AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. CONNOLLY OF VIRGINIA

Strike title III of the committee print and insert the following new title (and conform the table of contents accordingly):

TITLE III—ACCELERATION OF PROJECT DELIVERY

SEC. 3001. PROJECT DELIVERY INITIATIVE.

(a) DECLARATION OF POLICY.—It is the policy of the United States that—

(1) it is in the national interest for the Department, State departments of transportation, transit agencies, and all other recipients of Federal transportation funds—

(A) to accelerate project delivery and reduce costs; and

(B) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner, promoting accountability for public investments and encouraging greater private sector involvement in project financing
and delivery while enhancing safety and protecting the environment;

(2) delay in the delivery of transportation projects increases project costs, harms the economy of the United States, and impedes the travel of the people of the United States and the shipment of goods for the conduct of commerce; and

(3) the Secretary shall identify and promote the deployment of innovation aimed at reducing the time and money required to deliver transportation projects while enhancing safety and protecting the environment.

(b) ESTABLISHMENT OF INITIATIVE.—

(1) IN GENERAL.—To advance the policy described in subsection (a), the Secretary shall carry out a project delivery initiative under this section.

(2) PURPOSES.—The purposes of the project delivery initiative shall be—

(A) to develop and advance the use of best practices to accelerate project delivery and reduce costs across all modes of transportation and expedite the deployment of technology and innovation;

(B) to implement provisions of law designed to accelerate project delivery; and
(C) to select eligible projects for applying experimental features to test innovative project delivery techniques.

(3) ADVANCING THE USE OF BEST PRACTICES.—

(A) IN GENERAL.—In carrying out the initiative under this section, the Secretary shall identify and advance best practices to reduce delivery time and project costs, from planning through construction, for transportation projects and programs of projects regardless of mode and project size.

(B) ADMINISTRATION.—To advance the use of best practices, the Secretary shall—

(i) engage interested parties, affected communities, resource agencies, and other stakeholders to gather information regarding opportunities for accelerating project delivery and reducing costs;

(ii) establish a clearinghouse for the collection, documentation, and advancement of existing and new innovative approaches and best practices;

(iii) disseminate information through a variety of means to transportation stake-
holders on new innovative approaches and

best practices; and

(iv) provide technical assistance to as-
sist transportation stakeholders in the use
of flexibility authority to resolve project
delays and accelerate project delivery if
feasible.

(4) IMPLEMENTATION OF ACCELERATED
PROJECT DELIVERY.—The Secretary shall ensure
that the provisions of this subtitle designed to accel-
erate project delivery are fully implemented, includ-
ing—

(A) expanding eligibility of early acquisi-
tion of property prior to completion of environ-
mental review under the National Environ-
mental Policy Act of 1969 (42 U.S.C. 4321 et
seq.);

(B) allowing the use of the construction
manager or general contractor method of con-
tracting in the Federal-aid highway system; and

(C) establishing a demonstration program
to streamline the relocation process by permit-
ting a lump-sum payment for acquisition and
relocation if elected by the displaced occupant.
SEC. 3002. CLARIFIED ELIGIBILITY FOR EARLY ACQUISITION ACTIVITIES PRIOR TO COMPLETION OF NEPA REVIEW.

(a) IN GENERAL.—The acquisition of real property in anticipation of a federally assisted or approved surface transportation project that may use the property shall not be prohibited prior to the completion of reviews of the surface transportation project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the acquisition does not—

(1) have an adverse environmental effect; or

(2)(A) limit the choice of reasonable alternatives for the proposed project; or

(B) prevent the lead agency from making an impartial decision as to whether to select an alternative that is being considered during the environmental review process.

(b) EARLY ACQUISITION OF REAL PROPERTY INTERESTS FOR HIGHWAYS.—Section 108 of title 23, United States Code, is amended—

(1) in the section heading by inserting “interests” after “real property”; 

(2) in subsection (a) by inserting “interests” after “real property” each place it appears; and 

(3) in subsection (c)—
(A) in the subsection heading by striking “rights-of-way” and inserting “real property interests”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by inserting “at any time” after “may be used”; and

(ii) in subparagraph (A)—

(I) by striking “rights-of-way” the first place it appears and inserting “real property interests”; and

(II) by striking “, if the rights-of-way are subsequently incorporated into a project eligible for surface transportation program funds”; and

(C) by striking paragraph (2) and inserting the following:

“(2) TERMS AND CONDITIONS.—

“(A) ACQUISITION OF REAL PROPERTY INTERESTS.—

“(i) IN GENERAL.—Subject to the other provisions of this section, prior to completion of the review process for the project required by the National Environmental Policy Act of 1969 (42 U.S.C.
4321 et seq.), a public authority may carry
out acquisition of real property interests
that may be used for a project.

