



1           “(A) the Secretary shall have the lead role  
2 among Federal agencies in carrying out the en-  
3 vironmental review process for surface transpor-  
4 tation projects;

5           “(B) each Federal agency shall cooperate  
6 with the Secretary to expedite the environ-  
7 mental review process for surface transpor-  
8 tation projects;

9           “(C) there shall be a presumption that the  
10 mode, facility type, and corridor location for a  
11 surface transportation project will be deter-  
12 mined in the transportation planning process,  
13 as established in sections 134 and 135 and sec-  
14 tions 5303 and 5304 of title 49;

15           “(D) project sponsors shall not be prohib-  
16 ited from carrying out pre-construction project  
17 development activities concurrently with the en-  
18 vironmental review process;

19           “(E) programmatic approaches shall be  
20 used, to the maximum extent possible, to reduce  
21 the need for project-by-project reviews and deci-  
22 sions by Federal agencies; and

23           “(F) the Secretary shall actively support  
24 increased opportunities for project sponsors to

1           assume responsibilities of the Secretary in car-  
2           rying out the environmental review process.”.

3 **SEC. 403. EXEMPTION IN EMERGENCIES.**

4           If any road, highway, or bridge is in operation or  
5 under construction when damaged by an emergency de-  
6 clared by the Governor of the State and concurred in by  
7 the Secretary, or declared by the President pursuant to  
8 the Robert T. Stafford Disaster Relief and Emergency As-  
9 sistance Act (42 U.S.C. 5121), and is reconstructed in the  
10 same location with the same capacity, dimensions, and de-  
11 sign as before the emergency, then that reconstruction  
12 project shall be exempt from any further environmental  
13 reviews, approvals, licensing, and permit requirements  
14 under—

15           (1) the National Environmental Policy Act of  
16           1969 (42 U.S.C. 4321 et seq.);

17           (2) sections 402 and 404 of the Federal Water  
18           Pollution Control Act (33 U.S.C. 1342, 1344);

19           (3) the National Historic Preservation Act (16  
20           U.S.C. 470 et seq.);

21           (4) the Migratory Bird Treaty Act (16 U.S.C.  
22           703 et seq.);

23           (5) the Wild and Scenic Rivers Act (16 U.S.C.  
24           1271 et seq.);

1 (6) the Fish and Wildlife Coordination Act (16  
2 U.S.C. 661 et seq.);

3 (7) the Endangered Species Act of 1973 (16  
4 U.S.C. 1531 et seq.), except when the reconstruction  
5 occurs in designated critical habitat for threatened  
6 and endangered species;

7 (8) Executive Order 11990 (42 U.S.C. 4321  
8 note; relating to the protection of wetlands); and

9 (9) any Federal law (including regulations) re-  
10 quiring no net loss of wetlands.

11 **SEC. 404. ADVANCE ACQUISITION OF REAL PROPERTY IN-**  
12 **TERESTS.**

13 (a) REAL PROPERTY INTERESTS.—Section 108 is  
14 amended—

15 (1) by striking “real property” each place it ap-  
16 pears and inserting “real property interests”;

17 (2) by striking “right-of-way” each place it ap-  
18 pears and inserting “real property interest”; and

19 (3) by striking “rights-of-way” each place it ap-  
20 pears and inserting “real property interests”.

21 (b) STATE-FUNDED EARLY ACQUISITION OF REAL  
22 PROPERTY INTERESTS.—Section 108(c) is amended—

23 (1) in the subsection heading by striking  
24 “EARLY ACQUISITION OF RIGHTS-OF-WAY” and in-

1       serting “STATE-FUNDED EARLY ACQUISITION OF  
2       REAL PROPERTY INTERESTS”;

3               (2) by redesignating paragraphs (1) and (2) as  
4       paragraphs (2) and (3), respectively;

5               (3) in paragraph (2), as redesignated—

6                       (A) in the heading by striking “GENERAL  
7       RULE” and inserting “ELIGIBILITY FOR REIM-  
8       BURSEMENT”; and

9                       (B) by striking “Subject to paragraph (2)”  
10       and inserting “Subject to paragraph (3)”;

11               (4) by inserting before paragraph (2), as redesi-  
12       gnated, the following:

13               “(1) IN GENERAL.—A State may carry out, at  
14       the expense of the State, acquisitions of interests in  
15       real property for a project before completion of the  
16       review process required for the project under the  
17       National Environmental Policy Act of 1969 (42  
18       U.S.C. 4321 et seq.) without affecting subsequent  
19       approvals required for the project by the State or  
20       any Federal agency.”; and

21               (5) in paragraph (3), as redesignated—

22                       (A) in the matter preceding subparagraph

23                       (A) by striking “in paragraph (1)” and insert-  
24       ing “in paragraph (2)”;

1 (B) in subparagraph (G) by striking “both  
2 the Secretary and the Administrator of the En-  
3 vironmental Protection Agency have concurred”  
4 and inserting “the Secretary has determined”.

5 (c) **FEDERALLY FUNDED ACQUISITION OF REAL**  
6 **PROPERTY INTERESTS.**—Section 108 is further amended  
7 by adding at the end the following:

8 “(d) **FEDERALLY FUNDED EARLY ACQUISITION OF**  
9 **REAL PROPERTY INTERESTS.**—

10 “(1) **IN GENERAL.**—The Secretary may author-  
11 ize the use of Federal funds for the acquisition of  
12 a real property interest by a State. For purposes of  
13 this subsection, an acquisition of a real property in-  
14 terest includes the acquisition of any interest in  
15 land, including the acquisition of a contractual right  
16 to acquire any interest in land, or any other similar  
17 action to acquire or preserve rights-of-way for a  
18 transportation facility.

19 “(2) **STATE CERTIFICATION.**—A State request-  
20 ing Federal funding for an acquisition of a real  
21 property interest shall certify in writing that—

22 “(A) the State has authority to acquire the  
23 real property interest under State law;

24 “(B) the acquisition of the real property  
25 interest is for a transportation purpose; and

1           “(C) the State acknowledges that early ac-  
2           quisition will not be considered by the Secretary  
3           in the environmental assessment of a project,  
4           the decision relative to the need to construct a  
5           project, or the selection of a project design or  
6           location.

7           “(3) ENVIRONMENTAL COMPLIANCE.—Before  
8           authorizing Federal funding for an acquisition of a  
9           real property interest, the Secretary shall complete  
10          for the acquisition the review process under the Na-  
11          tional Environmental Policy Act of 1969 (42 U.S.C.  
12          4321 et seq.). For purposes of the review process,  
13          the acquisition of a real property interest shall be  
14          treated as having independent utility and does not  
15          limit consideration of alternatives for future trans-  
16          portation improvements with respect to the real  
17          property interest.

18          “(4) PROGRAMMING.—The acquisition of a real  
19          property interest for which Federal funding is re-  
20          quested shall be included as a project in an applica-  
21          ble transportation improvement program under sec-  
22          tions 134 and 135 and sections 5303 and 5304 of  
23          title 49. The acquisition project may be included in  
24          the transportation improvement program on its own,  
25          without including the future construction project for

1       which the real property interest is being acquired.  
2       The acquisition project may consist of the acquisi-  
3       tion of a specific parcel, a portion of a transpor-  
4       tation corridor, or an entire transportation corridor.

5               “(5) OTHER REQUIREMENTS.—The acquisition  
6       of a real property interest shall be carried out in  
7       compliance with all requirements applicable to the  
8       acquisition of real property interests for federally  
9       funded transportation projects.

10              “(e) CONSIDERATION OF LONG-RANGE TRANSPOR-  
11       TATION NEEDS.—The Secretary shall encourage States  
12       and other public authorities, if practicable, to acquire  
13       transportation real property interests that are sufficient  
14       to accommodate long-range transportation needs and, if  
15       possible, to do so through the acquisition of broad real  
16       property interests that have the capacity for expansion  
17       over a 50- to 100-year period and the potential to accom-  
18       modate one or more transportation modes.”.

19       **SEC. 405. STANDARDS.**

20              Section 109 is amended by adding at the end the fol-  
21       lowing:

22              “(r) UNDERTAKING DESIGN ACTIVITIES BEFORE  
23       COMPLETION OF ENVIRONMENTAL REVIEW PROCESS.—

24                      “(1) IN GENERAL.—A State may carry out, at  
25       the expense of the State, design activities at any

1 level of detail for a project before completion of the  
2 review process required for the project under the  
3 National Environmental Policy Act of 1969 (42  
4 U.S.C. 4321 et seq.) without affecting subsequent  
5 approvals of the project.

6 “(2) ELIGIBILITY FOR REIMBURSEMENT.—Sub-  
7 ject to paragraph (3), funds apportioned to a State  
8 under this title may be used to participate in the  
9 payment of costs incurred by the State for design  
10 activities, if the results of the activities are subse-  
11 quently incorporated (in whole or in substantial  
12 part) into a project eligible for surface transpor-  
13 tation program funds.

14 “(3) TERMS AND CONDITIONS.—The Federal  
15 share payable of the costs described in paragraph  
16 (2) shall be eligible for reimbursement out of funds  
17 apportioned to a State under this title when the de-  
18 sign activities are incorporated (in whole or in sub-  
19 stantial part) into a project eligible for surface  
20 transportation program funds, if the State dem-  
21 onstrates to the Secretary and the Secretary finds  
22 that—

23 “(A) before the time that the cost incurred  
24 by a State is approved for Federal participa-  
25 tion, environmental compliance pursuant to the

1 National Environmental Policy Act of 1969 (42  
2 U.S.C. 4321 et seq.) has been completed for the  
3 project for which the design activities were con-  
4 ducted by the State; and

5 “(B) the design activities conducted pursu-  
6 ant to this subsection did not preclude the con-  
7 sideration of alternatives to the project.”.

