

Public Law 86-669

AN ACT

To aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes.

July 14, 1960
[H. R. 11135]

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

TITLE I—SHORT TITLE, STATEMENT OF FINDINGS AND POLICY, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "National Capital Transportation Act of 1960".

STATEMENT OF FINDINGS AND POLICY

SEC. 102. The Congress finds that an improved transportation system for the National Capital region (1) is essential for the continued and effective performance of the functions of the Government of the United States, for the welfare of the District of Columbia, for the orderly growth and development of the National Capital region, and for the preservation of the beauty and dignity of the Nation's Capital; (2) requires the planning on a regional basis of a unified system of freeways, parkways, express transit service on exclusive rights-of-way, and other major transportation facilities; (3) requires cooperation among the Federal, State, and local governments of the region and public carriers in the development and administration of major transportation facilities; (4) requires financial participation by the Federal Government in the creation of certain major transportation facilities that are beyond the financial capacity or borrowing power of the public carriers, the District of Columbia, and the local governments of the region; and (5) requires coordination of transportation facilities with other public facilities and with the use of land, public and private. The Congress therefore declares that it is the continuing policy and responsibility of the Federal Government, in cooperation with the State and local governments of the National Capital region, and making full use of private enterprise whenever appropriate, to encourage and aid in the planning and development of a unified and coordinated transportation system for the National Capital region.

DEFINITIONS

SEC. 103. When used in this Act—

(a) "National Capital region" means the District of Columbia, Montgomery and Prince Georges Counties in the State of Maryland, Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in the Commonwealth of Virginia, and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties and cities.

(b) "Government agency" and "government agencies" mean the Government of the United States, District of Columbia, Commonwealth of Virginia, State of Maryland, or any political subdivision, agency, or instrumentality thereof which is located within, or whose jurisdiction includes all or part of, the National Capital region; the term includes, but is not limited to, public authorities, towns, villages, cities, other municipalities, and counties.

TITLE II—CREATION OF A NATIONAL CAPITAL TRANSPORTATION AGENCY

NATIONAL CAPITAL TRANSPORTATION AGENCY

SEC. 201. (a) There is hereby established the National Capital Transportation Agency (hereinafter referred to as the "Agency"). The Agency shall be subject to the direction and supervision of the President, or the head of such department or agency as he may designate. The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at a rate equal to the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended, plus \$500 per annum.

(b) To assist the Administrator in the execution of the functions vested in the Agency there shall be a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at a rate equal to the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended. The Deputy Administrator shall perform such duties as the Administrator may from time to time designate and shall be Acting Administrator during the absence or disability of the Administrator.

(c) No Administrator or Deputy Administrator shall, during his continuance in office, be engaged in any other business, but shall devote himself to the work of the Agency. No Administrator or Deputy Administrator or member of the Advisory Board (established in section 202) shall have financial interest in any corporation engaged in the business of providing public transportation nor in any corporation engaged in the manufacture or selling of passenger transportation equipment or facilities.

ADVISORY BOARD

SEC. 202. There is established an Advisory Board of the National Capital Transportation Agency. The Advisory Board shall be composed of five members appointed by the President, by and with the advice and consent of the Senate, at least three of whom shall be residents of the National Capital region. The President shall designate one member as chairman. The Advisory Board shall meet at least once every ninety days. The Advisory Board shall advise the Administrator in respect of such matters as the general policies of the Agency; Agency policies in connection with acquisition, design, and construction of facilities; fees for the use of Agency facilities and property; planning and administration generally; and such other matters as may be referred to it by the Administrator or which the Advisory Board, in its discretion, may consider. Each member of the Advisory Board, when actually engaged in the performance of his duties, shall receive for his services compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as

amended, together with travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b-2), for persons employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis.

60 Stat. 808.

ADVISORY AND COORDINATING COMMITTEES

SEC. 203. (a) The Administrator is authorized to establish such advisory and coordinating committees composed of representatives of State and local governments, Federal agencies, other Government agencies, and such private organizations and persons as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort in order that a coordinated system of transportation be developed for the National Capital region. These advisory and coordinating committees shall consider problems referred to them by the Administrator and shall make recommendations to the Administrator concerning the activities of the Agency as they affect transit, traffic, and highway conditions, and other matters of mutual interest to the Agency and to the Government agencies, organizations, and persons represented on the advisory and coordinating committees.