“(ii) REQUIREMENTS.—An acquisition
under clause (i) may be authorized by
project agreement and is eligible for Fed-
eral-aid reimbursement as a project ex-
 pense if the Secretary finds that the acqui-
sition—

“(I) will not cause any significant
adverse environmental impact;

“(II) will not limit the choice of
reasonable alternatives for the project
or otherwise influence the decision of
the Secretary on any approval re-
quired for the project;

“(III) does not prevent the lead
agency from making an impartial de-
cision as to whether to accept an al-
ternative that is being considered in
the environmental review process;

“(IV) is consistent with the State
transportation planning process under
section 135;
“(V) complies with other applicable Federal laws (including regulations); 

“(VI) will be acquired through negotiation, without the threat of condemnation; and 

“(VII) will not result in a reduction or elimination of benefits or assistance to a displaced person required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

“(B) DEVELOPMENT.—Real property interests acquired under this subsection may not be developed in anticipation of a project until all required environmental reviews for the project have been completed.

“(C) REIMBURSEMENT.—If Federal-aid reimbursement is made for real property interests acquired early under this section and the real property interests are not subsequently incorporated into a project eligible for surface trans-
portation funds within the time allowed by sub-
section (a)(2), the Secretary shall offset the
amount reimbursed against funds apportioned
to the State.

“(D) OTHER CONDITIONS.—The Secretary
may establish such other conditions or restric-
tions on acquisitions as the Secretary deter-
mines to be appropriate.”.

SEC. 3003. EFFICIENCIES IN CONTRACTING.

(a) AUTHORITY.—Section 112(b) of title 23, United
States Code, is amended by adding at the end the fol-
lowing:

“(4) CONSTRUCTION MANAGER; GENERAL CON-
TRACTOR.—

“(A) PROCEDURE.—

“(i) IN GENERAL.—A contracting
agency may award a 2-phase contract to a
construction manager or general contractor
for preconstruction and construction serv-
ices.

“(ii) PRECONSTRUCTION PHASE.—In
the preconstruction phase of a contract
under this subparagraph, the construction
manager shall provide the contracting
agency with advice relating to scheduling,
work sequencing, cost engineering, constructability, cost estimating, and risk identification.

“(iii) AGREEMENT TO PRICE.—

“(I) IN GENERAL.—Prior to the start of the second phase of a contract under this subparagraph, the owner and the construction manager may agree to a price for the construction of the project or a portion of the project.

“(II) RESULT.—If an agreement is reached, the construction manager shall become the general contractor for the construction of the project at the negotiated schedule and price.

“(B) SELECTION.—A contract shall be awarded to a construction manager or general contractor under this paragraph using a competitive selection process under which the contract is awarded on the basis of—

“(i) qualifications;

“(ii) experience;

“(iii) best value; or
“(iv) any other combination of factors considered appropriate by the contracting agency.

“(C) Timing.—

“(i) In general.—Prior to the completion of the environmental review process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), a contracting agency may issue requests for proposals, proceed with the award of the first phase of construction manager or general contractor contract, and issue notices to proceed with preliminary design, to the extent that those actions do not limit any reasonable range of alternatives.

“(ii) NEPA process.—

“(I) In general.—A contracting agency shall not proceed with the award of the second phase, and shall not proceed, or permit any consultant or contractor to proceed, with final design or construction until completion of the environmental review process required under section 102 of...

“(II) REQUIREMENT.—The Secretary shall require that a contract include appropriate provisions to ensure achievement of the objectives of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) and compliance with other applicable Federal laws and regulations occurs.

“(iii) SECRETARIAL APPROVAL.—Prior to authorizing construction activities, the Secretary shall approve—

“(I) the estimate of the contracting agency for the entire project; and

“(II) any price agreement with the general contractor for the project or a portion of the project.

“(iv) TERMINATION PROVISION.—The Secretary shall require a contract to include an appropriate termination provision in the event that a no-build alternative is selected.”.
(b) Regulations.—The Secretary shall promulgate such regulations as are necessary to carry out the amendment made by subsection (a).

(c) Effect on Experimental Program.—Nothing in this section or the amendment made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning construction manager risk that is being carried out by the Secretary as of the date of enactment of this Act.