8 **SEC. 406. LETTING OF CONTRACTS.**

9 (a) BIDDING REQUIREMENTS.—Section 112(b)(1) is  
10 amended to read as follows:

11 “(1) IN GENERAL.—

12 “(A) COMPETITIVE BIDDING REQUIRE-  
13 MENT.—Subject to paragraphs (2), (3), and  
14 (4), construction of each project, subject to the  
15 provisions of subsection (a), shall be performed  
16 by contract awarded by competitive bidding, un-  
17 less the State transportation department dem-  
18 onstrates, to the satisfaction of the Secretary,  
19 that some other method is more cost effective  
20 or that an emergency exists.

21 “(B) BASIS OF AWARD.—

22 “(i) IN GENERAL.—Contracts for the  
23 construction of each project shall be  
24 awarded only on the basis of the lowest re-

1 sponsive bid submitted by a bidder meeting  
2 established criteria of responsibility.

3 “(ii) PROHIBITION.—No requirement  
4 or obligation shall be imposed as a condi-  
5 tion precedent to the award of a contract  
6 to such bidder for a project, or to the Sec-  
7 retary’s concurrence in the award of a con-  
8 tract to such bidder, unless such require-  
9 ment or obligation is otherwise lawful and  
10 is specifically set forth in the advertised  
11 specifications.”.

12 (b) DESIGN-BUILD CONTRACTING.—Section  
13 112(b)(3) is amended—

14 (1) in subparagraph (A) by striking “subpara-  
15 graph (C)” and inserting “subparagraph (B)”;

16 (2) by striking subparagraph (B);

17 (3) by redesignating subparagraphs (C) through  
18 (E) as subparagraphs (B) through (D), respectively;

19 and

20 (4) in subparagraph (C), as redesignated—

21 (A) in the matter preceding clause (i) by  
22 striking “of the SAFETEA-LU” and inserting  
23 “of the Surface Transportation Extension Act  
24 of 2012, Part II”;

1 (B) in clause (ii) by striking “and” at the  
2 end;

3 (C) in clause (iii)—

4 (i) by striking “final design or”; and

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

7 (D) by adding at the end the following:

8 “(iv) permit the State transportation  
9 department, the local transportation agen-  
10 cy, and the design-build contractor to pro-  
11 ceed, at the expense of one or more of  
12 those entities, with design activities at any  
13 level of detail for a project before comple-  
14 tion of the review process required for the  
15 project under the National Environmental  
16 Policy Act of 1969 (42 U.S.C. 4321 et  
17 seq.) without affecting subsequent approv-  
18 als required for the project. Design activi-  
19 ties carried out under this clause shall be  
20 eligible for Federal reimbursement as a  
21 project expense in accordance with the re-  
22 quirements under section 109(r).”.

23 (c) EFFICIENCIES IN CONTRACTING.—Section 112(b)  
24 is amended by adding at the end the following:

25 “(4) METHOD OF CONTRACTING.—

1 “(A) IN GENERAL.—

2 “(i) TWO-PHASE CONTRACT.—A con-  
3 tracting agency may award a two-phase  
4 contract for preconstruction and construc-  
5 tion services.

6 “(ii) PRE-CONSTRUCTION SERVICES  
7 PHASE.—In the pre-construction services  
8 phase, the contractor shall provide the con-  
9 tracting agency with advice for scheduling,  
10 work sequencing, cost engineering,  
11 constructability, cost estimating, and risk  
12 identification.

13 “(iii) AGREEMENT.—Prior to the  
14 start of the construction services phase,  
15 the contracting agency and the contractor  
16 may agree to a price and other factors  
17 specified in regulation for the construction  
18 of the project or a portion of the project.

19 “(iv) CONSTRUCTION PHASE.—If an  
20 agreement is reached under clause (iii), the  
21 contractor shall be responsible for the con-  
22 struction of the project or portion of the  
23 project at the negotiated price and other  
24 factors specified in regulation.

1           “(B) SELECTION.—A contract shall be  
2 awarded to a contractor using a competitive se-  
3 lection process based on qualifications, experi-  
4 ence, best value, or any other combination of  
5 factors considered appropriate by the con-  
6 tracting agency.

7           “(C) TIMING.—

8           “(i) RELATIONSHIP TO NEPA PROC-  
9 ESS.—Prior to the completion of the proc-  
10 ess required under section 102 of the Na-  
11 tional Environmental Policy Act of 1969  
12 (42 U.S.C. 4332), a contracting agency  
13 may—

14           “(I) issue requests for proposals;

15           “(II) proceed with the award of a  
16 contract for preconstruction services  
17 under subparagraph (A); and

18           “(III) issue notices to proceed  
19 with a preliminary design and any  
20 work related to preliminary design.

21           “(ii) PRECONSTRUCTION SERVICES  
22 PHASE.—If the preconstruction services  
23 phase of a contract under subparagraph  
24 (A)(ii) focuses primarily on one alternative,  
25 the Secretary shall require that the con-

1           tract include appropriate provisions to  
2           achieve the objectives of section 102 of the  
3           National Environmental Policy Act of  
4           1969 (42 U.S.C. 4332) and comply with  
5           other applicable Federal laws and regula-  
6           tions.

7           “(iii)    CONSTRUCTION    SERVICES  
8           PHASE.—A contracting agency may not  
9           proceed with the award of the construction  
10          services phase of a contract under subpara-  
11          graph (A)(iv) and may not proceed, or per-  
12          mit any consultant or contractor to pro-  
13          ceed, with construction until completion of  
14          the process required under section 102 of  
15          the National Environmental Policy Act of  
16          1969 (42 U.S.C. 4332).

17          “(iv)    APPROVAL    REQUIREMENT.—  
18          Prior to authorizing construction activities,  
19          the Secretary shall approve the contracting  
20          agency’s price estimate for the entire  
21          project, as well as any price agreement  
22          with the general contractor for the project  
23          or a portion of the project.

24          “(v)    DESIGN    ACTIVITIES.—A con-  
25          tracting agency may proceed, at its ex-

1           pense, with design activities at any level of  
2           detail for a project before completion of  
3           the review process required for the project  
4           under the National Environmental Policy  
5           Act of 1969 (42 U.S.C. 4321 et seq.) with-  
6           out affecting subsequent approvals re-  
7           quired for the project. Design activities  
8           carried out under this clause shall be eligi-  
9           ble for Federal reimbursement as a project  
10          expense in accordance with the require-  
11          ments under section 109(r).”.

12 **SEC. 407. ELIMINATION OF DUPLICATION IN HISTORIC**  
13 **PRESERVATION REQUIREMENTS.**

14          (a) **PRESERVATION OF PARKLANDS.**—Section 138 is  
15 amended by adding at the end the following:

16          “(c) **ELIMINATION OF DUPLICATION FOR HISTORIC**  
17 **SITES AND PROPERTIES.**—The requirements of this sec-  
18 tion shall be considered to be satisfied for an historic site  
19 or property where its treatment has been agreed upon in  
20 a memorandum of agreement by invited and mandatory  
21 signatories, including the Advisory Council on Historic  
22 Preservation, if participating, in accordance with section  
23 106 of the National Historic Preservation Act (16 U.S.C.  
24 470f).”.

1 (b) POLICY ON LANDS, WILDLIFE AND WATERFOWL  
2 REFUGES, AND HISTORIC SITES.—Section 303 of title 49,  
3 United States Code, is amended by adding at the end the  
4 following:

5 “(e) ELIMINATION OF DUPLICATION FOR HISTORIC  
6 SITES AND PROPERTIES.—The requirements of this sec-  
7 tion shall be considered to be satisfied for an historic site  
8 or property where its treatment has been agreed upon in  
9 a memorandum of agreement by invited and mandatory  
10 signatories, including the Advisory Council on Historic  
11 Preservation, if participating, in accordance with section  
12 106 of the National Historic Preservation Act (16 U.S.C.  
13 470f).”.

14 **SEC. 408. FUNDING THRESHOLD.**

15 Section 139(b) is amended by adding at the end the  
16 following:

17 “(3) FUNDING THRESHOLD.—The Secretary’s  
18 approval of a project receiving funds under this title  
19 or under chapter 53 of title 49 shall not be consid-  
20 ered a Federal action for the purposes of the Na-  
21 tional Environmental Policy Act of 1969 if such  
22 funds—

23 “(A) constitute 15 percent or less of the  
24 total estimated project costs; or

25 “(B) are less than \$10,000,000.”.

1 **SEC. 409. EFFICIENT ENVIRONMENTAL REVIEWS FOR**  
2 **PROJECT DECISIONMAKING.**

3 (a) FLEXIBILITY.—Section 139(b) is further amend-  
4 ed—

5 (1) in paragraph (2) by inserting “, and any re-  
6 quirements established in this section may be satis-  
7 fied,” after “exercised”; and

8 (2) by adding after paragraph (3), as added by  
9 this Act, the following:

10 “(4) PROGRAMMATIC COMPLIANCE.—At the re-  
11 quest of a State, the Secretary may modify the pro-  
12 cedures developed under this section to encourage  
13 programmatic approaches and strategies with re-  
14 spect to environmental programs and permits (in  
15 lieu of project-by-project reviews).”.

