

ADVANCE ACQUISITION

Section 9 of H.R. 17134 (Section 8 of H.R. 16994) would authorize the acquisition of rights-of-way on the Federal-aid highway systems in anticipation of construction, and would establish a fund to be used for payments to the States for such advance acquisitions. This implements the objectives of the "Study of Advance Acquisition of Highway Rights-of-Way," sent by us to Congress on June 30, 1967. The study concluded that an advance acquisition program would facilitate the orderly and beneficial relocation of persons, businesses, farms, and other users of property acquired for highway development, while at the same time enabling more foresighted planning and minimizing rights-of-way costs.

Advances of funds for this purpose would be made pursuant to agreements between the State highway departments and the Secretary, to provide for the actual construction of a highway within 7 years following the fiscal year in which a request by a State for such funds is made or by the terminal date of the Highway Trust Fund, whichever occurs first.

The advance acquisition proposal would make available an amount equal to 2 percent of a State's apportionment for advance acquisition of rights-of-way. The State must satisfy the Secretary within 6 months of the date of allocation that it will properly obligate such amount for advance acquisition of rights-of-way. Where a State fails so to demonstrate, the availability of such funds will revert to the Secretary, who may in his discretion make them available to the other States at their request and on the basis of need.

To implement this program, there would be authorized to be appropriated from the Highway Trust Fund an amount not to exceed \$100,000,000 for the establishment of an advance acquisition fund and for its replenishment on an annual basis. Pending such appropriation, the Secretary would be authorized to advance, from any cash heretofore or hereafter appropriated from the Highway Trust Fund, such sums as are necessary for payments to the States for rights-of-way acquired in advance of construction.

Provisions of the Highway Revenue Act of 1956 relating to additional appropriations to and expenditures from the Highway Trust Fund and to adjustments of appropriations would be applicable to the advance acquisition of rights-of-way program.

Appropriate regulations will be promulgated to insure that, in the administration of the program, no advance right-of-way shall be acquired for a project in an urban area unless the project is deemed to be consistent with the comprehensive transportation plan developed for the metropolitan area as a whole under the provisions of Section 134 of Title 23, and Section 204 of the Demonstration Cities Act (42 U.S.C. 3334).

FOREST ROADS AND TRAILS

Section 10 of H.R. 17134 (Section 9 of H.R. 16994) amends the definition of "forest road or trail" and "forest development roads and trails" in Section 101(a) of Title 23, United States Code, to include areas other than national forest areas under Forest Service administration. This amendment is made at the recommendation of the Department of Agriculture and is a part of their proposed legislative program. The present definition of "forest road or trail" and "forest development roads and trails" associates these two terms with the national forests only, not with the National Grass Lands and other areas administered by the Forest Service. However, 23 U.S.C. 205(a) authorizes use of funds available for forest development roads and trails to pay for construction and maintenance of roads and trails on experimental and other areas under Forest Service administration. This proposed amendment to 23 U.S.C. 101(a) makes the definition of the two terms consistent with 23 U.S.C. 205(a) and will avoid possible misinterpretation of the intent of both sections.

The Department of Agriculture also recommends amendment of Section 205(c) of Title 23, United States Code, first to clarify the threshold of the limitation on force account construction and, second, to provide an opportunity for more efficient handling of small construction projects. At present, Section 205(c) requires the construction of forest development roads and trails costing \$10,000 or more per mile to be advertised and let to contract.

Section 11 of H.R. 17134 (Section of H.R. 16994) amends Section 205(c) to increase this cost limitation from \$10,000 to \$15,000 per mile and to require advertisement for bids and letting of contracts where construction is estimated to