

106TH CONGRESS
2D SESSION

S. 2088

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 SENATE OF THE UNITED STATES

FEBRUARY 23, 2000

Mr. CLELAND introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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,*

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

6 Section 176(c)(2) of the Clean Air Act (42 U.S.C
7 7506(c)(2)) is amended by adding at the end the fol-
8 lowing:

“(E) CONTINUED AUTHORIZATION OF FUNDING.—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 is in conformity as required by subparagraph (C)(i) or (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, Code of Fed-

eral 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. AMENDMENTS 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:

1 “(p) AMENDMENTS OF 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 of
 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 and transportation improvement pro-

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

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