16 (b) FEDERAL LEAD AGENCY.—Section 139(c) is  
17 amended—

18 (1) in paragraph (1) by adding at the end the  
19 following: “If the project requires approval from  
20 more than one modal administration within the De-  
21 partment, the Secretary shall designate a single  
22 modal administration to serve as the Federal lead  
23 agency for the Department in the environmental re-  
24 view process for the project.”;

1           (2) in paragraph (3) by inserting “or other ap-  
2           provals by the Secretary” after “chapter 53 of title  
3           49”; and

4           (3) by striking paragraph (5) and inserting the  
5           following:

6           “(5) ADOPTION AND USE OF DOCUMENTS.—  
7           Any environmental document prepared in accordance  
8           with this subsection shall be adopted and used by  
9           any Federal agency in making any approval of a  
10          project subject to this section as the document re-  
11          quired to be completed under the National Environ-  
12          mental Policy Act of 1969.”.

13          (c) PARTICIPATING AGENCIES.—

14           (1) EFFECT OF DESIGNATION.—Section  
15          139(d)(4) is amended to read as follows:

16           “(4) EFFECT OF DESIGNATION.—

17           “(A) REQUIREMENT.—A participating  
18           agency shall comply with the requirements of  
19           this section and any schedule established under  
20           this section.

21           “(B) IMPLICATION.—Designation as a par-  
22           ticipating agency under this subsection shall not  
23           imply that the participating agency—

24                   “(i) supports a proposed project; or

1                   “(ii) has any jurisdiction over, or spe-  
2                   cial expertise with respect to evaluation of,  
3                   the project.”.

4                   (2) CONCURRENT REVIEWS.—Section 139(d)(7)  
5                   is amended to read as follows:

6                   “(7) CONCURRENT REVIEWS.—Each partici-  
7                   pating agency and cooperating agency shall—

8                   “(A) carry out obligations of that agency  
9                   under other applicable law concurrently, and in  
10                  conjunction, with the review required under the  
11                  National Environmental Policy Act of 1969 (42  
12                  U.S.C. 4321 et seq.); and

13                  “(B) formulate and implement administra-  
14                  tive, policy, and procedural mechanisms to en-  
15                  able the agency to ensure completion of the en-  
16                  vironmental review process in a timely, coordi-  
17                  nated, and environmentally responsible man-  
18                  ner.”.

19                  (d) PROJECT INITIATION.—Section 139(e) is amend-  
20                  ed by adding at the end the following: “The project spon-  
21                  sor may satisfy this requirement by submitting to the Sec-  
22                  retary a draft notice for publication in the Federal Reg-  
23                  ister announcing the preparation of an environmental im-  
24                  pact statement for the project.”.

1 (e) ALTERNATIVES ANALYSIS.—Section 139(f) is  
2 amended—

3 (1) in paragraph (4)—

4 (A) by amending subparagraph (B) to read  
5 as follows

6 “(B) RANGE OF ALTERNATIVES.—

7 “(i) IN GENERAL.—Following partici-  
8 pation under paragraph (1), the lead agen-  
9 cy shall determine the range of alternatives  
10 for consideration in any document which  
11 the lead agency is responsible for pre-  
12 paring for the project.

13 “(ii) LIMITATION.—The range of al-  
14 ternatives shall be limited to alternatives  
15 that are consistent with the transportation  
16 mode and general design of the project de-  
17 scribed in the long-range transportation  
18 plan or transportation improvement pro-  
19 gram prepared pursuant to section 134 or  
20 135 or section 5303 or 5304 of title 49.

21 “(iii) RESTRICTION.—A Federal agen-  
22 cy may not require the evaluation of any  
23 alternative that was evaluated, but not  
24 adopted—

1                   “(I) in any prior State or Fed-  
2                   eral environmental document with re-  
3                   gard to the applicable long-range  
4                   transportation plan or transportation  
5                   improvement program; or

6                   “(II) after the preparation of a  
7                   programmatic or tiered environmental  
8                   document that evaluated alternatives  
9                   to the project.

10                  “(iv) LEGAL SUFFICIENCY.—The eval-  
11                  uation of the range of alternatives shall be  
12                  deemed legally sufficient if the environ-  
13                  mental document complies with the re-  
14                  quirements of this paragraph.”;

15                  (B) in subparagraph (C)—

16                   (i) by striking “(C) METHODOLO-  
17                   GIES.—The lead agency” and inserting the  
18                   following:

19                   “(C) METHODOLOGIES.—

20                   “(i) IN GENERAL.—The lead agency”;

21                   (ii) by striking “in collaboration with  
22                   participating agencies at appropriate times  
23                   during the study process” and inserting  
24                   “after consultation with participating

1 agencies as part of the scoping process”;  
2 and

3 (iii) by adding at the end the fol-  
4 lowing:

5 “(ii) COMMENTS.—Each participating  
6 agency shall limit comments on such meth-  
7 odologies to those issues that are within  
8 the authority and expertise of such partici-  
9 pating agency.

10 “(iii) STUDIES.—The lead agency may  
11 not conduct studies proposed by any par-  
12 ticipating agency that are not within the  
13 authority or expertise of such participating  
14 agency.”; and

15 (C) by adding at the end the following:

16 “(E) LIMITATIONS ON THE EVALUATION  
17 OF IMPACTS EVALUATED IN PRIOR ENVIRON-  
18 MENTAL DOCUMENTS.—

19 “(i) IN GENERAL.—The lead agency  
20 may not reevaluate, and a Federal agency  
21 may not require the reevaluation of, cumu-  
22 lative impacts or growth-inducing impacts  
23 where such impacts were previously evalu-  
24 ated in—

1                   “(I) a long-range transportation  
2                   plan or transportation improvement  
3                   program developed pursuant to sec-  
4                   tion 134 or 135 or section 5303 or  
5                   5304 of title 49;

6                   “(II) a prior environmental docu-  
7                   ment approved by the Secretary; or

8                   “(III) a prior State environ-  
9                   mental document approved pursuant  
10                  to a State law that is substantially  
11                  equivalent to section 102(2)(C) of the  
12                  National Environmental Policy Act of  
13                  1969 (42 U.S.C. 4332(2)(C)).

14                  “(ii) LEGAL SUFFICIENCY.—The eval-  
15                  uation of cumulative impacts and growth  
16                  inducing impacts shall be deemed legally  
17                  sufficient if the environmental document  
18                  complies with the requirements of this  
19                  paragraph.”; and

20                  (2) by adding at the end the following:

21                  “(5) EFFECTIVE DECISIONMAKING.—

22                  “(A) CONCURRENCE.—At the discretion of  
23                  the lead agency, a participating agency shall be  
24                  presumed to concur in the determinations made  
25                  by the lead agency under this subsection unless

1 the participating agency submits an objection to  
2 the lead agency in writing within 30 days after  
3 receiving notice of the lead agency's determina-  
4 tion and specifies the statutory basis for the ob-  
5 jection.

6 “(B) ADOPTION OF DETERMINATION.—If  
7 the participating agency concurs or does not ob-  
8 ject within the 30-day period, the participating  
9 agency shall adopt the lead agency's determina-  
10 tion for purposes of any reviews, approvals, or  
11 other actions taken by the participating agency  
12 as part of the environmental review process for  
13 the project.”

14 (f) COORDINATION PLAN.—Section 139(g) is amend-  
15 ed—

16 (1) in paragraph (1)(A) by striking “project or  
17 category of projects” and inserting “project, cat-  
18 egory of projects, or program of projects”;

19 (2) by amending paragraph (3) to read as fol-  
20 lows:

21 “(3) DEADLINES FOR DECISIONS UNDER  
22 OTHER LAWS.—

23 “(A) PRIOR APPROVAL DEADLINE.—If a  
24 participating agency is required to make a de-  
25 termination regarding or otherwise approve or

1 disapprove the project prior to the record of de-  
2 cision or finding of no significant impact of the  
3 lead agency, such participating agency shall  
4 make such determination or approval not later  
5 than 30 days after the lead agency publishes  
6 notice of the availability of a final environ-  
7 mental impact statement or other final environ-  
8 mental document, or not later than such other  
9 date that is otherwise required by law, which-  
10 ever occurs first.

11 “(B) OTHER DEADLINES.—With regard to  
12 any determination or approval of a partici-  
13 pating agency that is not subject to subpara-  
14 graph (A), each participating agency shall make  
15 any required determination regarding or other-  
16 wise approve or disapprove the project not later  
17 than 90 days after the date that the lead agen-  
18 cy approves the record of decision or finding of  
19 no significant impact for the project, or not  
20 later than such other date that is otherwise re-  
21 quired by law, whichever occurs first.

22 “(C) DEEMED APPROVED.—In the event  
23 that any participating agency fails to make a  
24 determination or approve or disapprove the  
25 project within the applicable deadline described

1 in subparagraphs (A) and (B), the project shall  
2 be deemed approved by such participating agen-  
3 cy, and such approval shall be deemed to com-  
4 ply with the applicable requirements of Federal  
5 law.

6 “(D) JUDICIAL REVIEW.—

7 “(i) IN GENERAL.—An approval of a  
8 project under subparagraph (C) shall not  
9 be subject to judicial review.

10 “(ii) WRITTEN FINDING.—The Sec-  
11 retary may issue a written finding  
12 verifying the approval made in accordance  
13 with this paragraph.”; and

14 (3) by striking paragraph (4).

15 (g) ISSUE IDENTIFICATION AND RESOLUTION.—Sec-  
16 tion 139(h)(4) is amended by adding at the end the fol-  
17 lowing:

18 “(C) RESOLUTION FINAL.—

19 “(i) IN GENERAL.—The lead agency  
20 and participating agencies may not recon-  
21 sider the resolution of any issue agreed to  
22 by the relevant agencies in a meeting  
23 under subparagraph (A).

24 “(ii) COMPLIANCE WITH APPLICABLE  
25 LAW.—Any such resolution shall be

1           deemed to comply with applicable law not-  
2           withstanding that the agencies agreed to  
3           such resolution prior to the approval of the  
4           environmental document.”.