SEC. 3004. INNOVATIVE PROJECT DELIVERY METHODS.

(a) Declaration of Policy.—

(1) In general.—Congress declares that it is in the national interest to promote the use of innovative technologies and practices that increase the efficiency of construction of, improve the safety of, and extend the service life of highways and bridges.

(2) Inclusions.—The innovative technologies and practices described in paragraph (1) include state-of-the-art intelligent transportation system technologies, elevated performance standards, and new highway construction business practices that improve highway safety and quality, accelerate project delivery, and reduce congestion related to highway construction.
(b) **Federal Share.**—Section 120(c) of title 23, United States Code, is amended by adding at the end the following:

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“(3) Innovative project delivery.—

“(A) In general.—Except as provided in subparagraph (C), the Federal share payable on account of a project or activity carried out with funds apportioned under paragraph (1), (2), or (5) of section 104(b) may, at the discretion of the State, be up to 100 percent for any such project, program, or activity that the Secretary determines—

“(i) contains innovative project delivery methods that improve work zone safety for motorists or workers and the quality of the facility;

“(ii) contains innovative technologies, manufacturing processes, financing, or contracting methods that improve the quality, extend the service life, or decrease the long-term costs of maintaining highways and bridges;

“(iii) accelerates project delivery while complying with other applicable Federal laws (including regulations) and not caus-
ing any significant adverse environmental impact; or

“(iv) reduces congestion related to highway construction.

“(B) EXAMPLES.—Projects, programs, and activities described in subparagraph (A) may include the use of—

“(i) prefabricated bridge elements and systems and other technologies to reduce bridge construction time;

“(ii) innovative construction equipment, materials, or techniques, including the use of in-place recycling technology and digital 3-dimensional modeling technologies;

“(iii) innovative contracting methods, including the design-build and the construction manager-general contractor contracting methods;

“(iv) intelligent compaction equipment; or

“(v) contractual provisions that offer a contractor an incentive payment for early completion of the project, program, or activity, subject to the condition that the in-
centives are accounted for in the financial
plan of the project, when applicable.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—In each fiscal
year, a State may use the authority under
paragraph (A) for up to 10 percent of
the combined apportionments of the State
under paragraphs (1), (2), and (5) of sec-
tion 104(b).

“(ii) FEDERAL SHARE INCREASE.—
The Federal share payable on account of a
project or activity described in subpara-
thesis (A) may be increased by up to 5
percent of the total project cost.”.

SEC. 3005. ASSISTANCE TO AFFECTED STATE AND FEDERAL
AGENCIES.

Section 139(j) of title 23, United States Code, is
amended by adding at the end the following:

“(6) MEMORANDUM OF UNDERSTANDING.—
Prior to providing funds approved by the Secretary
for dedicated staffing at an affected Federal agency
under paragraphs (1) and (2), the affected Federal
agency and the State agency shall enter into a
memorandum of understanding that establishes the
projects and priorities to be addressed by the use of
the funds.’’.

SEC. 3006. APPLICATION OF CATEGORICAL EXCLUSIONS
FOR MULTIMODAL PROJECTS.

(a) IN GENERAL.—Section 304 of title 49, United
States Code, is amended to read as follows:

“§ 304. Application of categorical exclusions for
multimodal projects

“(a) DEFINITIONS.—In this section:

“(1) COOPERATING AUTHORITY.—The term ‘co-
operating authority’ means a Department of Trans-
portation operating authority that is not the lead au-
thority.

“(2) LEAD AUTHORITY.—The term ‘lead au-
thority’ means a Department of Transportation op-
erating administration or secretarial office that—

“(A) is the lead authority over a proposed
multimodal project; and

“(B) has determined that the components
of the project that fall under the modal exper-
tise of the lead authority—

“(i) satisfy the conditions for a cat-
egorical exclusion under the National Envi-
4321 et seq.) implementing regulations or procedures of the lead authority; and “(ii) do not require the preparation of an environmental assessment or an environmental impact statement under that Act.

“(3) MULTIMODAL PROJECT.—The term ‘multimodal project’ has the meaning given the term in section 139(a) of title 23.

“(b) EXERCISE OF AUTHORITIES.—The authorities granted in this section may be exercised for a multimodal project, class of projects, or program of projects that are carried out under this title.