(b) The advisory and coordinating committees shall serve the Agency solely in an advisory capacity. Members of such committees shall serve thereon without additional compensation. Members who are not representatives of an agency of the United States may receive travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b-2), for persons serving without compensation.

60 Stat. 808.

PREPARATION AND APPROVAL OF TRANSIT DEVELOPMENT PROGRAM

SEC. 204. The Agency—

(a) Shall prepare, and may from time to time revise, a Transit Development Program. The Transit Development Program shall consist of a plan or plans indicating the general location of facilities in which the Agency will participate for the transportation of persons within the National Capital region, a timetable for the provision of such facilities and comprehensive financial reports including costs, revenues, and benefits. The Transit Development Program may indicate (1) the routes of surface, subsurface, and elevated carriers, including bus and other motor vehicle carriers, rail carriers, waterborne carriers, air carriers, and other carriers, and (2) the location and extent of terminals, stations, platforms, motor vehicle parking facilities for transit users, extra-wide median strips and other rights-of-way, docks, rails or tracks or other similar facilities, bridges, tunnels, buildings or structures, powerplants, repair shops, yards, garages, and other necessary facilities relating to the transportation of persons. The Transit Development Program shall, to the extent practicable, conform to the general plan for the development of the National Capital region and to the comprehensive plan for the National Capital within the meaning of sections 3, 4, and 5 of the National Capital Planning Act of 1952 (66 Stat. 781), except as may be determined by the President.

D.C. Code 1-1001 note.

(b) Shall, in the preparation of the Transit Development Program, give special consideration to:

(1) Expanded use of existing facilities and services, including expanded use and development of existing railroad lines into the District of Columbia, and coordinated and efficient transit service across jurisdictional boundaries and between areas served by different companies: *Provided*, That the Public Utilities Commission of the District of Columbia, before granting its approval to any further

conversion by the D.C. Transit System, Inc., of street railway operations to bus operations as provided in section 7 of the Act of July 24, 1956 (70 Stat. 598), shall consult with the Agency on the possible use of street railway facilities and equipment in the Transit Development Program. The Commission may withhold its approval of such conversion and require the preservation of equipment and facilities already withdrawn from service if it finds that there is a substantial possibility that the Transit Development Program will provide for the continued use of street railway facilities and equipment.

(2) Early development of a subway from Union Station capable of rapid dispersal of passengers from the railhead to the principal employment centers in the District of Columbia and its immediate environs, and capable of being extended to serve other parts of the region: *Provided*, That no freeway, or new parkway more than two lanes in width, shall be built within the District of Columbia west of Twelfth Street, Northwest, and north of either the north or west legs of the proposed Inner Loop Freeway, the proposed Potomac River Expressway, or the proposed Palisades Parkway, before July 1, 1965; and the Agency shall not later than January 10, 1965, submit to the President, for transmittal to Congress, its recommendation as to whether any such freeway or parkway should thereafter be built.

(3) Acquisition and development of rights-of-way and related facilities for providing express transit lines in conjunction with major highways and bridges.

(c) Shall prepare proposals for implementing each part of the Transit Development Program, including preliminary engineering plans, descriptions of the character of services to be rendered, estimates of costs and revenues, arrangements for financing and organization, and other information setting forth the manner in which the program is to be carried out: *Provided*, That no part of the Transit Development Program shall be carried out by the Agency until a report containing a full and complete description of that part of the program has been transmitted to the Congress, and the execution of that part of the program has been expressly authorized by legislation thereafter enacted by the Congress.