5           (h) STREAMLINED DOCUMENTATION AND DECISION-  
6 MAKING.—Section 139 is amended—

7           (1) by redesignating subsections (i) through (l)  
8           as subsections (k) through (n), respectively; and

9           (2) by inserting after subsection (h) the fol-  
10          lowing:

11          “(i) STREAMLINED DOCUMENTATION AND DECISION-  
12 MAKING.—

13           “(1) IN GENERAL.—The lead agency in the en-  
14          vironmental review process for a project, in order to  
15          reduce paperwork and expedite decisionmaking, shall  
16          prepare a condensed final environmental impact  
17          statement.

18           “(2) CONDENSED FORMAT.—A condensed final  
19          environmental impact statement for a project in the  
20          environmental review process shall consist only of—

21           “(A) an incorporation by reference of the  
22          draft environmental impact statement;

23           “(B) any updates to specific pages or sec-  
24          tions of the draft environmental impact state-  
25          ment as appropriate; and

1           “(C) responses to comments on the draft  
2           environmental impact statement and copies of  
3           the comments.

4           “(3) TIMING OF DECISION.—Notwithstanding  
5           any other provision of law, in conducting the envi-  
6           ronmental review process for a project, the lead  
7           agency shall combine a final environmental impact  
8           statement and a record of decision for the project  
9           into a single document if—

10           “(A) the alternative approved in the record  
11           of decision is either a preferred alternative that  
12           was identified in the draft environmental im-  
13           pact statement or is a modification of such pre-  
14           ferred alternative that was developed in re-  
15           sponse to comments on the draft environmental  
16           impact statement;

17           “(B) the Secretary has received a certifi-  
18           cation from a State under section 128, if such  
19           a certification is required for the project; and

20           “(C) the Secretary determines that the  
21           lead agency, participating agency, or the project  
22           sponsor has committed to implement the meas-  
23           ures applicable to the approved alternative that  
24           are identified in the final environmental impact  
25           statement.

1       “(j) SUPPLEMENTAL ENVIRONMENTAL REVIEW AND  
2 RE-EVALUATION.—

3               “(1) SUPPLEMENTAL ENVIRONMENTAL RE-  
4 VIEW.—After the approval of a record of decision or  
5 finding of no significant impact with regard to a  
6 project, an agency may not require the preparation  
7 of a subsequent environmental document for such  
8 project unless the lead agency determines that—

9                       “(A) changes to the project will result in  
10 new significant impacts that were not evaluated  
11 in the environmental document; or

12                       “(B) new information has become available  
13 or changes in circumstances have occurred after  
14 the lead agency approval of the project that will  
15 result in new significant impacts that were not  
16 evaluated in the environmental document.

17               “(2) RE-EVALUATIONS.—The Secretary may  
18 only require the re-evaluation of a document pre-  
19 pared under the National Environmental Policy Act  
20 of 1969 (42 U.S.C. 4321 et seq.) if—

21                       “(A) the Secretary determines that the  
22 events in paragraph (1)(A) or (1)(B) apply; and

23                       “(B) more than 5 years has elapsed since  
24 the Secretary’s prior approval of the project or  
25 authorization of project funding.

1           “(3) CHANGE TO RECORD OF DECISION.—After  
2           the approval of a record of decision, the Secretary  
3           may not require the record of decision to be changed  
4           solely because of a change in the fiscal cir-  
5           cumstances surrounding the project.”.

6           (i) REGULATIONS.—Section 139(m) (as redesignated  
7           by subsection (h)(1) of this section) is further amended  
8           to read as follows:

9           “(m) REGULATIONS.—

10           “(1) IN GENERAL.—Not later than 1 year after  
11           the date of enactment of the Surface Transportation  
12           Extension Act of 2012, Part II, the Secretary, by  
13           regulation, shall—

14                   “(A) implement this section; and

15                   “(B) establish methodologies and proce-  
16                   dures for evaluating the environmental impacts,  
17                   including cumulative impacts and growth-indue-  
18                   ing impacts, of transportation projects subject  
19                   to this section.

20           “(2) COMPLIANCE WITH APPLICABLE LAW.—

21           Any environmental document that utilizes the meth-  
22           odologies and procedures established under this sub-  
23           section shall be deemed to comply with the applica-  
24           ble requirements of—

1           “(A) the National Environmental Policy  
2           Act of 1969 (42 U.S.C. 4321 et seq.) or its im-  
3           plementing regulations; or

4           “(B) any other Federal environmental  
5           statute applicable to transportation projects.”.

6 **SEC. 410. DISPOSAL OF HISTORIC PROPERTIES.**

7           (a) DISPOSAL OF HISTORIC PROPERTIES.—Section  
8 156 is amended—

9           (1) by striking the section heading and insert-  
10          ing “**Sale or lease of real property**”; and

11          (2) by adding at the end the following:

12          “(d) ASSESSMENT OF ADVERSE EFFECTS.—Notwith-  
13          standing part 800 of title 36, Code of Federal Regula-  
14          tions, the sale or lease by a State of any historic property  
15          that is not listed in the National Register of Historic  
16          Places shall not be considered an adverse effect to the  
17          property within any consultation process carried out under  
18          section 106 of the National Historic Preservation Act (16  
19          U.S.C. 470f).”.

20          (b) CLERICAL AMENDMENT.—The analysis for chap-  
21          ter 1 is amended by striking the item relating to section  
22          156 and inserting the following:

          “156. Sale or lease of real property.”.

1 **SEC. 411. INTEGRATION OF PLANNING AND ENVIRON-**  
2 **MENTAL REVIEW.**

3 (a) IN GENERAL.—Chapter 1 is amended by adding  
4 at the end the following:

5 **“§ 167. Integration of planning and environmental re-**  
6 **view**

7 “(a) DEFINITIONS.—In this section, the following  
8 definitions apply:

9 “(1) ENVIRONMENTAL REVIEW PROCESS.—

10 “(A) IN GENERAL.—The term ‘environ-  
11 mental review process’ means the process for  
12 preparing for a project an environmental impact  
13 statement, environmental assessment, categor-  
14 ical exclusion, or other document prepared  
15 under the National Environmental Policy Act of  
16 1969 (42 U.S.C. 4321 et seq.).

17 “(B) INCLUSIONS.—The term ‘environ-  
18 mental review process’ includes the process for  
19 and completion of any environmental permit,  
20 approval, review, or study required for a project  
21 under any Federal law other than the National  
22 Environmental Policy Act of 1969 (42 U.S.C.  
23 4321 et seq.).

24 “(2) PLANNING PRODUCT.—The term ‘planning  
25 product’ means any decision, analysis, study, or  
26 other documented result of an evaluation or deci-

1 sionmaking process carried out during transpor-  
2 tation planning.

3 “(3) PROJECT.—The term ‘project’ means any  
4 highway project or program of projects, public trans-  
5 portation capital project or program of projects, or  
6 multimodal project or program of projects that re-  
7 quires the approval of the Secretary.

8 “(4) PROJECT SPONSOR.—The term ‘project  
9 sponsor’ means the agency or other entity, including  
10 any private or public-private entity, that seeks ap-  
11 proval of the Secretary for a project.

12 “(b) PURPOSE AND FINDINGS.—

13 “(1) PURPOSE.—The purpose of this section is  
14 to establish the authority and provide procedures for  
15 achieving integrated planning and environmental re-  
16 view processes to—

17 “(A) enable statewide and metropolitan  
18 planning processes to more effectively serve as  
19 the foundation for project decisions;

20 “(B) foster better decisionmaking;

21 “(C) reduce duplication in work;

22 “(D) avoid delays in transportation im-  
23 provements; and

1           “(E) better transportation and environ-  
2           mental results for communities and the United  
3           States.

4           “(2) FINDINGS.—Congress finds the following:

5           “(A) This section is consistent with and is  
6           adopted in furtherance of sections 101 and 102  
7           of the National Environmental Policy Act of  
8           1969 (42 U.S.C. 4331 and 4332) and section  
9           109 of this title.

10           “(B) This section should be broadly con-  
11           strued and may be applied to any project, class  
12           of projects, or program of projects carried out  
13           under this title or chapter 53 of title 49.

14           “(c) ADOPTION OF PLANNING PRODUCTS FOR USE  
15           IN NEPA PROCEEDINGS.—

16           “(1) IN GENERAL.—Notwithstanding any other  
17           provision of law and subject to the conditions set  
18           forth in subsection (e), the Federal lead agency for  
19           a project, at the request of the project sponsors, may  
20           adopt and use a planning product in proceedings re-  
21           lating to any class of action in the environmental re-  
22           view process of the project.

23           “(2) PARTIAL ADOPTION OF PLANNING PROD-  
24           UCTS.—The Federal lead agency may adopt a plan-

1       ning product under paragraph (1) in its entirety or  
2       may select portions for adoption.

3           “(3) TIMING.—A determination under para-  
4       graph (1) with respect to the adoption of a planning  
5       product shall be made at the time the lead agencies  
6       decide the appropriate scope of environmental review  
7       for the project.