“(c) APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.—When considering the environmental impacts of a proposed multimodal project, a lead authority may apply a categorical exclusion designated under the implementing regulations or procedures of a cooperating authority for other components of the project, on the conditions that—

“(1) the multimodal project is funded under 1 grant agreement administered by the lead authority;

“(2) the multimodal project has components that require the expertise of a cooperating authority
to assess the environmental impacts of the components;

“(3) the component of the project to be covered by the categorical exclusion of the cooperating authority has independent utility;

“(4) the cooperating authority, in consultation with the lead authority, follows National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations or procedures and determines that a categorical exclusion under that Act applies to the components; and

“(5) the lead authority has determined that—

“(A) the project, using the categorical exclusions of the lead and cooperating authorities, does not individually or cumulatively have a significant impact on the environment; and

“(B) extraordinary circumstances do not exist that merit further analysis and documentation in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(d) MODAL COOPERATION.—

“(1) IN GENERAL.—A cooperating authority shall provide modal expertise to a lead authority
with administrative authority over a multimodal project on such aspects of the project in which the cooperating authority has expertise.

“(2) USE OF CATEGORICAL EXCLUSION.—In a case described in paragraph (1), the 1 or more categorical exclusions of a cooperating authority may be applied by the lead authority once the cooperating authority reviews the project on behalf of the lead authority and determines the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations or procedures of the cooperating authority and this section.”.

(b) CONFORMING AMENDMENT.—The item relating to section 304 in the analysis for title 49, United States Code, is amended to read as follows:

“304. Application of categorical exclusions for multimodal projects.”.

SEC. 3007. STATE ASSUMPTION OF RESPONSIBILITIES FOR CATEGORICAL EXCLUSIONS.

Section 326 of title 23, United States Code, is amended—

(1) by striking subsection (d) and inserting the following:

“(d) TERMINATION.—
“(1) Termination by the Secretary.—The Secretary may terminate any assumption of responsibility under a memorandum of understanding on a determination that the State is not adequately carrying out the responsibilities assigned to the State.

“(2) Termination by the State.—The State may terminate the participation of the State in the program at any time by providing to the Secretary a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the Secretary may provide.”; and

(2) by adding at the end the following:

“(f) Legal Fees.—A State assuming the responsibilities of the Secretary under this section for a specific project may use funds apportioned to the State under section 104(b)(2) for attorneys fees directly attributable to eligible activities associated with the project.”.

SEC. 3008. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

(a) In General.—Section 327 of title 23, United States Code, is amended—

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

(2) in subsection (a)—
(A) in paragraph (1) by striking “pilot”;

and

(B) in paragraph (2)—

(i) in subparagraph (B) by striking clause (ii) and inserting the following:

“(ii) the Secretary may not assign—

“(I) any responsibility imposed on the Secretary by section 134 or 135; or

“(II) responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).”; and

(ii) by adding at the end the following:

“(F) LEGAL FEES.—A State assuming the responsibilities of the Secretary under this section for a specific project may use funds apportioned to the State under section 104(b)(2) for attorneys fees directly attributable to eligible activities associated with the project.”;

(3) in subsection (b)—

(A) by striking paragraph (1);
(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) in subparagraph (A) of paragraph (3) (as so redesignated) by striking “(2)” and inserting “(1)”;

(4) in subsection (e)—

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

(B) by adding at the end the following:

“(4) require the State to provide to the Secretary any information the Secretary considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

“(5) require the Secretary—

“(A) after a period of 5 years, to evaluate the ability of the State to carry out the responsibility assumed under this section;

“(B) if the Secretary determines that the State is not ready to effectively carry out the responsibilities the State has assumed, to re-evaluate the readiness of the State every 3 years, or at such other frequency as the Secretary considers appropriate, after the initial 5-
year evaluation, until the State is ready to assume the responsibilities on a permanent basis; and

“(C) once the Secretary determines that the State is ready to permanently assume the responsibilities of the Secretary, not to require any further evaluations; and

“(6) require the State to provide the Secretary with any information, including regular written reports, as the Secretary may require in conducting evaluations under paragraph (5).”;

(5) by striking subsection (g);

(6) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively; and

(7) in subsection (h) (as so redesignated)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (1); and

(C) by inserting after paragraph (1) (as so redesignated) the following:

“(2) TERMINATION BY THE STATE.—The State may terminate the participation of the State in the program at any time by providing to the Secretary a notice by not later than the date that is 90 days before the date of termination, and subject to such
terms and conditions as the Secretary may pro-
vide.’’.

(b) CONFORMING AMENDMENT.—The item relating
to section 327 in the analysis of title 23, United States
Code, is amended to read as follows:

‘‘327. Surface transportation project delivery program.’’.