(d) In order to facilitate the transition from a Federal agency to an interstate proprietary agency and to further coordination within the National Capital region, shall submit the Transit Development Program and any revision thereof: (1) to the governing bodies of the District of Columbia, Montgomery and Prince Georges Counties in the State of Maryland, and Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in the Commonwealth of Virginia, and the transit regulatory bodies having jurisdiction in the National Capital region for review and comment; (2) to such organizations of government agencies or officials concerned with the solution of the community development problems of the National Capital region on a unified metropolitan basis as are now in existence or as may be created by agreement, law, or compact for review and comment; (3) to the Commission of Fine Arts for review and comment; (4) to private companies transporting persons in the National Capital region and to unions representing the employees of such companies for review and comment; and (5) to the Governors of Maryland and Virginia or such government agencies as they may designate for approval of the location and extent of proposed Agency facilities and the timetable for the provision of such facilities within Maryland and Virginia, respectively; and except as provided in subsection (e) of this section, the Agency shall not acquire, construct, or operate property, rights-of-way, or facilities indicated in the Transit Development Program or a revision thereof within the State

in which such property, rights-of-way, or facilities are located unless prior thereto the Governor of the State involved or such government agency as he may designate shall have approved the Transit Development Program or the pertinent revision thereof.

(e) Until the Transit Development Program has been approved by the Governor of Maryland or Virginia as provided in subsection (d) of this section, shall, when it proposes to acquire, construct, or operate property, rights-of-way, or facilities located in Virginia or Maryland, first submit plans and other information showing in detail the purposes for which such property, rights-of-way, or facilities are to be used to the Governor of the State in which the property, rights-of-way, or facilities are to be located, or to such government agency as may be designated by the Governor. In implementing programs approved by the Congress in accordance with subsection (c) of this section, the Agency may acquire, construct, or operate such property, rights-of-way, or facilities, as the case may be, in the State upon approval of the Governor thereof, or of the designated government agency.

(f) Shall conduct research, surveys, experimentation, evaluation, design and development, in cooperation with other Government agencies and private organizations when appropriate, on the needs of the region for transportation; on facilities, equipment, and services to meet those needs; on organization and financial arrangements for regional transportation; and on other matters relating to the movement of persons in the region. The Agency's studies shall include a continuation of the work begun in the mass transportation survey conducted by the National Capital Planning Commission and the National Capital Regional Planning Council, pursuant to the Second Supplemental Appropriations Act of 1955 (69 Stat. 33), and shall include further studies as may be necessitated by changed conditions, the availability of new techniques, and the response of Government agencies and the public to the transportation plan adopted by the Commission and Council. The Agency's studies shall also include evaluations of the transportation system recommended in the transportation plan, and of alternative facilities and kinds of services.

(g) Shall submit to the President for transmittal to Congress, not later than November 1, 1962, recommendations for organization and financial arrangements for transportation in the National Capital region. The Agency shall consider the following organizational alternatives, among others: a Federal corporation, an organization established by interstate compact, and continuation or modification of the organization established by this Act. In preparing its recommendations the Agency shall consult with the governments of the District of Columbia, Maryland, and Virginia, the local governments of the National Capital region, and the Federal agencies having an interest in transportation in the National Capital region: *Provided*, That any recommendations submitted by the Agency shall provide as far as possible for the payment of all costs by persons using or benefiting from regional transportation facilities and services, and shall provide for the equitable sharing of any remaining costs among the Federal, State, and local governments.

FUNCTIONS, DUTIES, AND POWERS

SEC. 205. (a) Subject to the provisions of this title, the Agency—

(1) in order to implement those parts of the Transit Development Program approved by statute in accordance with section 204(c), and except as provided in the proviso of paragraph (2) of this subsection, may acquire (by purchase, lease, condemnation,

or otherwise) or construct transit facilities, property, and rights-of-way for the transportation of persons within the National Capital region. Such facilities, property, and rights-of-way may include those enumerated under section 204(a) or any other necessary transit facilities, property, or rights-of-way relating to transportation of persons. The Agency may contribute funds for the acquisition of rights-of-way for, and the construction of limited amounts of freeway, parkway, and other arterial highway facilities, including construction incidental to the use and protection of such rights-of-way for transit facilities, to the government agencies having jurisdiction thereof if, in the opinion of the Agency, such contributions are necessary to the fulfillment of the objectives of this Act;

(2) may operate all facilities acquired or constructed by it, or may enter into agreements with government agencies, private transit companies, railroads, or other persons for the operation of its facilities, the use of its operating rights, or the provision of transit services making use of other facilities and operating rights: *Provided*, That the Agency shall not operate any transit facilities, or provide by agreement for the operation of transit facilities, until the Congress shall establish for the Agency a labor relations policy, defining labor's right to organize, to bargain collectively, to arbitrate disputes, and to safeguard job rights: *Provided further*, That the Agency shall not acquire the facilities, property, or rights-of-way of private motorbus companies and persons; or operate buses or similar motor vehicles or make agreements for the provision of motorbus services competitive with private transit companies; but may make agreements for the provision of service which is not competitive with services of private transit companies and persons;

