

106TH CONGRESS
2^D SESSION

H. R. 3686

To amend the Clean Air Act and titles 23 and 49, United States Code, to provide for continued authorization of funding of transportation projects after a lapse in transportation conformity.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2000

Mr. LEWIS of Georgia (for himself and Mr. FILNER) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Clean Air Act and titles 23 and 49, United States Code, to provide for continued authorization of funding of transportation projects after a lapse in transportation conformity.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CONTINUED AUTHORIZATION OF FUNDING OF**
2 **TRANSPORTATION PROJECTS AFTER LAPSE**
3 **IN TRANSPORTATION CONFORMITY.**

4 Section 176(e)(2) of the Clean Air Act (42 U.S.C
5 7506(e)(2)) is amended by adding at the end the fol-
6 lowing:

7 “(E) Notwithstanding subparagraphs (C) and
8 (D), any transportation project identified for fund-
9 ing in a transportation plan and transportation im-
10 provement program adopted under section 134 of
11 title 23 or sections 5303 through 5306 of title 49,
12 United States Code, shall remain eligible for funding
13 under title 23 or chapter 53 of title 49, United
14 States Code, as applicable, after the long-range
15 transportation plan or transportation improvement
16 program no longer conforms as required by subpara-
17 graphs (2)(C)(i) or (2)(D), if—

18 “(i) the long-range transportation plan and
19 transportation program met the requirements of
20 subsection (c) at the time at which a project
21 agreement for the transportation project was
22 approved under section 106(a)(2) of title 23,
23 United States Code, or the project was other-
24 wise approved for assistance under chapter 53
25 of title 49, United States Code, as applicable;

1 “(ii) the transportation project is a trans-
2 portation control measure (as defined in section
3 93.101 of title 40 of the Code of Federal Regu-
4 lations (as in effect on March 1, 1999));

5 “(iii) the transportation project qualifies
6 for an exemption from the requirement that the
7 transportation project come from a conforming
8 metropolitan long-range transportation plan
9 and transportation improvement program under
10 section 93.126 or 93.127 of title 40, Code of
11 Federal Regulations (as in effect on March 1,
12 1999); or

13 “(iv) the transportation project is exempt
14 from a prohibition on approval under section
15 179(b)(1), except that this paragraph shall not
16 apply to a transportation project described in
17 section 179(b)(1)(B)(iv).”.

18 **SEC. 2. AMENDMENT OF LONG-RANGE TRANSPORTATION**
19 **PLANS AND TRANSPORTATION IMPROVE-**
20 **MENT PROGRAMS NOT CONFORMING TO AP-**
21 **PLICABLE IMPLEMENTATION PLANS.**

22 (a) **TRANSPORTATION PLANS.**—Section 134 of title
23 23, United States Code, is amended by adding at the end
24 the following:

1 “(p) AMENDMENTS TO PLANS AND PROGRAMS NOT
2 CONFORMING TO APPLICABLE IMPLEMENTATION
3 PLANS.—Notwithstanding any other provision of law, a
4 long-range transportation plan or transportation improve-
5 ment program under this section that no longer conforms
6 to the applicable implementation plan under section
7 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) and part
8 93 of title 40, Code of Federal Regulations (or a successor
9 regulation), may be amended without a demonstration of
10 conformity if the amendment is solely for the purpose for
11 adding a transportation project—

12 “(1) for which the State submits to the Admin-
13 istrator of the Environmental Protection Agency a
14 request for approval as a transportation control
15 measure (as defined in section 93.101 of title 40,
16 Code of Federal Regulations (as in effect on March
17 1, 1999)) under section 110 of the Clean Air Act
18 (42 U.S.C. 7410); or

19 “(2) that qualifies for an exemption from the
20 requirement that the transportation project come
21 from a conforming metropolitan long-range trans-
22 portation improvement program under section
23 93.126 or 93.127 of title 40, Code of Federal Regu-
24 lations (as in effect on March 1, 1999).”.

1 (b) MASS TRANSPORTATION PLANS.—Section 5303
2 of title 49, United States Code, is amended by adding at
3 the end the following:

4 “(i) AMENDMENTS OF PLANS AND PROGRAMS NOT
5 CONFORMING TO APPLICABLE IMPLEMENTATION
6 PLANS.—Notwithstanding any other provision of law, a
7 long-range transportation plan under this section or a
8 transportation improvement program under section 5304
9 that no longer conforms to the applicable implementation
10 plan under section 176(c) of the Clean Air Act (42 U.S.C.
11 7506(c)) and part 93 of title 40, Code of Federal Regula-
12 tions (or a successor regulation), may be amended without
13 a demonstration of conformity if the amendment is solely
14 for the purpose of adding a transportation project—

15 “(1) for which the State submits to the Admin-
16 istrator of the Environmental Protection Agency a
17 request for approval as a transportation control
18 measure (as defined in section 93.101 of title 40,
19 Code of Federal Regulations (as in effect on March
20 1, 1999)) under section 110 of the Clean Air Act
21 (42 U.S.C. 7410); or

22 “(2) that qualifies for an exemption from the
23 requirement that the transportation project come
24 from a conforming metropolitan long-range trans-
25 portation plan under and transportation improve-

1 ment program under section 93.126 and 93.127 of
2 title 40, Code of Federal Regulations (as in effect on
3 March 1, 1999).”

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