6 SEC. 3009. CATEGORICAL EXCLUSION FOR PROJECTS WITH-
IN THE RIGHT-OF-WAY.

(a) IN GENERAL.—Not later than 30 days after the
date of enactment of this Act, the Secretary shall publish
a notice of proposed rulemaking for a categorical exclusion
that meets the definitions (as in effect on that date) of
section 1508.4 of title 40, Code of Federal Regulations,
and section 771.117 of title 23, Code of Federal Regula-
tions, for a project (as defined in section 101(a) of title
23, United States Code)—

(1) that is located solely within the right-of-way
of an existing highway, such as new turn lanes and
bus pull-offs;

(2) that does not include the addition of a
through lane or new interchange; and

(3) for which the project sponsor demonstrates
that the project—

(A) is intended to improve safety, alleviate
congestion, or improve air quality; or
(B) would improve or maintain pavement or structural conditions or achieve a state of good repair.

(b) Notice.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to further define and implement subsection (a) within subsection (e) or (d) of section 771.117 of title 23, Code of Federal Regulations (as in effect on the date of enactment of the MAP–21).

SEC. 3010. PROGRAMMATIC AGREEMENTS AND ADDITIONAL CATEGORICAL EXCLUSIONS.

(a) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary shall—

(1) survey the use by the Department of Transportation of categorical exclusions in transportation projects since 2005;

(2) publish a review of the survey that includes a description of—

(A) the types of actions categorically excluded; and

(B) any requests previously received by the Secretary for new categorical exclusions; and

(3) solicit requests from State departments of transportation, transit authorities, metropolitan
planning organizations, or other government agencies for new categorical exclusions.

(b) NEW CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to propose new categorical exclusions received by the Secretary under subsection (a), to the extent that the categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations and section 771.117(a) of title 23, Code of Federal Regulations (as those regulations are in effect on the date of the notice).

(c) ADDITIONAL ACTIONS.—The Secretary shall issue a proposed rulemaking to move the following types of actions from subsection (d) of section 771.117 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act), to subsection (c) of that section, to the extent that such movement complies with the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act):

(1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing).
(2) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.

(3) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.

(d) Programmatic Agreements.—

(1) In general.—The Secretary shall seek opportunities to enter into programmatic agreements with the States that establish efficient administrative procedures for carrying out environmental and other required project reviews.

(2) Inclusions.—Programmatic agreements authorized under paragraph (1) may include agreements that allow a State to determine on behalf of the Federal Highway Administration whether a project is categorically excluded from the preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) Determinations.—An agreement described in paragraph (2) may include determinations by the Secretary of the types of projects categorically excluded (consistent with section 1508.4 of title...
40, Code of Federal Regulations) in the State in addition to the types listed in subsections (c) and (d) of section 771.117 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 3011. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—When preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency makes changes in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant further agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, on the condition that the errata sheets—

(1) cite the sources, authorities, or reasons that support the position of the agency; and

(2) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

(b) INCORPORATION.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision unless—
the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

(2) there are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.

SEC. 3012. MEMORANDA OF AGENCY AGREEMENTS FOR EARLY COORDINATION.

(a) IN GENERAL.—It is the sense of Congress that—

(1) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other and other agencies on environmental review and project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, head off potential conflicts, and ensure that planning and project development decisions reflect environmental values; and

(2) such cooperation should include the development of policies and the designation of staff that advise planning agencies or project sponsors of studies or other information foreseeably required for later
Federal action and early consultation with appropriate State and local agencies and Indian tribes.

(b) **Technical Assistance.**—If requested at any time by a State or local planning agency, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or local planning agency on accomplishing the early coordination activities described in subsection (d).

(c) **Memorandum of Agency Agreement.**—If requested at any time by a State or local planning agency, the lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, State, and local governments and other appropriate entities to accomplish the early coordination activities described in subsection (d).

(d) **Early Coordination Activities.**—Early coordination activities shall include, to the maximum extent practicable, the following:

   (1) Technical assistance on identifying potential impacts and mitigation issues in an integrated fashion.
(2) The potential appropriateness of using planning products and decisions in later environmental reviews.

(3) The identification and elimination from detailed study in the environmental review process of the issues that are not significant or that have been covered by prior environmental reviews.

(4) The identification of other environmental review and consultation requirements so that the lead and cooperating agencies may prepare, as appropriate, other required analyses and studies concurrently with planning activities.

