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,
SECTION 1. CONTINUED AUTHORIZATION OF FUNDING OF TRANSPORTATION PROJECTS AFTER LAPSE IN TRANSPORTATION CONFORMITY.

Section 176(c)(2) of the Clean Air Act (42 U.S.C 7506(c)(2)) is amended by adding at the end the following:

“(E) Notwithstanding subparagraphs (C) and (D), any transportation project identified for funding in a transportation plan and transportation improvement program adopted under section 134 of title 23 or sections 5303 through 5306 of title 49, United States Code, shall remain eligible for funding under title 23 or chapter 53 of title 49, United States Code, as applicable, after the long-range transportation plan or transportation improvement program no longer conforms as required by subparagraphs (2)(C)(i) or (2)(D), if—

“(i) the long-range transportation plan and transportation program met the requirements of subsection (c) at the time at which a project agreement for the transportation project was approved under section 106(a)(2) of title 23, United States Code, or the project was otherwise approved for assistance under chapter 53 of title 49, United States Code, as applicable;
“(ii) the transportation project is a transportation control measure (as defined in section 93.101 of title 40 of the Code of Federal Regulations (as in effect on March 1, 1999));

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

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

SEC. 2. AMENDMENT OF LONG-RANGE TRANSPORTATION PLANS AND TRANSPORTATION IMPROVEMENT PROGRAMS NOT CONFORMING TO APPLICABLE IMPLEMENTATION PLANS.

(a) TRANSPORTATION PLANS.—Section 134 of title 23, United States Code, is amended by adding at the end the following:
“(p) Amendments to Plans and Programs Not Conforming to Applicable Implementation Plans.—Notwithstanding any other provision of law, a long-range transportation plan or transportation improvement program under this section that no longer conforms to the applicable implementation plan under section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) and part 93 of title 40, Code of Federal Regulations (or a successor regulation), may be amended without a demonstration of conformity if the amendment is solely for the purpose for adding a transportation project—

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

“(2) that qualifies for an exemption from the requirement that the transportation project come from a conforming metropolitan long-range transportation improvement program under section 93.126 or 93.127 of title 40, Code of Federal Regulations (as in effect on March 1, 1999).”.
(b) MASS TRANSPORTATION PLANS.—Section 5303 of title 49, United States Code, is amended by adding at the end the following:

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

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

“(2) that qualifies for an exemption from the requirement that the transportation project come from a conforming metropolitan long-range transportation plan under and transportation improve-
Program under section 93.126 and 93.127 of title 40, Code of Federal Regulations (as in effect on March 1, 1999).".