8       “(d) APPLICABILITY.—

9           “(1) PLANNING DECISIONS.—Planning deci-  
10      sions that may be adopted pursuant to this section  
11      include—

12           “(A) a purpose and need or goals and ob-  
13      jectives statement for the project, including  
14      with respect to whether tolling, private financial  
15      assistance, or other special financial measures  
16      are necessary to implement the project;

17           “(B) a decision with respect to travel cor-  
18      ridor location, including project termini;

19           “(C) a decision with respect to modal  
20      choice, including a decision to implement cor-  
21      ridor or subarea study recommendations to ad-  
22      vance different modal solutions as separate  
23      projects with independent utility;

24           “(D) a decision with respect to the elimi-  
25      nation of unreasonable alternatives and the se-

1           lection of the range of reasonable alternatives  
2           for detailed study during the environmental re-  
3           view process;

4           “(E) a basic description of the environ-  
5           mental setting;

6           “(F) a decision with respect to methodolo-  
7           gies for analysis; and

8           “(G) identifications of programmatic level  
9           mitigation for potential impacts that the Fed-  
10          eral lead agency, in consultation with Federal,  
11          State, local, and tribal resource agencies, deter-  
12          mines are most effectively addressed at a re-  
13          gional or national program level, including—

14               “(i) system-level measures to avoid,  
15               minimize, or mitigate impacts of proposed  
16               transportation investments on environ-  
17               mental resources, including regional eco-  
18               system and water resources; and

19               “(ii) potential mitigation activities, lo-  
20               cations, and investments.

21          “(2) PLANNING ANALYSES.—Planning analyses  
22          that may be adopted pursuant to this section include  
23          studies with respect to—

24               “(A) travel demands;

25               “(B) regional development and growth;

1           “(C) local land use, growth management,  
2           and development;

3           “(D) population and employment;

4           “(E) natural and built environmental con-  
5           ditions;

6           “(F) environmental resources and environ-  
7           mentally sensitive areas;

8           “(G) potential environmental effects, in-  
9           cluding the identification of resources of con-  
10          cern and potential cumulative effects on those  
11          resources, identified as a result of a statewide  
12          or regional cumulative effects assessment; and

13          “(H) mitigation needs for a proposed ac-  
14          tion, or for programmatic level mitigation, for  
15          potential effects that the Federal lead agency  
16          determines are most effectively addressed at a  
17          regional or national program level.

18          “(e) CONDITIONS.—Adoption and use of a planning  
19          product under this section is subject to a determination  
20          by the Federal lead agency, in consultation with joint lead  
21          agencies and project sponsors as appropriate, that the fol-  
22          lowing conditions have been met:

23                 “(1) The planning product was developed  
24                 through a planning process conducted pursuant to  
25                 applicable Federal law.

1           “(2) The planning process included broad mul-  
2           tidisciplinary consideration of systems-level or cor-  
3           ridor-wide transportation needs and potential effects.

4           “(3) During the planning process, notice was  
5           provided through publication or other means to Fed-  
6           eral, State, and local government agencies and tribal  
7           governments that might have an interest in the pro-  
8           posed project, and to members of the general public,  
9           of the planning products that the planning process  
10          might produce and that might be relied on during  
11          the environmental review process, and such entities  
12          have been provided an appropriate opportunity to  
13          participate in the planning process leading to such  
14          planning product.

15          “(4) Prior to determining the scope of environ-  
16          mental review for the project, the joint lead agencies  
17          have made documentation relating to the planning  
18          product available to Federal, State, and local gov-  
19          ernmental agencies and tribal governments that may  
20          have an interest in the proposed action, and to mem-  
21          bers of the general public.

22          “(5) There is no significant new information or  
23          new circumstance that has a reasonable likelihood of  
24          affecting the continued validity or appropriateness of  
25          the planning product.

1           “(6) The planning product is based on reliable  
2           and reasonably current data and reasonable and sci-  
3           entifically acceptable methodologies.

4           “(7) The planning product is documented in  
5           sufficient detail to support the decision or the re-  
6           sults of the analysis and to meet requirements for  
7           use of the information in the environmental review  
8           process.

9           “(8) The planning product is appropriate for  
10          adoption and use in the environmental review proc-  
11          ess for the project.

12          “(f) EFFECT OF ADOPTION.—Notwithstanding any  
13          other provision of law, any planning product adopted by  
14          the Federal lead agency in accordance with this section  
15          shall not be reconsidered or made the subject of additional  
16          interagency consultation during the environmental review  
17          process of the project unless the Federal lead agency, in  
18          consultation with joint lead agencies and project sponsors  
19          as appropriate, determines that there is significant new  
20          information or new circumstances that affect the contin-  
21          ued validity or appropriateness of the adopted planning  
22          product. Any planning product adopted by the Federal  
23          lead agency in accordance with this section may be relied  
24          upon and used by other Federal agencies in carrying out  
25          reviews of the project.

1           “(g) **RULE OF CONSTRUCTION.**—This section may  
2 not be construed to make the National Environmental Pol-  
3 icy Act of 1969 (42 U.S.C. 4321 et seq.) process applica-  
4 ble to the transportation planning process conducted  
5 under chapter 52 of title 49. Initiation of the National  
6 Environmental Policy Act of 1969 process as a part of,  
7 or concurrently with, transportation planning activities  
8 does not subject transportation plans and programs to the  
9 National Environmental Policy Act of 1969 process. This  
10 section may not be construed to affect the use of planning  
11 products in the National Environmental Policy Act of  
12 1969 process pursuant to other authorities under law or  
13 to restrict the initiation of the National Environmental  
14 Policy Act of 1969 process during planning.”.

15           (b) **CLERICAL AMENDMENT.**—The analysis for such  
16 chapter is amended by adding at end the following:

“167. Integration of planning and environmental review.”.

17 **SEC. 412. DEVELOPMENT OF PROGRAMMATIC MITIGATION**  
18 **PLANS.**

19           (a) **IN GENERAL.**—Chapter 1 (as amended by this  
20 title) is further amended by adding at the end the fol-  
21 lowing:

22 **“§ 168. Development of programmatic mitigation**  
23 **plans**

24           “(a) **IN GENERAL.**—As part of the statewide or met-  
25 ropolitan transportation planning process, a State or met-

1 ropolitan planning organization may develop one or more  
2 programmatic mitigation plans to address the potential  
3 environmental impacts of future transportation projects.

4 “(b) SCOPE.—

5 “(1) SCALE.—A programmatic mitigation plan  
6 may be developed on a regional, ecosystem, water-  
7 shed, or statewide scale.

8 “(2) RESOURCES.—The plan may encompass  
9 multiple environmental resources within a defined  
10 geographic area or may focus on a specific resource,  
11 such as aquatic resources, parklands, or wildlife  
12 habitat.

13 “(3) PROJECT IMPACTS.—The plan may ad-  
14 dress impacts from all projects in a defined geo-  
15 graphic area or may focus on a specific type of  
16 project, such as bridge replacements.

17 “(4) CONSULTATION.—The scope of the plan  
18 shall be determined by the State or metropolitan  
19 planning organization, as appropriate, in consulta-  
20 tion with the agency or agencies with jurisdiction  
21 over the resources being addressed in the mitigation  
22 plan.

23 “(c) CONTENTS.—A programmatic mitigation plan  
24 may include—

1           “(1) an assessment of the condition of environ-  
2           mental resources in the geographic area covered by  
3           the plan, including an assessment of recent trends  
4           and any potential threats to those resources;

5           “(2) an assessment of potential opportunities to  
6           improve the overall quality of environmental re-  
7           sources in the geographic area covered by the plan,  
8           through strategic mitigation for impacts of transpor-  
9           tation projects;

10           “(3) standard measures for mitigating certain  
11           types of impacts;

12           “(4) parameters for determining appropriate  
13           mitigation for certain types of impacts, such as miti-  
14           gation ratios or criteria for determining appropriate  
15           mitigation sites;

16           “(5) adaptive management procedures, such as  
17           protocols that involve monitoring predicted impacts  
18           over time and adjusting mitigation measures in re-  
19           sponse to information gathered through the moni-  
20           toring; and

21           “(6) acknowledgment of specific statutory or  
22           regulatory requirements that must be satisfied when  
23           determining appropriate mitigation for certain types  
24           of resources.

1       “(d) PROCESS.—Before adopting a programmatic  
2 mitigation plan, a State or metropolitan planning organi-  
3 zation shall—

4               “(1) consult with the agency or agencies with  
5 jurisdiction over the environmental resources consid-  
6 ered in the programmatic mitigation plan;

7               “(2) make a draft of the plan available for re-  
8 view and comment by applicable environmental re-  
9 source agencies and the public;

10              “(3) consider any comments received from such  
11 agencies and the public on the draft plan; and

12              “(4) address such comments in the final plan.

13       “(e) INTEGRATION WITH OTHER PLANS.—A pro-  
14 grammatic mitigation plan may be integrated with other  
15 plans, including watershed plans, ecosystem plans, species  
16 recovery plans, growth management plans, and land use  
17 plans.

18       “(f) CONSIDERATION IN PROJECT DEVELOPMENT  
19 AND PERMITTING.—If a programmatic mitigation plan  
20 has been developed pursuant to this section, any Federal  
21 agency responsible for environmental reviews, permits, or  
22 approvals for a transportation project shall give substan-  
23 tial weight to the recommendations in a programmatic  
24 mitigation plan when carrying out their responsibilities  
25 under applicable laws.

1           “(g) PRESERVATION OF EXISTING AUTHORITIES.—  
2 Nothing in this section limits the use of programmatic ap-  
3 proaches to reviews under the National Environmental  
4 Policy Act of 1969 (42 U.S.C. 4321 et seq.).”.

5           (b) CLERICAL AMENDMENT.—The analysis for such  
6 chapter (as amended by this title) is further amended by  
7 adding at the end the following:

“168. Development of programmatic mitigation plans.”.

8 **SEC. 413. STATE ASSUMPTION OF RESPONSIBILITY FOR**  
9 **CATEGORICAL EXCLUSIONS.**

10 Section 326(a) is amended—

11           (1) in paragraph (2) by striking “and only for  
12 types of activities specifically designated by the Sec-  
13 retary” and inserting “and for any type of activity  
14 for which a categorical exclusion classification is ap-  
15 propriate”; and

16           (2) by adding at the end the following:

17           “(4) PRESERVATION OF FLEXIBILITY.—The  
18 Secretary shall not require a State, as a condition of  
19 assuming responsibility under this section, to forego  
20 project delivery methods that are otherwise permis-  
21 sible for highway projects.”.