(5) The identification by agencies with jurisdiction over any permits related to the project of any and all relevant information that will reasonably be required for the project.

(6) The reduction of duplication between requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and State and local planning and environmental review requirements, unless the agencies are specifically barred from doing so by applicable law.

(7) Timelines for the completion of agency actions during the planning and environmental review processes.
(8) Other appropriate factors.

SEC. 3013. ACCELERATED DECISIONMAKING.

Section 139(h) of title 23, United States Code, is amended by striking paragraph (4) and inserting the following:

“(4) INTERIM DECISION ON ACHIEVING ACCELERATED DECISIONMAKING.—

“(A) IN GENERAL.—Not later than 30 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the project sponsor, lead agency, resource agencies, and any relevant State agencies to ensure that all parties are on schedule to meet deadlines for decisions to be made regarding the project.

“(B) DEADLINES.—The deadlines referred to in subparagraph (A) shall be those established under subsection (g), or any other deadlines established by the lead agency, in consultation with the project sponsor and other relevant agencies.

“(C) FAILURE TO ASSURE.—If the relevant agencies cannot provide reasonable assurances that the deadlines described in subparagraph (B) will be met, the Secretary may ini-
tiate the issue resolution and referral process described under paragraph (5) and before the completion of the record of decision.

“(5) ACCELERATED ISSUE RESOLUTION AND REFERRAL.—

“(A) AGENCY ISSUE RESOLUTION MEETING.—

“(i) IN GENERAL.—A Federal agency of jurisdiction, project sponsor, or the Governor of a State in which a project is located may request an issue resolution meeting to be conducted by the lead agency.

“(ii) ACTION BY LEAD AGENCY.—The lead agency shall convene an issue resolution meeting under clause (i) with the relevant participating agencies and the project sponsor, including the Governor only if the meeting was requested by the Governor, to resolve issues that could—

“(I) delay completion of the environmental review process; or

“(II) result in denial of any approvals required for the project under applicable laws.
“(iii) DATE.—A meeting requested under this subparagraph shall be held by not later than 21 days after the date of receipt of the request for the meeting, unless the lead agency determines that there is good cause to extend the time for the meeting.

“(iv) NOTIFICATION.—On receipt of a request for a meeting under this subparagraph, the lead agency shall notify all relevant participating agencies of the request, including the issue to be resolved, and the date for the meeting.

“(v) DISPUTES.—If a relevant participating agency with jurisdiction over an approval required for a project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the lead agency disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.

“(vi) CONVENTION BY LEAD AGENCY.—A lead agency may convene an issue
resolution meeting under this subsection at any time without the request of the Federal agency of jurisdiction, project sponsor, or the Governor of a State.

“(B) ELEVATION OF ISSUE RESOLUTION.—

“(i) IN GENERAL.—If issue resolution is not achieved by not later than 30 days after the date of a relevant meeting under subparagraph (A), the Secretary shall notify the lead agency, the heads of the relevant participating agencies, and the project sponsor (including the Governor only if the initial issue resolution meeting request came from the Governor) that an issue resolution meeting will be convened.

“(ii) REQUIREMENTS.—The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date of issuance of the notice.

“(C) REFERRAL OF ISSUE RESOLUTION.—

“(i) REFERRAL TO COUNCIL ON ENVIRONMENTAL QUALITY.—
“(I) IN GENERAL.—If resolution is not achieved by not later than 30 days after the date of an issue resolution meeting under subparagraph (B), the Secretary shall refer the matter to the Council on Environmental Quality.

“(II) MEETING.—Not later than 30 days after the date of receipt of a referral from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant participating agencies, and the project sponsor (including the Governor only if an initial request for an issue resolution meeting came from the Governor).

“(ii) REFERRAL TO THE PRESIDENT.—If a resolution is not achieved by not later than 30 days after the date of the meeting convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall refer the matter directly to the President.
“(6) FINANCIAL TRANSFER PROVISIONS.—

“(A) IN GENERAL.—A Federal agency of jurisdiction over an approval required for a project under applicable laws shall complete any required approval on an expeditious basis using the shortest existing applicable process.

“(B) FAILURE TO DECIDE.—

“(i) IN GENERAL.—If an agency described in subparagraph (A) fails to render a decision under any Federal law relating to a project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, or other approval by the date described in clause (ii), the agency shall transfer from the applicable office of the head of the agency, or equivalent office to which the authority for rendering the decision has been delegated by law, to the agency or division charged with rendering a decision regarding the application, by not later than 1 day after the applicable date under clause (ii), and once each week thereafter.
until a final decision is rendered, subject to subparagraph (C)—

“(I) $20,000 for any project for which an annual financial plan under section 106(i) is required; or

“(II) $10,000 for any other project requiring preparation of an environmental assessment or environmental impact statement.

