SEC. 2. Section 4233 (a) (1) (C) of such Code is amended by inserting before the period at the end of the last sentence thereof "or to the benefit of hospitals for crippled children, or both".

SEC. 3. Section 4233 (a) of such Code is amended by adding at the

end thereof the following new paragraph:

"(11) ATHLETIC GAMES FOR BENEFIT OF RETARDED CHILDREN. Any admissions to an athletic game between teams composed of students from elementary or secondary schools, or colleges, if the proceeds from such game inure exclusively to the benefit of an organization described in section 501 (c) (3) which is exempt from tax under section 501 (a) and which is operated exclusively for the purpose of aiding and advancing retarded children."

SEC. 4. The amendments made by this Act shall apply only with respect to amounts paid for admissions on or after the first day of the first month which begins more than 10 days after the date of the

enactment of this Act.

Approved April 16, 1958.

Effective date.

Public Law 85-381

AN ACT

To amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39) Stat. 355), as amended and supplemented, and the Act approved June 29, 1956 (70 Stat. 374), to authorize appropriations for continuing the construction of highways, and for other purposes.

April 16, 1958 [H, R, 9821]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. FEDERAL-AID HIGHWAYS.

(a) (1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of Highway Act of carrying out the provisions of the Federal-Aid Road Act approved 1958.

Like 11, 1016 (20 Stat 255) and all Acts amondatory thereof and 23 USC 48 and July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and note. supplementary thereto, there is hereby authorized to be appropriated the sum of \$900,000,000 for the fiscal year ending June 30, 1960; and the sum of \$925,000,000 for the fiscal year ending June 30, 1961. The sums herein authorized for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary

highway system.

(B) 30 per centum for projects on the Federal-aid secondary highway system.

(C) 25 per centum for projects on extensions of these systems

within urban areas.

(2) Apportionments.—The sums authorized by this section shall be apportioned among the several States in the manner now provided by law and in accordance with the formulas set forth in section 4 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838).

(b) AVAILABILITY FOR EXPENDITURE.—Any sums apportioned to any State under this section shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall lapse: Provided, That such funds shall be deemed to have been expended if a sum equal to the total of the sums herein and heretofore apportioned to the State is covered by formal agreements with the Secretary of Commerce for construction, reconstruction, or improvements of specific projects as provided in this Act and prior Acts: Provided further, That in the case of those sums heretofore, herein, or hereafter apportioned to

58 Stat. 840.

any State for projects on the Federal-aid secondary highway system, the Secretary of Commerce may, upon the request of any State, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of such secondary road projects by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for such projects are in accord with the standards and procedures of such State applicable to projects in this category approved by him: Provided further, That such approval shall not be given unless such standards and procedures are in accordance with the objectives set forth in section 1 (b) of the Federal-Aid Highway Act of 1950: And provided further, That nothing contained in the foregoing provisos shall be construed to relieve any State of its obligation now provided by law relative to maintenance, nor to relieve the Secretary of Commerce of his obligation with respect to the selection of the secondary system or the location of projects thereon, to make a final inspection after construction of each project, and to require an adequate showing of the estimated and actual cost of construction of each project. Any Federal-aid primary, secondary, or urban funds released by the payment of the final voucher or by modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, or urban, previously apportioned to the State and be immediately available for

expenditure. Sec. 2. Additional Authorization of Appropriation of Federal-AID PRIMARY, SECONDARY, AND URBAN FUNDS-(a) AMOUNT AND Apportionment.—For the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1959, \$400,000,000 in addition to any sums heretofore authorized for such fiscal year. The sum herein authorized shall be apportioned: (A) 45 per centum for projects on the Federal-aid primary highway system, (B) 30 per centum for projects on the Federal-aid secondary highway system, and (C) 25 per centum for projects on extensions of these systems within urban areas among the several States immediately upon enactment of this Act in the manner now provided by law and in accordance with the formulas set forth in section 4 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838), using the same percentage distribution as was used in the apportionment of Federal-aid highway funds heretofore

authorized for the fiscal year ending June 30, 1959.

