

109TH CONGRESS
1ST SESSION

H. R. 1086

To require the Secretary of Transportation to develop and implement an environmental review process for safety emergency highway projects.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. BURGESS (for himself, Mr. BARTON of Texas, and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, 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 require the Secretary of Transportation to develop and implement an environmental review process for safety emergency highway projects.

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. ENVIRONMENTAL REVIEW PROCESS FOR SAFE-**
4 **TY EMERGENCY PROJECTS.**

5 (a) IN GENERAL.—Notwithstanding any other law,
6 the Secretary of Transportation shall develop and imple-
7 ment a process for the expedited environmental review and
8 approval of safety emergency highway construction or

1 maintenance projects that correct or improve hazardous
2 locations on a highway.

3 (b) REGULATIONS.—The Secretary shall issue regula-
4 tions that—

5 (1) allow the use of the expedited environmental
6 review process for any project correcting or improv-
7 ing hazardous locations on a highway within the
8 boundaries of a State where the motor vehicle acci-
9 dent rate at that location is at least 50 percent high-
10 er than the statewide average for similar classes of
11 highways if the project only includes roadway safety
12 improvements that have a high potential to reduce
13 the number of motor vehicle accidents; and

14 (2) establish criteria for approving deviations
15 from procedures established in regulations issued by
16 the Secretary implementing the National Environ-
17 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

18 (c) USE BY OTHER FEDERAL AGENCIES.—Each
19 Federal agency that—

20 (1) has jurisdiction by law over environmental-
21 related issues that may be affected by a project de-
22 scribed in subsection (b) and the analysis of which
23 would be part of any environmental document re-
24 quired by the National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.); or

1 (2) may be required by Federal law to inde-
2 pendently—

3 (A) conduct an environmental-related re-
4 view or analysis for a project described in sub-
5 section (b);

6 (B) determine whether to issue a permit,
7 license, or approval for the project; or

8 (C) render an opinion or recommendation
9 on the environmental impact of the project,
10 shall issue regulations providing for the expedited proc-
11 essing of, and approval of deviations for, the project by
12 such agency.

13 (d) INVOLVEMENT OF COUNCIL ON ENVIRONMENTAL
14 QUALITY.—A Federal agency approving a deviation under
15 this section shall not be subject to the requirement to con-
16 sult with the Council on Environmental Quality under sec-
17 tion 1506.11 of title 40, Code of Federal Regulations.

○