“(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—

“(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

“(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) LIMITATIONS.—

“(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to
an individual project shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

“(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

“(D) TREATMENT.—The transferred funds shall only be available to the agency or division charged with rendering the decision as additional resources, pursuant to subparagraph (F).

“(E) NO FAULT OF AGENCY.—A transfer of funds under this paragraph shall not be made if the agency responsible for rendering the decision certifies that—

“(i) the agency has not received necessary information or approvals from another entity, such as the project sponsor, in a manner that affects the ability of the agency to meet any requirements under State, local, or Federal law; or
“(ii) significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application.

“(F) TREATMENT OF FUNDS.—

“(i) IN GENERAL.—Funds transferred under this paragraph shall supplement resources available to the agency or division charged with making a decision for the purpose of expediting permit reviews.

“(ii) AVAILABILITY.—Funds transferred under this paragraph shall be available for use or obligation for the same period that the funds were originally authorized or appropriated, plus 1 additional fiscal year.

“(iii) LIMITATION.—The Federal agency with jurisdiction for the decision that has transferred the funds pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.
“(G) Audits.—In any fiscal year in which any Federal agency transfers funds pursuant to this paragraph, the Inspector General of that agency shall—

“(i) conduct an audit to assess compliance with the requirements of this paragraph; and

“(ii) not later than 120 days after the end of the fiscal year during which the transfer occurred, submit to the Committee on Environment and Public Works of the Senate and any other appropriate congressional committees a report describing the reasons why the transfers were levied, including allocations of resources.

“(H) Effect of Paragraph.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

“(I) Authority for Intra-Agency Transfer of Funds.—The requirement provided under this paragraph for a Federal agency to transfer or reallocate funds of the Federal agency in accordance with subparagraph (B)(i)—
“(i) shall be treated by the Federal agency as a requirement and authority consistent with any applicable original law establishing and authorizing the agency; but

“(ii) does not provide to the Federal agency the authority to require or determine the intra-agency transfer or reallocation of funds that are provided to or are within any other Federal agency.

“(7) EXPEDIENT DECISIONS AND REVIEWS.— To ensure that Federal environmental decisions and reviews are expeditiously made—

“(A) adequate resources made available under this title shall be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are completed on an expeditious basis and that the shortest existing applicable process under that Act is implemented; and

“(B) the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works
of the Senate, not less frequently than once every 120 days after the date of enactment of the MAP–21, a report on the status and progress of the following projects and activities funded under this title with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):

“(i) Projects and activities required to prepare an annual financial plan under section 106(i).

“(ii) A sample of not less than 5 percent of the projects requiring preparation of an environmental impact statement or environmental assessment in each State.”.

SEC. 3014. ENVIRONMENTAL PROCEDURES INITIATIVE.

(a) ESTABLISHMENT.—For grant programs under which funds are distributed by formula by the Department of Transportation, the Secretary shall establish an initiative to review and develop consistent procedures for environmental permitting and procurement requirements.

(b) REPORT.—The Secretary shall publish the results of the initiative described in subsection (a) in an electronically accessible format.
SEC. 3015. ALTERNATIVE RELOCATION PAYMENT DEMONSTRATION PROGRAM.

(a) Payment Demonstration Program.—

(1) In general.—Except as otherwise provided in this section, for the purpose of identifying improvements in the timeliness of providing relocation assistance to persons displaced by Federal or federally assisted programs and projects, the Secretary may allow not more than 5 States to participate in an alternative relocation payment demonstration program under which payments to displaced persons eligible for relocation assistance pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) (including implementing regulations), are calculated based on reasonable estimates and paid in advance of the physical displacement of the displaced person.

(2) Timing of Payments.—Relocation assistance payments for projects carried out under an approved State demonstration program may be provided to the displaced person at the same time as payments of just compensation for real property acquired for the program or project of the State.
(3) Combining of Payments.—Payments for relocation and just compensation may be combined into a single unallocated amount.

(b) Criteria.—

(1) In General.—After public notice and an opportunity to comment, the Secretary shall adopt criteria for carrying out the alternative relocation payment demonstration program.

(2) Conditions.—

(A) In General.—Conditions for State participation in the demonstration program shall include the conditions described in subparagraphs (B) through (E).

