

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3880
OFFERED BY MR. FOSSELLA

Strike all after the enacting clause and insert the following:

1 **SECTION 1. CLEAN AIR TRANSPORTATION CONFORMITY;**
2 **TEMPORARY WAIVER FOR NEW YORK AREAS.**

3 (a) TEMPORARY WAIVER.—Notwithstanding any
4 other provision of law, until September 30, 2005, the pro-
5 visions of section 176(c) of the Clean Air Act, and the
6 regulations promulgated thereunder, shall not apply to
7 transportation projects, programs, and plans for the coun-
8 ties of New York, Queens, Kings, Bronx, Richmond, Nas-
9 sau, Suffolk, Westchester, Rockland, Putnam or to the
10 towns of Blooming Grove, Chester, Highlands, Monroe,
11 Tuxedo, Warwick, and Woodbury in Orange County, New
12 York. The preceding sentence shall not apply to the regu-
13 lations under section 176(c)(4)(B)(i) of such Act relating
14 to Federal and State interagency consultation procedures.

15 (b) INTERIM PROGRESS REPORT.—Not later than
16 January 1, 2004, the Governor of New York shall submit
17 to the Committees on Energy and Commerce and Trans-
18 portation and Infrastructure of the House of Representa-
19 tives, the Committee on Environment and Public Works



1 of the Senate, the Administrator of the Environmental
2 Protection Agency, and the Secretary of Transportation
3 a report regarding the status of the State's progress to-
4 wards achieving compliance with the provisions of law and
5 regulation subject to the temporary waiver provided by
6 subsection (a). Such report shall explain in detail the steps
7 that the State has taken towards achieving such compli-
8 ance and identify the necessary steps that remain to be
9 taken by September 30, 2005, in order for the transpor-
10 tation projects, programs, and plans for the counties re-
11 ferred to in subsection (a) to be in compliance with the
12 provisions of section 176(c) of the Clean Air Act, and the
13 regulations promulgated thereunder, by September 30,
14 2005. The report shall also include a regional emissions
15 analysis generally consistent with the requirements of 40
16 CFR 93.122, together with the relevant air quality data.

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

19 Notwithstanding any other provision of law, until
20 September 30, 2005, the provisions of sections
21 134(h)(1)(D), 134(i)(3), 134(i)(5), and 134(l)(1) of title
22 23 of the United States Code and sections 5304(a)(1),
23 5305(c), and 5305(e)(1) of title 49 of the United States
24 Code and the regulations promulgated thereunder, shall
25 not apply to the New York Metropolitan Transportation



1 Council or to the Metropolitan Planning Organization des-
2 ignated under section 134(b) of title 23 of the United
3 States Code.

4 **SEC. 3. ADDITIONAL REQUIREMENTS.**

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

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

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

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



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