(b) AVAILABILITY FOR EXPENDITURE.—The amounts authorized to be appropriated in section 2 (a) herein shall be available for expenditure pursuant to contracts awarded or work commenced by the State highway departments prior to December 1, 1958, for completion of construction prior to December 1, 1959, subject to delays caused by circumstances and conditions beyond the control of, and without the fault of any contractor on such contracts, and delays created by acts of God. Any amounts apportioned to a State under provisions of this section remaining unexpended on December 1, 1958, shall lapse: Provided, That such funds shall be deemed to have been expended when covered by contracts awarded or work commenced prior to December 1, 1958, and on account of which formal agreements with the Secretary of Commerce are entered into prior to January 1, 1959, for specific projects.

(c) Expenditure Without Limitation as to System.—The sums apportioned under this section shall be available for expenditure for projects on the primary or secondary Federal-aid systems, including extensions of these systems within urban areas, without limitation as

64 Stat. 785.

58 Stat. 840.

to the amount of any class of funds, primary, secondary, or urban,

apportioned for projects on any system.

(d) Federal Share.—The Federal share payable on account of any project provided for by funds made available under the provisions of this section shall not exceed 66% per centum of the total cost thereof plus, in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, a percentage of the remaining 331/3 per centum of such cost equal to the percentage that the area of such lands in such State is of its total area: Provided. That such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(e) AUTHORIZATION OF APPROPRIATION FOR INCREASING FEDERAL SHARE.—For the purpose of assisting any State in meeting the requirements for State funds to match any sums apportioned to such State under the provisions of this section, there is hereby authorized to be appropriated the sum of \$115,000,000, which sum may be used by the Secretary of Commerce upon the request of any State to increase the Federal share payable on account of any project provided for by funds made available under the provisions of this section: Provided, That the amount of such increase of the Federal share shall not exceed two-

thirds of the State's share of the cost of such project.

(f) REPAYMENT OF AMOUNTS USED TO INCREASE FEDERAL SHARE. The total amount of such increases in the Federal share as are made pursuant to subsection (e) above, shall be repaid to the Federal Government by making deductions of sums equal to the amounts so expended for projects on the Federal-aid primary highway system, the Federal-aid secondary highway system and extensions of such systems in urban areas in two equal annual installments from the amounts available to such State for expenditure on such highways under any apportionment of funds herein or hereafter authorized to be appropriated therefor for the fiscal years ending June 30, 1961, and June 30, 1962.

(g) Contract Authority.—Approval by the Secretary of Commerce of any project on account of which the Federal share is increased under the provisions of this section shall be deemed a contractual obligation of the Federal Government for the payment of such increase in the Federal share, and its expenditure shall be governed by the provi-

sions of subsection (b) of this section.

(h) Declaration of Intent.—It is hereby declared to be the intent of the Congress that the sum authorized under subsection (a) of this section shall be supplementary to, and not in lieu of, any other sum heretofore or herein authorized for expenditure on the Federal-aid primary or secondary systems, including extensions of these systems within urban areas, and is made available for the purpose of immediate acceleration of the rate of highway construction on these systems beyond that being accomplished with funds heretofore authorized.

SEC. 3. FOREST HIGHWAYS AND FOREST DEVELOPMENT ROADS AND TRAILS.

(a) Authorization of Appropriations.—For the purpose of carrying out the provisions of section 23 of the Federal Highway Act of 1921 (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the additional sum of \$5,000,000 for the fiscal year ending June 30, 1959, and the sum of \$33,000,000 for each of the fiscal years ending June 30, 1960, and June 30, 1961; and (2) for forest development roads and trails the additional sum of \$5,000,000 for the fiscal year ending June 30, 1959, and the sum of \$30,000,000 for each of the fiscal years ending June 30, 1960, and June 30, 1961: Provided, That with respect to any

23 USC 23.

proposed construction or reconstruction of a timber access road, advisory public hearings may be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction: Provided further, That hereafter funds available for forest highways and forest development roads and trails shall also be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities: Provided further, That the additional sum authorized under this subsection for forest highways for the fiscal year ending June 30, 1959, shall be apportioned for expenditure in each State, Alaska, and Puerto Rico immediately upon enactment of this Act: Provided further, That the additional amount herein authorized for the fiscal year ending June 30, 1959, and the amounts authorized herein for forest highways for each of the fiscal years ending June 30, 1960, and June 30, 1961, shall be apportioned for expenditure in each State, Alaska, and Puerto Rico in the same percentage as the amounts apportioned for expenditure in each State, Alaska, and Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958: And provided further, That when approved by the Secretary of Commerce, a State may use not to exceed the lesser of \$500,000 or 5 per centum of the amounts apportioned to such State under section 1 hereof for each of the fiscal years ending June 30, 1960, and June 30, 1961, for the construction, reconstruction, or improvement of forest highways on any of the Federal-aid highway systems and such sums may be expended in the same manner as funds authorized by this section.

