

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.

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## 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

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## 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:

1           “(E) CONTINUED AUTHORIZATION OF  
2 FUNDING.—Notwithstanding subparagraphs (C)  
3 and (D), any transportation project identified  
4 for funding in a transportation plan and trans-  
5 portation improvement program adopted under  
6 section 134 of title 23 or sections 5303 through  
7 5306 of title 49, United States Code, shall re-  
8 main eligible for funding under title 23 or chap-  
9 ter 53 of title 49, United States Code, as appli-  
10 cable, after the long-range transportation plan  
11 or transportation improvement program no  
12 longer is in conformity as required by subpara-  
13 graph (C)(i) or (D), if—

14           “(i) the long-range transportation  
15 plan and transportation program met the  
16 requirements of subsection (c) at the time  
17 at which a project agreement for the trans-  
18 portation project was approved under sec-  
19 tion 106(a)(2) of title 23, United States  
20 Code, or the project was otherwise ap-  
21 proved for assistance under chapter 53 of  
22 title 49, United States Code, as applicable;

23           “(ii) the transportation project is a  
24 transportation control measure (as defined  
25 in section 93.101 of title 40, Code of Fed-

1 eral Regulations (as in effect on March 1,  
2 1999));

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

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

18 **SEC. 2. AMENDMENTS 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 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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