22 **SEC. 414. SURFACE TRANSPORTATION PROJECT DELIVERY**  
23 **PROGRAM.**

24           (a) PROGRAM NAME.—Section 327 is amended—

1 (1) in the section heading by striking “**pilot**”;

2 and

3 (2) in subsection (a)(1) by striking “pilot”.

4 (b) ASSUMPTION OF RESPONSIBILITY.—Section  
5 327(a)(2) is amended—

6 (1) in subparagraph (A) by striking “highway”;

7 (2) in subparagraph (B) by striking clause (ii)

8 and inserting the following:

9 “(ii) the Secretary may not assign any  
10 responsibility imposed on the Secretary by  
11 section 134 or 135 or section 5303 or  
12 5304 of title 49.”; and

13 (3) by adding at the end the following:

14 “(F) PRESERVATION OF FLEXIBILITY.—  
15 The Secretary may not require a State, as a  
16 condition of participation in the program, to  
17 forego project delivery methods that are other-  
18 wise permissible for projects.”.

19 (c) STATE PARTICIPATION.—Section 327(b) is  
20 amended—

21 (1) by amending paragraph (1) to read as fol-  
22 lows:

23 “(1) PARTICIPATING STATES.—All States are  
24 eligible to participate in the program.”; and

1           (2) in paragraph (2) by striking “this section,  
2           the Secretary shall promulgate” and inserting  
3           “amendments to this section by the Surface Trans-  
4           portation Extension Act of 2012, Part II, the Sec-  
5           retary shall amend, as appropriate,”.

6           (d) WRITTEN AGREEMENT.—Section 327(c) is  
7           amended—

8           (1) in paragraph (3)(D) by striking the period  
9           at the end and inserting a semicolon; and

10          (2) by adding at the end the following:

11          “(4) have a term of not more than 5 years; and

12          “(5) be renewable.”.

13          (e) CONFORMING AMENDMENT.—Section 327(e) is  
14          amended by striking “subsection (i)” and inserting “sub-  
15          section (j)”.

16          (f) AUDITS.—Section 327(g)(1)(B) is amended by  
17          striking “subsequent year” and inserting “of the third and  
18          fourth years”.

19          (g) MONITORING.—Section 327 is further amended—

20          (1) by redesignating subsections (h) and (i) as  
21          subsections (i) and (j), respectively; and

22          (2) by inserting after subsection (g) the fol-  
23          lowing:

24          “(h) MONITORING.—After the fourth year of the par-  
25          ticipation of a State in the program, the Secretary shall

1 monitor compliance by the State with the written agree-  
2 ment, including the provision by the State of financial re-  
3 sources to carry out the written agreement.”.

4 (h) TERMINATION.—Section 327(j) (as redesignated  
5 by subsection (g)(1) of this section) is amended to read  
6 as follows:

7 “(j) TERMINATION.—The Secretary may terminate  
8 the participation of any State in the program if—

9 “(1) the Secretary determines that the State is  
10 not adequately carrying out the responsibilities as-  
11 signed to the State;

12 “(2) the Secretary provides to the State—

13 “(A) notification of the determination of  
14 noncompliance; and

15 “(B) a period of at least 30 days during  
16 which to take such corrective action as the Sec-  
17 retary determines is necessary to comply with  
18 the applicable agreement; and

19 “(3) the State, after the notification and period  
20 provided under paragraph (2), fails to take satisfac-  
21 tory corrective action, as determined by the Sec-  
22 retary.”.

23 (i) DEFINITIONS.—Section 327 is amended by adding  
24 at the end the following:

1 “(k) DEFINITIONS.—In this section, the following  
2 definitions apply:

3 “(1) MULTIMODAL PROJECT.—The term  
4 ‘multimodal project’ means a project funded, in  
5 whole or in part, under this title or chapter 53 of  
6 title 49 and involving the participation of more than  
7 one Department of Transportation administration or  
8 agency.

9 “(2) PROJECT.—The term ‘project’ means any  
10 highway project, public transportation capital  
11 project, or multimodal project that requires the ap-  
12 proval of the Secretary.”.

13 (j) CLERICAL AMENDMENT.—The analysis for chap-  
14 ter 3 is amended by striking the item relating to section  
15 327 and inserting the following:

“327. Surface transportation project delivery program.”.

16 **SEC. 415. PROGRAM FOR ELIMINATING DUPLICATION OF**  
17 **ENVIRONMENTAL REVIEWS.**

18 (a) IN GENERAL.—Chapter 3 is amended by adding  
19 at the end the following:

20 **“§ 330. Program for eliminating duplication of envi-**  
21 **ronmental reviews**

22 “(a) ESTABLISHMENT.—

23 “(1) IN GENERAL.—The Secretary shall estab-  
24 lish a program to eliminate duplicative environ-  
25 mental reviews and approvals under State and Fed-

1       eral law of projects. Under this program, a State  
2       may use State laws and procedures to conduct re-  
3       views and make approvals in lieu of Federal environ-  
4       mental laws and regulations, consistent with the pro-  
5       visions of this section.

6               “(2) PARTICIPATING STATES.—All States are  
7       eligible to participate in the program.

8               “(3) SCOPE OF ALTERNATIVE REVIEW AND AP-  
9       PROVAL PROCEDURES.—For purposes of this sec-  
10      tion, alternative environmental review and approval  
11      procedures may include one or more of the following:

12               “(A) Substitution of one or more State en-  
13      vironmental laws for one or more Federal envi-  
14      ronmental laws, if the Secretary determines in  
15      accordance with this section that the State envi-  
16      ronmental laws provide environmental protec-  
17      tion and opportunities for public involvement  
18      that are substantially equivalent to the applica-  
19      ble Federal environmental laws.

20               “(B) Substitution of one or more State  
21      regulations for Federal regulations imple-  
22      menting one or more Federal environmental  
23      laws, if the Secretary determines in accordance  
24      with this section that the State regulations pro-  
25      vide environmental protection and opportunities

1           for public involvement that are substantially  
2           equivalent to the Federal regulations.

3           “(b) APPLICATION.—To participate in the program,  
4 a State shall submit to the Secretary an application con-  
5 taining such information as the Secretary may require, in-  
6 cluding—

7           “(1) a full and complete description of the pro-  
8 posed alternative environmental review and approval  
9 procedures of the State;

10           “(2) for each State law or regulation included  
11 in the proposed alternative environmental review and  
12 approval procedures of the State, an explanation of  
13 the basis for concluding that the law or regulation  
14 meets the requirements under subsection (a)(3); and

15           “(3) evidence of having sought, received, and  
16 addressed comments on the proposed application  
17 from the public and appropriate Federal environ-  
18 mental resource agencies.

19           “(c) REVIEW OF APPLICATION.—The Secretary  
20 shall—

21           “(1) review an application submitted under sub-  
22 section (b);

23           “(2) approve or disapprove the application in  
24 accordance with subsection (d) not later than 90

1 days after the date of the receipt of the application;  
2 and

3 “(3) transmit to the State notice of the ap-  
4 proval or disapproval, together with a statement of  
5 the reasons for the approval or disapproval.

6 “(d) APPROVAL OF STATE PROGRAMS.—

7 “(1) IN GENERAL.—The Secretary shall ap-  
8 prove each such application if the Secretary finds  
9 that the proposed alternative environmental review  
10 and approval procedures of the State are substan-  
11 tially equivalent to the applicable Federal environ-  
12 mental laws and Federal regulations.

13 “(2) EXCLUSION.—The National Environ-  
14 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
15 and the Endangered Species Act of 1973 (16 U.S.C.  
16 1531 et seq.) shall not apply to any decision by the  
17 Secretary to approve or disapprove any application  
18 submitted pursuant to this section.

19 “(e) COMPLIANCE WITH PERMITS.—Compliance with  
20 a permit or other approval of a project issued pursuant  
21 to a program approved by the Secretary under this section  
22 shall be deemed compliance with the Federal laws and reg-  
23 ulations identified in the program approved by the Sec-  
24 retary pursuant to this section.

25 “(f) REVIEW AND TERMINATION.—

1           “(1) REVIEW.—All State alternative environ-  
2           mental review and approval procedures approved  
3           under this section shall be reviewed by the Secretary  
4           not less than once every 5 years.

5           “(2) PUBLIC NOTICE AND COMMENT.—In con-  
6           ducting the review process under paragraph (1), the  
7           Secretary shall provide notice and an opportunity for  
8           public comment.

9           “(3) EXTENSIONS AND TERMINATIONS.—At the  
10          conclusion of the review process, the Secretary may  
11          extend the State alternative environmental review  
12          and approval procedures for an additional 5-year pe-  
13          riod or terminate the State program.

14          “(g) REPORT TO CONGRESS.—Not later than 2 years  
15          after the date of enactment of this section and annually  
16          thereafter, the Secretary shall submit to Congress a report  
17          that describes the administration of the program.

18          “(h) DEFINITIONS.—For purposes of this section:

19               “(1) ENVIRONMENTAL LAW.—The term ‘envi-  
20               ronmental law’ includes any law that provides proce-  
21               dural or substantive protection, as applicable, for the  
22               natural or built environment with regard to the con-  
23               struction and operation of projects.