(3) shall encourage private transit companies to provide needed services in a manner consistent with the Transit Development Program;

(4) may lease space or property owned or acquired by the Agency, or may contract with persons for the purpose of constructing and operating facilities, which, in the opinion of the Agency, will encourage or facilitate the use of transit facilities of the Agency. Rentals or other fiscal arrangements in connection with such leases or contracts shall be adjusted so that undue competitive advantage is not given over other persons in the National Capital region: *Provided*, That in the operation of such facilities, the lessee or franchise holder shall comply with all applicable Federal, State, and local building and zoning laws, ordinances, and regulations;

(5) may enter into and perform contracts, leases, and agreements, and other transactions with any government agency, private transit company, railroad, or other persons;

(6) may sell or lease advertising space or may contract with responsible persons for the sale or lease of such space: *Provided*, That the lessee or contractee shall comply with all applicable Federal, State, and local zoning and advertising laws, ordinances, and regulations;

(7) shall cooperate with government agencies to facilitate coordination of location, design, and construction of freeways, parkways, and other arterial highway facilities with the Transit Development Program. The purpose of such coordination is to assure the comprehensive development of transportation facilities best suited to meet the objectives of this Act and to achieve maximum benefits from moneys available for such purposes. The re-

sponsibility and authority for location, design, construction, and operation of freeways, parkways, and other arterial highway facilities shall remain with the government agencies having jurisdiction thereof, but all Federal agencies' plans for location and design of highway facilities shall be forwarded to the Agency, and all State and local agencies' plans for location and design of highway facilities may be requested by the Agency for its review and comment. The Agency shall cooperate with all planning agencies of the National Capital region and the appropriate government transportation regulatory agencies including the Washington Metropolitan Area Transit Commission in the development of transportation facilities and, wherever feasible and desirable, develop joint plans with such agencies;

(8) may initiate proposals for regulating and coordinating the flow of traffic in the National Capital region so as to promote the optimum use of the highway network and other transportation facilities;

(9) may make or participate in studies of all phases of transportation into, within, and out of the National Capital region, including transit vehicle research and development and fiscal research studies. The Agency may publicize and make available the results of such studies and other information relating to transportation;

(10) may appoint and fix the compensation of officers, attorneys, agents, and employees; may define their powers and duties; may require bonds for the faithful performance of their duties; may employ experts and consultants or organizations thereof to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed the usual rates for similar services;

5 USC 55a.

(11) may, subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, place not to exceed five positions in grades 16, 17, or 18 of the General Schedule established by such Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by such section 505;

5 USC 1105.

(12) may make such expenditures at the seat of government and elsewhere as may be necessary for the exercise and performance of the powers and duties vested in the Agency and as from time to time may be appropriated for by the Congress, including expenditures for (1) rent and personal services at the seat of government and elsewhere; (2) travel expenses; (3) office furniture, equipment and supplies, lawbooks, newspapers, periodicals, and books of reference (including the exchange thereof); and (4) printing and binding; and

(13) may, by agreement with the Board of Commissioners of the District of Columbia, designate such Board as the instrumentality through and by which facilities of the Agency in the District of Columbia are to be designed and constructed.

(b) The Agency, its property, income, and transactions are expressly exempted from taxation in any manner or form or from the imposition of any licenses or fees of any kind whatsoever by any State or political subdivision thereof and by the District of Columbia but such exemption shall not extend to contractors for, or lessees of, the Agency, or to any person, company or association which engages in any business activity pursuant to any franchise, grant or agreement of the Agency.

(c) Every agency or instrumentality of the Government of the United States and of the government of the District of Columbia may

enter into agreements with the Agency in respect of any matter for which such agreements are authorized pursuant to this Act.

