To amend title 23, United States Code, to provide funding flexibility for transportation emergencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

November 1, 2011

Mr. Bucshon (for himself, Mr. Farenthold, and Mr. Pence) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to provide funding flexibility for transportation emergencies, and for other purposes.

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “State Transportation

5 Emergency Flexibility Act of 2011”.
SEC. 2. FUNDING FLEXIBILITY FOR TRANSPORTATION EMERGENCIES.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“§ 330. Funding flexibility for transportation emergencies

“(a) IN GENERAL.—Notwithstanding any other provision of law, the chief executive of a State, after declaring an emergency with respect to a transportation facility under subsection (b), may use any covered funds of the State to repair or replace the transportation facility.

“(b) DECLARATION OF EMERGENCY.—To declare an emergency with respect to a transportation facility for purposes of subsection (a), the chief executive of a State shall provide to the Secretary written notice of the declaration, which shall specify—

“(1) the emergency;

“(2) the affected transportation facility; and

“(3) the repair or replacement activities to be carried out.

“(c) DEFINITIONS.—In this section, the following definitions apply:

“(1) COVERED FUNDS.—The term ‘covered funds’ means any amounts apportioned to a State under this title or section 1303 or 1404 of
SAFETEA–LU (23 U.S.C. 101 note; 402 note), including any such amounts required to be set aside for a purpose other than the repair or replacement of a transportation facility under this section.

“(2) EMERGENCY.—The term ‘emergency’ means any event or condition that—

“(A) affects a transportation facility; and

“(B) is determined to be an emergency by the chief executive of a State.

“(3) TRANSPORTATION FACILITY.—The term ‘transportation facility’ means any component of the National Highway System.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“330. Funding flexibility for transportation emergencies.”.