24               “(2) FEDERAL ENVIRONMENTAL LAWS.—The  
25               term ‘Federal environmental laws’ means laws gov-

1       erning the review of environmental impacts of, and  
2       issuance of permits and other approvals for, the con-  
3       struction and operation of projects, including section  
4       102(2)(C) of the National Environmental Policy Act  
5       of 1969 (42 U.S.C. 4332(2)(C)), section 404 of the  
6       Federal Water Pollution Control Act (33 U.S.C.  
7       1344), section 106 of the National Historic Preser-  
8       vation Act (16 U.S.C. 470f), and sections 7(a)(2),  
9       9(a)(1)(B), and 10(a)(1)(B) of the Endangered Spe-  
10      cies Act of 1973 (16 U.S.C. 1536(a)(2),  
11      1538(a)(1)(B), 1539(a)(1)(B)).

12           “(3) MULTIMODAL PROJECT.—The term  
13      ‘multimodal project’ means a project funded, in  
14      whole or in part, under this title or chapter 53 of  
15      title 49 and involving the participation of more than  
16      one Department of Transportation administration or  
17      agency.

18           “(4) PROJECT.—The term ‘project’ means any  
19      highway project, public transportation capital  
20      project, or multimodal project that requires the ap-  
21      proval of the Secretary.”.

22      (b) CLERICAL AMENDMENT.—The analysis for such  
23      chapter (as amended by title I of this Act) is further  
24      amended by adding at the end the following:

“330. Program for eliminating duplication of environmental reviews.”.

1 **SEC. 416. STATE PERFORMANCE OF LEGAL SUFFICIENCY**  
2 **REVIEWS.**

3 (a) IN GENERAL.—Chapter 3 (as amended by this  
4 title) is further amended by adding at the end the fol-  
5 lowing:

6 **“§ 331. State performance of legal sufficiency reviews**

7 “(a) IN GENERAL.—At the request of any State  
8 transportation department, the Federal Highway Adminis-  
9 tration shall enter into an agreement with the State trans-  
10 portation department to authorize the State to carry out  
11 the legal sufficiency reviews for environmental impact  
12 statements and environmental assessments under the Na-  
13 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
14 et seq.) in accordance with this section.

15 “(b) TERMS OF AGREEMENT.—An agreement au-  
16 thorizing a State to carry out legal sufficiency reviews for  
17 Federal-aid highway projects shall contain the following  
18 provisions:

19 “(1) A finding by the Federal Highway Admin-  
20 istration that the State has the capacity to carry out  
21 legal sufficiency reviews that are equivalent in qual-  
22 ity and consistency to the reviews that would other-  
23 wise be conducted by attorneys employed by such  
24 Administration.

25 “(2) An oversight process, including periodic re-  
26 views conducted by attorneys employed by such Ad-

1       ministration, to evaluate the quality of the legal suf-  
2       ficiency reviews carried out by the State transpor-  
3       tation department under the agreement.

4               “(3) A requirement for the State transportation  
5       department to submit a written finding of legal suf-  
6       ficiency to the Federal Highway Administration con-  
7       currently with the request by the State for Federal  
8       approval of the National Environmental Policy Act  
9       of 1969 (42 U.S.C. 4321 et seq.) document.

10              “(4) An opportunity for the Federal Highway  
11       Administration to conduct an additional legal suffi-  
12       ciency review for any project, for not more than 30  
13       days, if considered necessary by the Federal High-  
14       way Administration.

15              “(5) Procedures allowing either party to the  
16       agreement to terminate the agreement for any rea-  
17       son with 30 days notice to the other party.

18              “(c) EFFECT OF AGREEMENT.—A legal sufficiency  
19       review carried out by a State transportation department  
20       under this section shall be deemed by the Federal High-  
21       way Administration to satisfy the requirement for a legal  
22       sufficiency review in sections 771.125(b) and 774.7(d) of  
23       title 23, Code of Federal Regulations, or other applicable  
24       regulations issued by the Federal Highway Administra-  
25       tion.”.

1 (b) CLERICAL AMENDMENT.—The analysis for such  
2 chapter (as amended by this title) is further amended by  
3 adding at the end the following:

“331. State performance of legal sufficiency reviews.”.

4 **SEC. 417. CATEGORICAL EXCLUSIONS.**

5 (a) IN GENERAL.—The Secretary shall treat an activ-  
6 ity carried out under title 23, United States Code, or  
7 project within a right-of-way as a class of action categori-  
8 cally excluded from the requirements relating to environ-  
9 mental assessments or environmental impact statements  
10 under section 771.117(c) of title 23, Code of Federal Reg-  
11 ulations.

12 (b) DEFINITIONS.—In this section, the following defi-  
13 nitions apply:

14 (1) MULTIMODAL PROJECT.—The term  
15 “multimodal project” means a project funded, in  
16 whole or in part, under title 23, United States Code,  
17 or chapter 53 of title 49 of such Code and involving  
18 the participation of more than one Department of  
19 Transportation administration or agency.

20 (2) PROJECT.—The term “project” means any  
21 highway project, public transportation capital  
22 project, or multimodal project that requires the ap-  
23 proval of the Secretary.

24 **SEC. 418. ENVIRONMENTAL REVIEW PROCESS DEADLINE.**

25 (a) IN GENERAL.—

1           (1) DEADLINE.—Notwithstanding any other  
2 provision of law, the environmental review process  
3 for a project shall be completed not later than 270  
4 days after the date on which the notice of project  
5 initiation under section 139(e) of title 23, United  
6 States Code, is published in the Federal Register.

7           (2) CONSEQUENCES OF MISSED DEADLINE.—If  
8 the environmental review process for a project is not  
9 completed in accordance with paragraph (1)—

10                   (A) the project shall be considered to have  
11 no significant impact to the human environment  
12 for purposes of the National Environmental  
13 Policy Act of 1969 (42 U.S.C. 4321 et seq.);  
14 and

15                   (B) that classification shall be considered  
16 to be a final agency action.

17       (b) APPEAL.—In this section, the following rules  
18 shall apply:

19           (1) There shall be a single administrative ap-  
20 peal for the environmental review process carried out  
21 pursuant to this section.

22           (2) Upon resolution of the administrative ap-  
23 peal, judicial review of the final agency decision after  
24 exhaustion of administrative remedies shall lie with

1 the United States Court of Appeals for the District  
2 of Columbia Circuit.

3 (3) An appeal to the court specified in para-  
4 graph (2) shall be based only on the administrative  
5 record.

6 (4) After an agency has made a final decision  
7 with respect to the environmental review process car-  
8 ried out under this section, that decision shall be ef-  
9 fective during the course of any subsequent appeal  
10 to a court specified in paragraph (2).

11 (5) All civil actions arising under this section  
12 shall be considered to arise under the laws of the  
13 United States.

14 (c) DEFINITIONS.—In this section, the following defi-  
15 nitions apply:

16 (1) ENVIRONMENTAL REVIEW PROCESS.—

17 (A) IN GENERAL.—The term “environ-  
18 mental review process” means the process for  
19 preparing for a project an environmental impact  
20 statement, environmental assessment, categor-  
21 ical exclusion, or other document prepared  
22 under the National Environmental Policy Act of  
23 1969 (42 U.S.C. 4321 et seq.).

24 (B) INCLUSIONS.—The term “environ-  
25 mental review process” includes the process for

1 and completion of any environmental permit,  
2 approval, review, or study required for a project  
3 under any Federal law other than the National  
4 Environmental Policy Act of 1969 (42 U.S.C.  
5 4321 et seq.).

6 (2) LEAD AGENCY.—The term “lead agency”  
7 means the Department of Transportation and, if ap-  
8 plicable, any State or local governmental entity serv-  
9 ing as a joint lead agency pursuant to this section.

10 (3) MULTIMODAL PROJECT.—The term  
11 “multimodal project” means a project funded, in  
12 whole or in part, under title 23, United States Code,  
13 or chapter 53 of title 49 of such Code and involving  
14 the participation of more than one Department of  
15 Transportation administration or agency.

16 (4) PROJECT.—The term “project” means any  
17 highway project, public transportation capital  
18 project, or multimodal project that requires the ap-  
19 proval of the Secretary.

20 **SEC. 419. RELOCATION ASSISTANCE.**

21 (a) ALTERNATIVE RELOCATION PAYMENT PROC-  
22 ESS.—

23 (1) ESTABLISHMENT.—For the purpose of  
24 identifying improvements in the timeliness of pro-  
25 viding relocation assistance to persons displaced as

1 a result of Federal or federally-assisted programs  
2 and projects, the Secretary shall establish an alter-  
3 native relocation payment process under which pay-  
4 ments to displaced persons eligible for relocation as-  
5 sistance pursuant to the Uniform Relocation Assist-  
6 ance and Real Property Acquisition Policies Act of  
7 1970 (42 U.S.C. 4601 et seq.), are calculated based  
8 on reasonable estimates and paid in advance of the  
9 physical displacement of the displaced person.

10 (2) PAYMENTS.—

11 (A) TIMING OF PAYMENTS.—Relocation as-  
12 sistance payments may be provided to the dis-  
13 placed person at the same time as payments of  
14 just compensation for real property acquired for  
15 a program or project of the State.

16 (B) COMBINED PAYMENT.—Payments for  
17 relocation and just compensation may be com-  
18 bined into a single unallocated amount.

19 (3) CONDITIONS FOR STATE USE OF ALTER-  
20 NATIVE PROCESS.—

21 (A) IN GENERAL.—After public notice and  
22 an opportunity to comment, the Secretary shall  
23 adopt criteria for States to use the alternative  
24 relocation payment process established by the  
25 Secretary.

1 (B) MEMORANDUM OF AGREEMENT.—In  
2 order to use the alternative relocation payment  
3 process, a State shall enter into a memorandum  
4 of agreement with the Secretary that includes  
5 provisions relating to—

6 (i) the selection of projects or pro-  
7 grams within the State to which the alter-  
8 native relocation payment process will be  
9 applied;

10 (ii) program and project-level moni-  
11 toring;

12 (iii) performance measurement;

13 (iv) reporting requirements; and

14 (v) the circumstances under which the  
15 Secretary may terminate or suspend the  
16 authority of the State to use the alter-  
17 native relocation payment process.