(B) Memorandum of Agreement.—A State wishing to participate in the demonstration program shall be required to enter into a memorandum of agreement with the Secretary that includes provisions relating to—

(i) the selection of projects or programs within the State to which the alternative relocation payment process will be applied;

(ii) program and project-level monitoring;

(iii) performance measurement;
(iv) reporting; and

(v) the circumstances under which the Secretary may terminate the demonstration program of the State before the end of the program term.

(C) TERM OF DEMONSTRATION PROGRAM.—Except as provided in subparagraph (B)(v), the demonstration program of the State may continue for up to 3 years after the date on which the Secretary executes the memorandum of agreement.

(D) DISPLACED PERSONS.—

(i) IN GENERAL.—Displaced persons affected by a project included in the demonstration program of the State shall be informed in writing in a format that is clear and easily understandable that the relocation payments that the displaced persons receive under the demonstration program may be higher or lower than the amount that the displaced persons would receive under the standard relocation assistance process.

(ii) ALTERNATIVE PROCESS.—Displaced persons shall be informed—
(I) of the right of the displaced persons not to participate in the demonstration program; and

(II) that the alternative relocation payment process can be used only if the displaced person agrees in writing.

(iii) ASSISTANCE.—The displacing agency shall provide any displaced person who elects not to participate in the demonstration program with relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) (including implementing regulations).

(E) OTHER DISPLACEMENTS.—

(i) IN GENERAL.—If other Federal agencies plan displacements in or adjacent to a demonstration program project area within the same time period as the project acquisition and relocation actions of the demonstration program, the Secretary shall adopt measures to protect against inconsistent treatment of displaced persons.
(ii) INCLUSION.—Measures described in clause (i) may include a determination that the demonstration program authority may not be used on a particular project.

(c) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to Congress—

(A) at least every 18 months after the date of enactment of this Act, a report on the progress and results of the demonstration program; and

(B) not later than 1 year after all State demonstration programs have ended, a final report.

(2) REQUIREMENTS.—The final report shall include an evaluation by the Secretary of the merits of the alternative relocation payment demonstration program, including the effects of the demonstration program on—

(A) displaced persons and the protections afforded to displaced persons by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.);
(B) the efficiency of the delivery of Federal-aid highway projects and overall effects on the Federal-aid highway program; and

(C) the achievement of the purposes of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(d) LIMITATION.—The authority of this section may be used only on projects funded under title 23, United States Code, in cases in which the funds are administered by the Federal Highway Administration.

(e) AUTHORITY.—The authority of the Secretary to approve an alternate relocation payment demonstration program for a State terminates on the date that is 3 years after the date of enactment of this Act.
environmental impact statements initiated after calendar year 2005; to
(ii) the completion times of categorical exclusions, environmental assessments, and environmental impact statements initiated during a period prior to calendar year 2005; and
(B)(i) the completion times of categorical exclusions, environmental assessments, and environmental impact statements initiated during the period beginning on January 1, 2005, and ending on the date of enactment of this Act; to
(ii) the completion times of categorical exclusions, environmental assessments, and environmental impact statements initiated after the date of enactment of this Act.

(2) REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report—
(A) not later than 1 year after the date of enactment of this Act that—
(i) describes the results of the review conducted under paragraph (1)(A); and
(ii) identifies any change in the timing for completions, including the reasons for any such change and the reasons for delays in excess of 5 years; and

(B) not later than 5 years after the date of enactment of this Act that—

(i) describes the results of the review conducted under paragraph (1)(B); and

(ii) identifies any change in the timing for completions, including the reasons for any such change and the reasons for delays in excess of 5 years.

(b) ADDITIONAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the types and justification for the additional categorical exclusions granted under the authority provided under sections 1309 and 1310.

(c) GAO REPORT.—The Comptroller General of the United States shall—

(1) assess the reforms carried out under sections 1301 through 1315 (including the amendments made by those sections); and
(2) not later than 5 years after the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the results of the assessment.

(d) INSPECTOR GENERAL REPORT.—The Inspector General of the Department of Transportation shall—

(1) assess the reforms carried out under sections 1301 through 1315 (including the amendments made by those sections); and

(2) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(A) not later than 2 years after the date of enactment of this Act, an initial report of the findings of the Inspector General; and

(B) not later than 4 years after the date of enactment of this Act, a final report of the findings.

Strike subtitle C of title VIII of the committee print and redesignate the following subtitles accordingly (and conform the table of contents accordingly).