

107TH CONGRESS
2^D SESSION

H. R. 3880

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2002

Received

AN ACT

To provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, 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. CLEAN AIR TRANSPORTATION CONFORMITY;**
4 **TEMPORARY WAIVER FOR NEW YORK AREAS.**

5 (a) TEMPORARY WAIVER.—Notwithstanding any
6 other provision of law, until September 30, 2005, the pro-
7 visions of section 176(c) of the Clean Air Act, and the
8 regulations promulgated thereunder, shall not apply to
9 transportation projects, programs, and plans (as defined
10 in 40 C.F.R. Part 93, Subpart A) for the counties of New
11 York, Queens, Kings, Bronx, Richmond, Nassau, Suffolk,
12 Westchester, Rockland, Putnam, or the towns of Blooming
13 Grove, Chester, Highlands, Monroe, Tuxedo, Warwick,
14 and Woodbury in Orange County, New York. The pre-
15 ceding sentence shall not apply to the regulations under
16 section 176(c)(4)(B)(i) of such Act relating to Federal and
17 State interagency consultation procedures.

18 (b) INTERIM PROGRESS REPORT.—Not later than
19 January 1, 2004, the Governor of New York shall submit
20 to the Committees on Energy and Commerce and Trans-
21 portation and Infrastructure of the House of Representa-
22 tives, the Committee on Environment and Public Works
23 of the Senate, the Administrator of the Environmental
24 Protection Agency, and the Secretary of Transportation
25 a report regarding the status of the State's progress to-

1 wards achieving compliance with the provisions of law and
2 regulation subject to the temporary waiver provided by
3 subsection (a). Such report shall explain in detail the steps
4 that the State has taken towards achieving such compli-
5 ance and identify the necessary steps that remain to be
6 taken by September 30, 2005, in order for the transpor-
7 tation projects, programs, and plans for the counties re-
8 ferred to in subsection (a) to be in compliance with the
9 provisions of section 176(c) of the Clean Air Act, and the
10 regulations promulgated thereunder, by September 30,
11 2005. The report shall also include a regional emissions
12 analysis generally consistent with the requirements of 40
13 CFR 93.122, together with the relevant air quality data.

14 **SEC. 2. METROPOLITAN PLANNING REQUIREMENTS; TEM-**
15 **PORARY WAIVER FOR NEW YORK AREAS.**

16 Notwithstanding any other provision of law, until
17 September 30, 2005, the provisions of sections
18 134(h)(1)(D), 134(i)(3), 134(i)(5), and 134(l)(1) of title
19 23 of the United States Code and sections 5304(a)(1),
20 5305(c), and 5305(e)(1) of title 49 of the United States
21 Code and the regulations promulgated thereunder, shall
22 not apply to the New York Metropolitan Transportation
23 Council or to the Metropolitan Planning Organization des-
24 ignated under section 134(b) of title 23 of the United
25 States Code.

1 **SEC. 3. ADDITIONAL REQUIREMENTS.**

2 (a) PROHIBITION ON CAPACITY EXPANSION.—Dur-
3 ing the period of the temporary transportation conformity
4 waiver for transportation plans, programs, and projects
5 under section 1, no regionally significant capacity expand-
6 ing highway project shall be added to the Regional Trans-
7 portation Plan for the counties referred to in section 1
8 and no such project may be advanced from the out years
9 of the Plan into the TIP, except as provided in subsection
10 (b).

11 (b) EXCEPTION.—Any regionally significant capacity
12 expanding highway project south of Canal Street and West
13 of Broadway in Manhattan may be added to the Plan re-
14 ferred to in subsection (a) if—

15 (1) the project is part of a redevelopment plan
16 for lower Manhattan subject to NEPA and the New
17 York State Environmental Quality Act, as applica-
18 ble; and

19 (2) any projected increases in transportation re-
20 lated emissions resulting from the project are offset
21 by corresponding reductions within the affected
22 county, with best efforts made to secure reductions

1 from within the immediate area affected by the
2 project's emissions.

Passed the House of Representatives September 10,
2002.

Attest:

JEFF TRANDAHL,

Clerk.