(b) Forest Highways Study.—The Secretary of Commerce, in cooperation with the Secretary of Agriculture and the appropriate officers of each State containing a national forest, the Commonwealth of Puerto Rico, and the Territory of Alaska, shall make a study to

determine-

(1) the roads of primary importance to a State, county, or community which are within, adjoining, or adjacent to a national forest and have not been designated as forest highways;

(2) the amount necessary to complete construction of all desig-

nated forest highways;

(3) the amounts necessary for the fiscal year ending June 30, 1962, and for each of the nine succeeding fiscal years to survey, construct, reconstruct, and maintain (A) roads described in paragraph (1) of this subsection if such roads were forest highways, and (B) roads designated as forest highways, in accordance with a program to be recommended by the Secretary of Commerce after consultation with the Secretary of Agriculture; and

(4) the method by which the amounts determined pursuant to paragraph (3) of this subsection should be apportioned for expenditure in the several States, Alaska, and Puerto Rico.

The Secretary of Commerce shall report the results of such study to the President and the Congress on or before January 1, 1960.

SEC. 4. ROADS AND TRAILS IN NATIONAL PARKS, ETC.

(a) NATIONAL PARKS, ETC.—For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$18,000,000 for the fiscal year ending June 30, 1960, and a like sum for the fiscal year ending June 30, 1961.

Reports.

16 USC 8a-8c.

(b) Parkways.—For the construction, reconstruction, and improvement of parkways, authorized by Acts of Congress, on lands to which title is vested in the United States, there is hereby authorized to be appropriated the sum of \$16,000,000 for the fiscal year ending June 30, 1960, and a like sum for the fiscal year ending June 30, 1961.

(c) Indian Reservations and Lands.—For the construction, reconstruction, and improvement of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$12,000,000 for the fiscal year ending June 30, 1960, and a like sum for the fiscal year ending June 30, 1961: Provided, That the location, type, and design of all roads and bridges constructed shall be approved by the Secretary of Commerce before any expenditures are made thereon, and all such construction shall be under the general supervision of the Secretary of Commerce.

SEC. 5. PUBLIC LANDS HIGHWAYS.

For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the additional sum of \$1,000,000 for the fiscal year ending June 30, 1959, and the sum of \$3,000,000 for each of the fiscal years ending June 30, 1960, and June 30, 1961.

SEC. 6. SPECIAL PROVISIONS FOR FEDERAL DOMAIN ROADS, ETC.

Any funds authorized herein for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required: Provided, That any amount remaining unexpended two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the department charged with the administration of such funds is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations, and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and such funds shall be deemed to have been expended when so obligated. Any funds heretofore, herein, or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorization shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

Sec. 7. (a) Authorization of Appropriations for Interstate System.—Section 108 (b) of the Federal-Aid Highway Act of 1956

(70 Stat. 374) is hereby amended to read as follows:

"(b) Authorization of Appropriations.—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), there is hereby authorized to be appropriated the additional sum of \$1,000,000,000 for the fiscal year ending June 30,

25 USC 318a.

23 USC 158b.

23 USC 60.

1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of \$1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of \$2,500,-000,000 for the fiscal year ending June 30, 1960, the additional sum of \$2,500,000,000 for the fiscal year ending June 30, 1961, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1963, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1964, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1965, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1966, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1967, the additional sum of \$1,500,000,000 for the fiscal year ending June 30, 1968, and the additional sum of \$1,025,000,000 for the fiscal year ending June 30, 1969."

(b) Apportionments.—Any portion of the additional sum authorized for the fiscal year ending June 30, 1959, by section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by this section, that has not been apportioned heretofore shall be apportioned immediately upon enactment of this Act, using certifications previously furnished by the States pursuant to section 108 (j) of the Federal-Aid Highway Act of 1956 and using the same percentage distributions as were used heretofore in the apportionment of funds authorized by section 108 (b) of the Federal-Aid Highway Act of 1956 for the fiscal

year ending June 30, 1959.

