

107TH CONGRESS
2D SESSION

H. R. 5732

To amend the Clean Air Act regarding the conformity of transportation projects to implementation plans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2002

Mr. BRADY of Texas introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act regarding the conformity of transportation projects to implementation plans, 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 “Safe Highways and
5 Roads Act of 2002”.

6 **SEC. 2. AMENDMENTS TO THE CLEAN AIR ACT REGARDING**
7 **ESTIMATES OF EMISSIONS AND CONFORMITY**
8 **REQUIREMENT.**

9 (a) AMENDMENTS.—Section 176(c) of the Clean Air
10 Act (42 U.S.C. 7506(c)) is amended—

(1) in paragraph (1), by adding at the end the following: “For the purpose of this subsection, estimates of emissions from motor vehicles and necessary emissions reduction contained in an implementation plan submitted under section 110 may be used in lieu of an implementation plan approved under section 110 if no such approved implementation plan is available. If the Administrator does not determine the adequacy of any estimates of emissions submitted to the Administrator for use under the preceding sentences within 90 days after the date of submission of the estimates, the estimates shall be deemed to be adequate.”; and

(2) in paragraph (2)—

(A) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(B) in subparagraph (D)—

(i) by striking “Any project” and inserting “any project”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(E) notwithstanding subparagraphs (C) and (D), a transportation project may proceed during a conformity lapse of the applicable

1 transportation plan or transportation improve-
2 ment program if—

3 “(i) the project was included in the
4 first 3 years of the most recently con-
5 forming transportation plan and transpor-
6 tation improvement program (or the con-
7 formity determination’s regional emissions
8 analysis); and

9 “(ii) the design concept and scope of
10 such project have not changed significantly
11 from those analyses.”.

12 (b) CRITERIA AND PROCEDURES.—

13 (1) REVISION.—Not later than 1 year after the
14 date of enactment of this Act, and in accordance
15 with the amendments made by subsection (a), the
16 Administrator of the Environmental Protection
17 Agency shall promulgate revised criteria and proce-
18 dures under section 176(c)(4)(A) of the Clean Air
19 Act (42 U.S.C. 7506(c)(4)(A)).

20 (2) TRANSITIONAL PROVISION.—Notwith-
21 standing the decision of the court in *Environmental*
22 *Defense Fund v. Environmental Protection Agency*,
23 167 F.3d 641 (D.C. Cir. 1999), regulations promul-
24 gated under section 176(c)(4)(A) of the Clean Air

1 Act (42 U.S.C. 7506(c)(4)(A)) shall apply as in ef-
2 fect on March 1, 1999—

3 (A) beginning on the date of enactment of
4 this Act; and

5 (B) ending on the effective date of the cri-
6 teria and procedures revised under paragraph
7 (1).

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