

Public Law 89-173

AN ACT

To authorize the prosecution of a transit development program for the National Capital region, and to further the objectives of the Act of July 14, 1960.

September 8, 1965
[H. R. 4822]

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

National Capital
Transportation Act
of 1965.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Capital Transportation Act of 1965".

40 USC 651 note.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. To further the objectives of the Act of July 14, 1960, the Congress hereby finds and declares that—

(a) A coordinated system of rail rapid transit, bus transportation service, and highways is essential in the National Capital region (as defined in section 103 of the National Capital Transportation Act of 1960 (74 Stat. 537)) for the satisfactory movement of people and goods, the alleviation of present and future traffic congestion, the economic welfare and vitality of all parts of the region, the effective performance of the functions of the United States Government located within the region, the orderly growth and development of the region, the comfort and convenience of the residents and visitors to the region, and the preservation of the beauty and dignity of the Nation's Capital.

(b) Such a coordinated system should be developed cooperatively by the Federal, State, and local governments of the National Capital region as part of a balanced system of transportation utilizing to their best advantage highways and other transit facilities, and the cost of improved mass transit facilities should be financed, as far as possible, by persons using or benefiting from such facilities and their remaining costs should be shared equitably among the Federal, State, and local governments.

(c) Various steps have already been taken to bring such a system into being, including the preparation by the National Capital Transportation Agency (hereinafter referred to as the "Agency") of a Transit Development Program for the National Capital region, and authorization of the negotiation by the Board of Commissioners of the District of Columbia, the State of Maryland and the Commonwealth of Virginia of an interstate compact to establish a regional transportation organization under the terms of title III of the National Capital Transportation Act of 1960 (74 Stat. 544), and approval by the Congress of the Washington Metropolitan Area Transit Regulation Compact (74 Stat. 1031 and 76 Stat. 764). Nothing in this Act shall be construed as altering or amending the Washington Metropolitan Area Transit Regulation Compact.

D.C. Code 1-
1410 note.

(d) While the negotiation of an interstate compact to establish a regional transportation organization has not been completed, and plans for the development of improved mass transit facilities throughout the National Capital region are still being developed, the Agency has prepared a satisfactory Transit Development Program for the establishment, principally within the District of Columbia, of a system of rail rapid transit lines and related facilities which are capable of being extended to serve other parts of the region, and the design and construction of such

40 USC 651
note.

facilities should now proceed as contemplated by the National Capital Transportation Act of 1960.

(e) In developing such improved transportation facilities, it is necessary that the operation of rail rapid transit and bus services be coordinated, and that the creation and operation of public rail rapid transit facilities be accomplished with the least possible adverse effect on the private companies transporting persons in the National Capital region, on their employees, and on persons, families and businesses displaced by the construction of such facilities.

FACILITIES AUTHORIZED

SEC. 3. (a) In accordance with section 204(c) of the National Capital Transportation Act of 1960 (40 U.S.C. 664(c); 74 Stat. 540), the Agency is hereby authorized, subject to the availability of funds, to design, engineer, construct, equip, and take other action as authorized in this Act necessary to provide for the establishment of the system of rail rapid transit lines and related facilities described in the Agency's report entitled "Rail Rapid Transit for the Nation's Capital, January 1965", transmitted to the Congress by the President on February 10, 1965: *Provided*, That the cost of constructing and equipping such lines and facilities, excluding interest costs, shall not exceed \$431,000,000.

(b) The work authorized by this section shall be subject to the provisions of the National Capital Transportation Act of 1960, shall be carried out substantially in accordance with the plans and schedules contained in the aforesaid report, and shall be subject to the following:

(1) No portion of any rail rapid transit line or related facility authorized hereunder shall be constructed within the United States Capitol Grounds except upon approval of the Commission for Extension of the United States Capitol.

(2) All construction work performed in, on, under, or over public space in the District of Columbia under the authority of this Act shall, in the interest of public convenience and safety, be performed in accordance with schedules agreed upon, and set forth in one or more written agreements, between the Agency and the Board of Commissioners of the District of Columbia, to the end that such construction work will be coordinated with other construction work in such public space, and consistent with such agreement or agreements, the said Board of Commissioners shall so exercise its jurisdiction and control over such public space as to facilitate the Agency's use and occupation thereof for the purposes of this Act.