SEC. 8. APPROVAL OF ESTIMATE OF COST OF COMPLETING THE INTERSTATE SYSTEM.

The estimate of cost of completing the Interstate System in each State, transmitted to the Congress on January 7, 1958, by the Secretary of Commerce pursuant to the provisions of section 108 (d) of the Act approved June 29, 1956 (70 Stat. 374), and published as House Document Numbered 300, Eighty-fifth Congress, second session, is hereby approved as the basis for making the apportionment of the funds authorized for the Interstate System for the fiscal year ending June 30, 1960.

SEC. 9. APPORTIONMENT OF FEDERAL-AID HIGHWAY FUNDS FOR FISCAL YEARS 1959 AND 1960.—Notwithstanding the provisions of section 209 (g) of the Act approved June 29, 1956 (70 Stat. 374), the Secretary of Commerce is authorized and directed to apportion among the several States in the manner provided by law, all of the funds authorized for the fiscal years 1959 and 1960, for the Interstate System and the Federal-aid primary and secondary highway systems, including extensions thereof within urban areas.

Sec. 10. Payments for Stockpiled Materials.—The first sentence of the second paragraph of section 13 of the Federal Highway Act, approved November 9, 1921 (42 Stat. 212), is amended by inserting before the period at the end thereof the following: "plus the United States pro rata part of the value of the materials which have been stockpiled in the vicinity of such construction or reconstruction in

conformity to said plans and specifications".

Sec. 11. Subsection (a) of section 111 of the Federal-Aid High-

way Act of 1956 is amended to read as follows:

"(a) Availability of Federal Funds for Reimbursement to STATES.—Subject to the conditions contained in this section, whenever a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are

23 USC 1581.

23 USC 158d.

23 USC 173g.

23 USC 14.

23 USC 162a.

expended on the project: Provided, That Federal funds shall not be reimbursed to any State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State: Provided further, That such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to the date of enactment of the Federal-Aid Highway Act of 1958 for work, including relocation of utility facilities."

Sec. 12. The Federal-Aid Highway Act of 1956 (70 Stat. 374) is amended by renumbering section 122 as section 123 and inserting a

new section 122, as follows:

"SEC. 122. AREAS ADJACENT TO THE INTERSTATE SYSTEM.

"(a) NATIONAL POLICY.—To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is hereby declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is hereby declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

"(1) Directional or other official signs or notices that are required

or authorized by law.

"(2) Signs advertising the sale or lease of the property upon which

they are located.

"(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

"(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and standards of this section, and designed to give information in the specific interest of the

traveling public.

"(b) AGREEMENTS.—The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments

23 USC 172.

of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial: *Provided*, *however*, That any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

"(c) FEDERAL SHARE.—Notwithstanding the provisions of section 2

58 Stat. 839.

Ante p. 93.

of the Federal-Aid Highway Act of 1944 (58 Stat. 838), if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 of this Act, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement: *Provided*, That the increase in the Federal share which is payable hereunder shall be paid only from appropriations from

appropriations are hereby authorized.

"(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is hereby authorized and directed to cooperate fully with the Secretary

moneys in the Treasury not otherwise appropriated, which such

of Commerce in this connection.

"(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost: *Provided*, That reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project."

23 USC 167(c).

Sec. 13. Public Hearings.—Section 116 (c) of the Federal-Aid Highway Act of 1956 is amended by inserting therein, immediately before the colon preceding the proviso, a semicolon and the following: "and any State highway department which submits plans for an Interstate System project shall certify to the Secretary of Commerce that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway".

SEC. 14. RELATIONSHIP OF THIS ACT TO OTHER ACTS: EFFECTIVE DATE.

Effective date.

All provisions of the Federal-Aid Road Act approved July 11, 1916, together with all Acts amendatory thereof or supplementary thereto, not inconsistent with this Act, shall remain in full force and effect and be applicable hereto. All Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed. This Act shall take effect on the date of enactment.

SEC. 15. SHORT TITLE.

Short title.

This Act may be cited as the "Federal-Aid Highway Act of 1958". Approved April 16, 1958.