104TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
104–807

TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS

SEPTEMBER 18, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BLILEY, from the Committee on Commerce, submitted the following

REPORT

[To accompany H.R. 2988]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, to whom was referred the bill (H.R. 2988) to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency Rules, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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AMENDMENT

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

29–006

SECTION 1. TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS.

Section 176(c)(4) (42 U.S.C. 7506(c)(4)) of the Clean Air Act is amended by adding the following at the end thereof:

"(D) Compliance with the rules of the Administrator for determining the conformity of transportation plans, programs, and projects funded or approved under title 23 of the United States Code or the Federal Transit Act to State or Federal implementation plans shall not be required for traffic signal synchronization projects prior to the funding, approval or implementation of such projects. The supporting regional emissions analysis for any conformity determination made with respect to a transportation plan, program, or project shall consider the effect on emissions of any such project funded, approved, or implemented prior to the conformity determination.".

PURPOSE AND SUMMARY

The Clean Air Act requires that transportation plans, programs, and projects in nonattainment areas be reviewed to determine if they "conform" to the State's implementation plan for attaining or maintaining the national ambient air quality standards. This mandate often includes traffic synchronization projects, even though most, if not all, synchronization projects lower vehicle emissions. By requiring that these projects be reviewed before they can be implemented, some projects may be delayed by a year or more, resulting in an increase in vehicle emissions.

H.R. 2988, as reported by the Committee, would allow synchronization projects to proceed before conformity determinations are made. However, nothing in H.R. 2988 would relieve a jurisdiction from its responsibility to subject the synchronization project to a regional emissions analysis at a later date, if such project normally would be subject to such an analysis. Consequently, the emissions impact of a synchronization project—whether the project increases or decreases emissions—will be considered in subsequent conformity determinations.

BACKGROUND AND NEED FOR LEGISLATION

Under section 176 of the Clean Air Act, transportation plans, programs and projects must conform to a State's air quality implementation plan (SIP). Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. Therefore, before a State or appropriate authority may proceed with a transportation activity, it must be demonstrated that a project does not interfere with a State's efforts to achieve its clean air goals.

In the original conformity rule published in 1993, and in the most recent proposed rule streamlining conformity procedures, the Environmental Protection Agency (EPA) takes the position that synchronization projects should not be exempted or excused from this conformity requirement. In some cases, requiring traffic synchronization to undergo conformity determinations before being adopted can delay the project's implementation for more than a year. Representatives of some nonattainment areas argue that such delays are unwarranted, and they argue that such traffic light synchronization results in lower vehicle emissions, and, therefore, should be exempt from conformity determinations.

In its proposed revisions to the 1993 conformity rule, EPA asked for comments on the question of whether traffic synchronization

projects should be exempt from conformity requirements, but indicated its preference not to exempt such projects. In arguing against such an exemption, EPA stated in the preamble to the proposed rule that "some of the projects may be complex, regionally significant projects whose emissions impacts must be assessed in the context of all regionally significant projects." Furthermore, EPA stated that signalization projects cannot be considered de minimis (and thus exempt) "because they may affect traffic flow on a regional level. The emissions impacts may be positive or negative depending on the pollutant of concern, the speeds on the affected roads, and effects on other roads in the network."

HEARINGS

The Committee on Commerce has not held hearings on the legislation.

COMMITTEE CONSIDERATION

On September 18, 1996, the Committee on Commerce met in open markup session and ordered H.R. 2988 reported to the House, as amended, by a voice vote, a quorum being present.

ROLLCALL VOTES

Clause 2(l)(2)(B) of rule XI of the Rules of the House requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto. There were no recorded votes taken in connection with ordering H.R. 2988 reported or in adopting the amendment. The voice votes taken in Committee are as follows:

COMMITTEE ON COMMERCE, 104TH CONGRESS, VOICE VOTES

Bill: H.R. 2988, a bill to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency Rules.

Amendment: Amendment in the Nature of a Substitute offered by Mr. Bilirakis.

Disposition: Agreed to, by a voice vote.

Motion: Motion by Mr. Bliley to order H.R. 2988, as amended, reported to the House.

Disposition: Agreed to, by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee has not held oversight or legislative hearings on this legislation.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Pursuant to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform and Oversight.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, the Committee states that H.R. 2988 would result in no new or increased budget authority or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSSIONAL BUDGET OFFICE,
Washington, DC, September 18, 1996.

Hon. THOMAS J. BLILEY, Jr.,
Chairman, Committee on Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2988, a bill to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency rules, as ordered reported by the House Committee on Commerce on September 18, 1996. CBO estimates that enacting the bill would have no significant effect on the federal budget. Enacting this bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The bill does not contain any intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), and might produce modest savings for local and regional governments by making it easier to implement some traffic synchronization projects.

The bill would allow states and localities using federal funds to proceed with traffic signal synchronization projects without first determining whether such projects are in conformity with state or federal Clean Air Act implementation plans. States and localities would still have to make this determination, but they could do so after the project's approval, funding, or implementation. CBO estimates that this provision would not appreciably change the workload of the Environmental Protection Agency, and thus would result in no significant impact on the federal budget.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee finds that H.R. 2988 would have no inflationary impact.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

SECTION 1.—TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS

The Committee intends for H.R. 2988 to allow States to avoid unnecessary delays when implementing traffic signal synchronization projects while protecting the integrity of the Clean Air Act's conformity program. H.R. 2988 adds a new clause (D) to section 176(c)(4) of the Clean Air Act.

This new clause allows traffic signal synchronization projects to be approved, funded, and implemented without the requirement that they first be determined to be in conformity with State or Federal implementation plans. Because many jurisdictions make conformity determinations infrequently, this will allow traffic signal synchronization projects to go forward without delay.

If traffic signal synchronization projects are part of larger projects which must undergo conformity determinations, it is intended that only the synchronization project may go forward prior to demonstrating conformity. The Committee expects that the other aspects of the transportation project of which synchronization may be a part undergo the normal procedures for determining conformity.

In order to maintain the integrity of the conformity process, the new clause requires that the emissions effect of these projects be considered in all subsequent regional emissions analyses. The supporting regional emissions analysis for any conformity determination made with respect to a transportation plan, program, or project shall consider the emissions effect of any such project funded, approved, or implemented prior to the conformity determination. Consequently, the emissions impact of a synchronization project—whether the project increases or decreases emissions—will be considered in subsequent conformity determinations.

With the adoption of H.R. 2988, the emissions effect of traffic signal synchronization projects will ultimately be considered in the same manner that they are under current law, yet they can be approved, funded, and implemented without unnecessary delay.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 176 OF THE CLEAN AIR ACT

LIMITATIONS ON CERTAIN FEDERAL ASSISTANCE

SEC. 176.
(c)(1) * * *

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(4)(A) * * *

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(D) Compliance with the rules of the Administrator for determining the conformity of transportation plans, programs, and projects funded or approved under title 23 of the United States Code or the Federal Transit Act to State or Federal implementation plans shall not be required for traffic signal synchronization projects prior to the funding, approval or implementation of such projects. The supporting regional emissions analysis for any conformity determination made with respect to a transportation plan, program, or project shall consider the effect on emissions of any such project funded, approved, or implemented prior to the conformity determination.

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