articles exempt from tax on automobiles, which originally specified only "house trailers or tractors", to now include:

- (1) Camper coaches; bodies for self-propelled mobile homes
- (2) Feed, seed and fertilizer equipment
- (3) House trailers
- (4) Small, 3-wheeled trucks.

Other technical and conforming changes in administrative provisions, as well as structural changes, in the Internal Revenue Code of 1954, as amended, are contained in Titles VI and VIII, respectively.

HIGHWAY BEAUTIFICATION ACT OF 1965

TITLE I - BILLBOARD CONTROL

(Amends Sec. 131 of Title 23 U.S.C. as follows)
(Sec. 101)

a. Declaration of Purpose:

Congress finds it in the public interest to control billboards for the purpose of:

Protecting the public interest in Interstate and primary highways;

Promoting safety and recreational value of public travel;

Preserving natural beauty.

b. Penalty for failure to control signs:

Establishes 10 percent penalty for states not effectively controlling billboards within 660 feet of Interstate and primary systems, if visible from main traveled way of system. Amount withheld to be apportioned among other states.

Secretary of Commerce may suspend application of this section if in the public interest.

Secretary to give 60 days notice to state of intent to withhold funds, with opportunity for hearing. After final determination by Secretary, state may appeal to a U. S. district court within 40 days. District court's decision may be appealed to U. S. circuit court of appeals and to Supreme Court.

c. Signs excepted from control:

Directional and other official signs (including notice pertaining to natural wonders, scenic and historical areas, etc., required or authorized by law and conforming to national standards promulgated by Secretary);

Signs advertising sale or lease of property on which located;

Signs advertising activities conducted on premises.

d. Areas exempted from control:

Areas zoned industrial or commercial under authority of state law;

Unzoned commercial or industrial areas by agreement between state and Secretary.

(States have full authority under their own zoning laws to zone areas for commercial or industrial purposes. Action of state in this regard to be accepted for purposes of act.)

e. Removal of signs:

Signs lawfully in existence on September 1, 1965 which do not conform not required to be removed until July 1, 1970.

Other legally erected nonconforming signs not required to be removed until end of fifth year after becoming nonconforming.

f. Informational signs:

Secretary, in consultation with state, to provide areas at appropriate distance from interchanges on Interstate on which specific information in the interest of traveling public may be erected and maintained, such signs to conform to national standards promulgated by Secretary.

g. Compensation for removal of signs: (Federal share 75%)

Compensation to be paid owner of following signs for taking of right, title, leasehold, and interest in sign, and owner of real property for taking of right to erect and maintain such signs:

Those lawfully in existence on date of enactment of federal law;

Those lawfully on highway made part of Interstate or primary system on or after date of enactment and before January 1, 1968;

Those lawfully enacted on or after January 1, 1968.

h. Similar controls on federal lands or reservations adjacent to Interstate or primary highways.

i. Information furnished at rest areas:

State may provide information in interest of traveling public at rest areas, including maps, information directories, advertising pamphlets;

State, subject to approval of Secretary, may establish information centers in rest areas to inform public of places of interest, etc.

j. Prior agreements to control signs under sec. 131, Title 23, U.S.C.:

States having entered into prior agreements with Secretary entitled to bonus provided in sec. 131, if control provided for thereunder maintained, or controls set forth in this act, whichever is stricter.

k. Minimum standards established by act:

The standards established in act are minimum and states may impose stricter standards if considered desirable in public interest.

l. Appeal of order to withhold funds: (See (b)).

m. Appropriation:

For fiscal year 1966 - \$20 million

For fiscal year 1967 - \$20 million

TITLE II - JUNKYARD CONTROL
(Adds Sec. 136 to Ch. 1, Title 23 U.S.C.)
(Sec. 201)

a. Declaration of Purpose:

Congress finds and declares establishment and use and maintenance of junkyards in areas adjacent to Interstate and primary systems should be controlled to:

Protect the public investment in such highways;

Promote safety and recreational value of public travel;

Preserve natural beauty.

b. Penalty for failure to control junkyards:

Establishes 10 percent penalty for states not effectively controlling junkyards within 1,000 feet of right-of-way of Interstate and primary systems and visible from main traveled way of system. Amount withheld to be apportioned among other states.