18 (C) REQUIRED INFORMATION.—A State  
19 may use the alternative relocation payment  
20 process only after the displaced persons affected  
21 by a program or project—

22 (i) are informed in writing—

23 (I) that the relocation payments  
24 the displaced persons receive under  
25 the alternative relocation payment

1 process may be higher or lower than  
2 the amount that the displaced persons  
3 would have received under the stand-  
4 ard relocation assistance process; and  
5 (II) of their right not to partici-  
6 pate in the alternative relocation pay-  
7 ment process; and  
8 (ii) agree in writing to the alternative  
9 relocation payment process.

10 (D) ELECTION NOT TO PARTICIPATE.—  
11 The displacing agency shall provide any dis-  
12 placed person who elects not to participate in  
13 the alternative relocation payment process with  
14 relocation assistance in accordance with the  
15 Uniform Relocation Assistance and Real Prop-  
16 erty Acquisition Policies Act of 1970 (42  
17 U.S.C. 4601 et seq.).

18 (4) PROTECTIONS AGAINST INCONSISTENT  
19 TREATMENT.—If other Federal agencies plan dis-  
20 placements in or adjacent to an area of a project  
21 using the alternative relocation payment process  
22 within the same time period as a project acquisition  
23 and relocation action of the project, the Secretary  
24 shall adopt measures to protect against inconsistent  
25 treatment of displaced persons. Such measures may

1 include a determination that the alternative reloca-  
2 tion payment process authority may not be used on  
3 a specific project.

4 (5) REPORT.—

5 (A) IN GENERAL.—The Secretary shall  
6 submit to Congress an annual report on the im-  
7 plementation of the alternative relocation pay-  
8 ment process.

9 (B) CONTENTS.—The report shall include  
10 an evaluation of the merits of the alternative  
11 relocation payment process, including the ef-  
12 fects of the alternative relocation payment pro-  
13 cess on—

14 (i) displaced persons and the protec-  
15 tions afforded to such persons by the Uni-  
16 form Relocation Assistance and Real Prop-  
17 erty Acquisition Policies Act of 1970 (42  
18 U.S.C. 4601 et seq.);

19 (ii) the efficiency of the delivery of  
20 Federal-aid highway projects and overall  
21 effects on the Federal-aid highway pro-  
22 gram; and

23 (iii) the achievement of the purposes  
24 of the Uniform Relocation Assistance and

1           Real Property Acquisition Policies Act of  
2           1970 (42 U.S.C. 4601 et seq.).

3           (6) LIMITATION.—The alternative relocation  
4           payment process under this section may be used only  
5           on projects funded under title 23, United States  
6           Code, in cases in which the funds are administered  
7           by the Federal Highway Administration.

8           (7) NEPA APPLICABILITY.—Notwithstanding  
9           any other provision of law, the use of the alternative  
10          relocation payment process established under this  
11          section on a project funded under title 23, United  
12          States Code, and administered by the Federal High-  
13          way Administration is not a major Federal action re-  
14          quiring analysis or approval under the National En-  
15          vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
16          seq.).

17          (b) UNIFORM RELOCATION ASSISTANCE ACT  
18          AMENDMENTS.—

19               (1) MOVING AND RELATED EXPENSES.—Sec-  
20               tion 202 of the Uniform Relocation Assistance and  
21               Real Property Acquisition Policies Act of 1970 (42  
22               U.S.C. 4622) is amended—

23                       (A) in subsection (a)(4) by striking  
24                       “\$10,000” and inserting “\$25,000, as adjusted

1 by regulation, in accordance with section  
2 213(d)”; and

3 (B) in the second sentence of subsection  
4 (c) by striking “\$20,000” and inserting  
5 “\$40,000, as adjusted by regulation, in accord-  
6 ance with section 213(d)”.

7 (2) REPLACEMENT HOUSING FOR HOME-  
8 OWNERS.—The first sentence of section 203(a)(1) of  
9 the Uniform Relocation Assistance and Real Prop-  
10 erty Acquisition Policies Act of 1970 (42 U.S.C.  
11 4623(a)(1)) is amended by—

12 (A) striking “\$22,500” and inserting  
13 “\$31,000, as adjusted by regulation, in accord-  
14 ance with section 213(d),”; and

15 (B) striking “one hundred and eighty days  
16 prior to” and inserting “90 days before”.

17 (3) REPLACEMENT HOUSING FOR TENANTS  
18 AND CERTAIN OTHERS.—Section 204 of the Uniform  
19 Relocation Assistance and Real Property Acquisition  
20 Policies Act of 1970 (42 U.S.C. 4624) is amended—

21 (A) in the second sentence of subsection  
22 (a) by striking “\$5,250” and inserting “\$7,200,  
23 as adjusted by regulation, in accordance with  
24 section 213(d)”; and

1 (B) in the second sentence of subsection  
2 (b) by striking “, except” and all that follows  
3 through the end of the subsection and inserting  
4 a period.

5 (4) DUTIES OF LEAD AGENCY.—Section 213 of  
6 the Uniform Relocation Assistance and Real Prop-  
7 erty Acquisition Policies Act of 1970 (42 U.S.C.  
8 4633) is amended—

9 (A) in subsection (b)—

10 (i) in paragraph (2) by striking  
11 “and”;

12 (ii) in paragraph (3) by striking the  
13 period and inserting “; and”; and

14 (iii) by adding at the end the fol-  
15 lowing:

16 “(4) that each Federal agency that has pro-  
17 grams or projects requiring the acquisition of real  
18 property or causing a displacement from real prop-  
19 erty subject to the provisions of this Act shall pro-  
20 vide to the lead agency an annual summary report  
21 that describes the activities conducted by the Fed-  
22 eral agency.”; and

23 (B) by adding at the end the following:

24 “(d) ADJUSTMENT OF PAYMENTS.—The head of the  
25 lead agency may adjust, by regulation, the amounts of re-

1 location payments provided under sections 202(a)(4),  
2 202(c), 203(a), and 204(a) if the head of the lead agency  
3 determines that cost of living, inflation, or other factors  
4 indicate that the payments should be adjusted to meet the  
5 policy objectives of this Act.”.

6 (5) AGENCY COORDINATION.—Title II of the  
7 Uniform Relocation Assistance and Real Property  
8 Acquisition Policies Act of 1970 (42 U.S.C. 4601 et  
9 seq.) is amended by inserting after section 213 (42  
10 U.S.C. 4633) the following:

11 **“SEC. 214. AGENCY COORDINATION.**

12 “(a) AGENCY CAPACITY.—Each Federal agency re-  
13 sponsible for funding or carrying out relocation and acqui-  
14 sition activities shall have adequately trained personnel  
15 and such other resources as are necessary to manage and  
16 oversee the relocation and acquisition program of the Fed-  
17 eral agency in accordance with this Act.

18 “(b) INTERAGENCY AGREEMENTS.—Not later than 1  
19 year after the date of the enactment of this section, each  
20 Federal agency responsible for funding relocation and ac-  
21 quisition activities (other than the agency serving as the  
22 lead agency) shall enter into a memorandum of under-  
23 standing with the lead agency that—

24 “(1) provides for periodic training of the per-  
25 sonnel of the Federal agency, which in the case of

1 a Federal agency that provides Federal financial as-  
2 sistance, may include personnel of any displacing  
3 agency that receives Federal financial assistance;

4 “(2) addresses ways in which the lead agency  
5 may provide assistance and coordination to the Fed-  
6 eral agency relating to compliance with this Act on  
7 a program or project basis; and

8 “(3) addresses the funding of the training, as-  
9 sistance, and coordination activities provided by the  
10 lead agency, in accordance with subsection (c).

11 “(c) INTERAGENCY PAYMENTS.—

12 “(1) IN GENERAL.—For the fiscal year that be-  
13 gins 1 year after the date of the enactment of this  
14 section, and each fiscal year thereafter, each Federal  
15 agency responsible for funding relocation and acqui-  
16 sition activities (other than the agency serving as the  
17 lead agency) shall transfer to the lead agency for the  
18 fiscal year, such funds as are necessary, but not less  
19 than \$35,000, to support the training, assistance,  
20 and coordination activities of the lead agency de-  
21 scribed in subsection (b).

22 “(2) INCLUDED COSTS.—The cost to a Federal  
23 agency of providing the funds described in para-  
24 graph (1) shall be included as part of the cost of 1  
25 or more programs or projects undertaken by the

1 Federal agency or with Federal financial assistance  
2 that result in the displacement of persons or the ac-  
3 quisition of real property.”.

4 (c) COOPERATION WITH FEDERAL AGENCIES.—Sec-  
5 tion 308(a) is amended to read as follows:

6 “(a) AUTHORIZED ACTIVITIES.—

7 “(1) IN GENERAL.—The Secretary may per-  
8 form, by contract or otherwise, authorized engineer-  
9 ing or other services in connection with the survey,  
10 construction, maintenance, or improvement of high-  
11 ways for other Federal agencies, cooperating foreign  
12 countries, and State cooperating agencies.

13 “(2) INCLUSIONS.—Services authorized under  
14 paragraph (1) may include activities authorized  
15 under section 214 of the Uniform Relocation Assist-  
16 ance and Real Property Acquisition Policies Act of  
17 1970 (42 U.S.C. 4601 et seq.).

18 “(3) REIMBURSEMENT.—Reimbursement for  
19 services carried out under this subsection, including  
20 depreciation on engineering and road-building equip-  
21 ment, shall be credited to the applicable appropria-  
22 tion.”.