(d) The provisions of section 355 of the Revised Statutes, as amended (40 U.S.C. 255), shall be applicable to property acquired by the Agency. Proceedings in behalf of the Agency for the condemnation of property in the District of Columbia shall be instituted and maintained under the Act of March 1, 1929 (45 Stat. 1415), as amended; and of property elsewhere, under the Act of August 1, 1888, as amended (40 U.S.C. 257), the Act of February 26, 1931 (46 Stat. 1421 and the following, 40 U.S.C. 258), or any other applicable Act. This subsection shall apply to both real and personal property: *Provided*, That no action in condemnation of any property shall be commenced in behalf of the Agency until a reasonable effort has been made to negotiate with the owner of the property.

(e) Subject to the provisions of section 204(c), such sums as shall be required to carry out the purposes of this title are authorized to be appropriated.

TITLE III—AUTHORIZATION FOR NEGOTIATION OF INTERSTATE COMPACT

SEC. 301. (a) It is the intent of Congress to promote and encourage the solution of problems of a regional character in the National Capital region by means of an interstate compact entered into by the State of Maryland, the Commonwealth of Virginia and the Board of Commissioners of the District of Columbia, with the consent of Congress. To further this policy, the consent of Congress is hereby given to the State of Maryland and the Commonwealth of Virginia and the Board of Commissioners of the District of Columbia to negotiate a compact for the establishment of an organization to serve as a means of consultation and cooperation among the Federal, State, and local governments in the National Capital region, to formulate plans and policies for the development of the region, and to perform governmental functions of a regional character, including but not limited to the provision of regional transportation facilities. No such compact shall be binding upon the parties thereto unless and until it has been approved by the Congress.

(b) As promptly as practicable after the State of Maryland and the Commonwealth of Virginia have approved a compact for the establishment of an organization empowered to provide regional transportation facilities, the President shall submit to the Congress such recommendations as may be necessary or desirable to transfer to such organization such real and personal property, personnel, records, other assets, and liabilities as are appropriate in order that such organization may assume the functions and duties of the Agency.

(c) The President shall appoint a person to participate in the compact negotiations and to represent the United States generally. The Federal representative shall report to the President either directly or through such agency or official of the Government as the President may specify.

(d) The Federal representative, if not otherwise employed by the United States, shall receive for his services, when actually engaged in the performance of his duties, compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended, together with travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (6 U.S.C. 73b-2), for persons employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis: *Provided*, That if the

D.C. Code 16-
619 et seq.
25 Stat. 357.

5 USC 1071 note.

60 Stat. 808.
5 USC 73b-2.

Federal representative shall be an employee of the United States he shall serve without additional compensation.

(e) The Federal representative shall be provided with office space, consulting, engineering, and stenographic service, and other necessary administrative services.

(f) The compensation of the Federal representative shall be paid from the current appropriation for salaries in the White House Office. Travel and other expenses provided for in subsections (d) and (e) of this section shall be paid from any current appropriation or appropriations selected by the head of such agency or agencies as may be designated by the President to provide for such expenses.

(g) The State and Federal representatives appointed to participate in the compact negotiations are authorized to request from the Agency any information they deem necessary to carry out their functions under this section; and the Agency is authorized to cooperate with the compact representatives and, to the extent permitted by law, to furnish such information upon request made by the compact representatives.

SEPARABILITY

SEC. 302. If any part of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the applicability of such part to other persons and circumstances and the constitutionality or validity of every other part of the Act shall not be affected thereby.

Approved July 14, 1960.

Public Law 86-670

AN ACT

To amend sections 511 and 512 of title 38, United States Code, to permit Indian war and Spanish-American War veterans to elect to receive pension at the rates applicable to veterans of World War I.

July 14, 1960
[H. R. 9786]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 511 of title 38, United States Code, is amended by adding at the end thereof the following:

"(c) Any veteran eligible for pension under this section shall, if he so elects, be paid pension at the rates prescribed by section 521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable."

SEC. 2. Section 512(a) of title 38, United States Code, is amended by adding at the end thereof the following:

"(3) Any veteran eligible for pension under this subsection shall, if he so elects, be paid pension at the rates prescribed by section 521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable."

SEC. 3. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act.

Approved July 14, 1960.

Veterans' pen-
sions.
Indian and
Spanish-American
Wars.
72 Stat. 1135.

Effective date.