Secretary of Commerce may suspend application of section if determined in the public interest.

c. Meaning of effective control:

Junkyards shall be screened (by January 1, 1968) by natural objects, plantings, fences or other appropriate means so as not to be visible from main traveled way of system, or be removed from sight.

Nonconforming junkyards in existence at time of enactment of this law, and which Secretary finds as practical matter cannot be screened, not required to be removed until July 1, 1970.

d. "Junk" - old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

e. "Automobile graveyard" - any establishment or place of business maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

f. "Junkyard" - establishment or place of business maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of automobile graveyard. The term includes garbage dumps and sanitary fills.

g. Areas exempt from control:

Areas zoned industrial under authority of state law.

Areas unzoned but used for industrial purposes, as determined by state, subject to approval by Secretary.

h. Removal of existing junkyards: (See c.)

i. Federal share of cost of controlling junkyards:

Landscaping and screening costs: 75%

Relocation, removal, or disposal of junkyards: 75%

j. Compensation to be paid for relocation, removal or disposal of junkyards:

1. Those lawfully in existence on date of enactment of federal law;
2. Those lawfully along any highway made a part of the Interstate or primary highway systems on or after enactment of this law and before January 1, 1968;
3. Those lawfully established on or after January 1, 1968.

k. Similar controls on federal lands or reservations adjacent to Interstate or primary system

l. Minimum standards established by act.

The standards established in act are minimum and states may impose stricter standards.

m. Appropriation:

For fiscal year 1966: \$20 million)

)Not from Highway Trust Fund

For fiscal year 1967: \$20 million)

TITLE III - LANDSCAPE AND SCENIC ENHANCEMENT
(Amends Sec. 319 of Title 23, U.S.C.)
(Sec. 301)

a. Cost of Landscape and Roadside Development Part of Cost of Construction:

Secretary may approve cost of landscape and roadside development as part of construction of Federal-aid highways, including acquisition and development of publicly-owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate traveling public.

b. Additional Funds for Landscape and Roadside Development:

Amount equal to 3% of funds apportioned to state for federal-aid highways for any fiscal year allocated to state (without matching) for:

1. Landscape and roadside development within highway right-of-way;
2. Acquisition of interests in and improvement of strips of land adjacent to highway for restoration, preservation and enhancement of scenic beauty;
3. Acquisition and development of rest and recreational areas within or adjacent to highways.

Secretary may authorize exceptions upon showing by state that amount is in excess of state's needs.

Funds not used as required by this section lapse.

Appropriation:

For fiscal year 1966:	\$120 million)	
)	Not from Highway Trust
For fiscal year 1967:	\$120 million)	Fund

Sec. 302

Secretary, in cooperation with state highway departments to make:

1. Detailed estimate of cost of carrying out provisions of Act;
2. Comprehensive study of economic impact of such programs on affected individuals and commercial and industrial enterprises, the effectiveness of such programs and the public and private benefits realized thereby, and alternate or improved methods of accomplishing objectives of Act.

Detailed estimate and report to be submitted to Congress not later than January 10, 1967.

Sec. 303

Before promulgation of standards, criteria and rules and regulations for carrying out sections 131 and 136 (billboards and junkyards, respectively) Secretary to hold public hearings in each state, for purpose of gathering all relevant information on which to base such standards, etc.

Secretary to report to Congress, not later than January 10, 1967, all standards, criteria, and rules and regulations to be applied in carrying out sections 131 and 136.

Sec. 304

\$500,000 authorized to be appropriated to enable Secretary to carry out functions under sec. 135 of title 23 U.S.C. relating to highway safety programs.

Sec. 305

Nothing in this Act or amendments thereto to be construed to authorize use of eminent domain to acquire any dwelling (including related buildings).

TITLE IV

Sec. 401

Nothing in Act or amendments thereto to be construed to authorize taking of private property, or reasonable and existing use restricted by such taking without just compensation as provided in Act.

Sec. 402

Appropriates \$5 million to Secretary of Commerce for administrative expenses to carry out act.