(3) The rail rapid transit lines and related facilities authorized by this Act shall not be operated except under contract by private transit companies, private railroads, or other private persons. Such contracts shall be entered into only after formal advertisement and negotiations with all interested and qualified parties, including private mass transportation companies in the National Capital region, and only if the Secretary of Labor certifies that terms and conditions, as prescribed in section 10(c) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1609 (c); 78 Stat. 302, 307), to protect the interests of employees affected by any such contract for the operation of the facilities authorized by this Act, are specified in such contract.

(4) If the contractor selected to operate the facilities authorized by this Act contracts for the construction, alteration, and/or repair of such facilities, the agency which lets the contract to operate the rail rapid transit lines and related facilities shall take such action as may be necessary to insure that all laborers and

mechanics employed in the performance of such construction, alteration, and/or repair shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended. The Secretary of Labor shall have with respect to the labor standards specified herein the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(c) Nothing in this Act shall be construed to affect any right to damages which any common carrier engaged in the private transportation of persons in the National Capital region may have by virtue of Public Law 757 of the Eighty-fourth Congress (70 Stat. 598) or Public Law 669 of the Eighty-sixth Congress (74 Stat. 537).

(d) The protection accorded the private bus companies under the provisions of the National Capital Transportation Act of 1960 (74 Stat. 537), and particularly under section 205(a) (2) thereof, shall not be impaired by this Act.

49 Stat. 1011;
78 Stat. 238.
40 USC 276a-
276a-5.

63 Stat. 108.

77 Stat. 421.

40 USC 665.

RELOCATION ASSISTANCE

SEC. 4. The Act of October 6, 1964 (78 Stat. 1004) authorizing the Commissioners of the District of Columbia to provide relocation services to individuals, families, business concerns, and nonprofit organizations which may be or have been displaced from real property by actions of the United States or of the District of Columbia, and all regulations made under the authority of such Act are hereby made applicable to individuals, families, business concerns, and nonprofit organizations displaced from real property by actions of the Agency and the Agency shall pay the District of Columbia Relocation Assistance Office for the cost of such relocations: *Provided*, That in the case of any such displacements from real property located in the State of Maryland or the Commonwealth of Virginia the Agency is authorized to make relocation payments directly to the displaced individual, family, business concern, or nonprofit organization, as the case may be, in accordance with the schedule of payments contained in the said Act of October 6, 1964, and such rules and regulations as may be prescribed by the Administrator. In the event real property is acquired for the Agency by another Federal agency or by any State or local agency or authority, the Agency is authorized to reimburse the acquiring agency for relocation payments made by it, up to the amounts specified in the aforesaid Act of October 6, 1964.

D.C. Code 5-
728 to 5-732.

APPROPRIATIONS AUTHORIZED

SEC. 5. (a) The cost of designing, engineering, constructing, and equipping the facilities authorized in section 3 hereof shall be financed in part by the Federal and District of Columbia Governments, as follows:

(1) To finance the United States portion there is hereby authorized to be appropriated to the Agency not to exceed \$100,000,000, which shall remain available until expended;

(2) To finance the District of Columbia portion there is hereby authorized to be appropriated to the Agency out of the general fund of the District of Columbia not to exceed \$50,000,000, which shall remain available until expended;

(b) Subsection (b) of section 1 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to borrow

D.C. Code 9-
220.

funds for capital improvements programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City", approved June 6, 1958, as amended (72 Stat. 183, 77 Stat. 130), is amended by striking "\$175,000,000" and inserting in lieu thereof "\$225,000,000"; and by inserting immediately before the period at the end of such subsection the following: "And provided further, That \$50,000,000 of the principal amount of loans authorized to be advanced pursuant to this subsection shall be utilized to carry out the purposes of the National Capital Transportation Act of 1965".

ANNUAL REPORT

SEC. 6. The Agency shall submit to the President for transmission to the Congress at the beginning of each regular session of the Congress an annual report of its operations under this title.

ADVISORY BOARD

40 USC 662.

SEC. 7. Section 202 of the National Capital Transportation Act of 1960, approved July 14, 1960 (74 Stat. 537), is amended by striking "five" from the third line thereof and inserting in lieu thereof "seven"; by striking "three" from the fourth line and inserting in lieu thereof "four"; and by adding at the end of said section the following: "Provided, That if any member of the Advisory Board shall be an employee of the United States or the District of Columbia he shall serve without additional compensation."

SEPARABILITY

SEC. 8. If any part of this Act is declared unconstitutional the constitutionality of no other part of the Act shall be affected thereby.

Approved September 8, 1965.