

program, 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 of, extend the service life of, 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 causing 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 incentives 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 subparagraph (A) for up to 10 percent of the combined apportionments of the State under paragraphs (1), (2), and (5) of section 104(b).

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

SEC. 1305. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) FLEXIBILITY.—Section 139(b) of title 23, United States Code, is amended—

(1) in paragraph (2) by inserting “, and any requirements established under this section may be satisfied,” after “exercised”; and

(2) by adding at the end the following:

“(3) PROGRAMMATIC COMPLIANCE.—

Regulations.

“(A) IN GENERAL.—The Secretary shall initiate a rulemaking to allow for the use of programmatic approaches to conduct environmental reviews that—

“(i) eliminate repetitive discussions of the same issues;

“(ii) focus on the actual issues ripe for analyses at each level of review; and

“(iii) are consistent with—

“(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(II) other applicable laws.

Consultation.

“(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall—

“(i) before initiating the rulemaking under that subparagraph, consult with relevant Federal agencies and State resource agencies, State departments of transportation, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

“(ii) emphasize the importance of collaboration among relevant Federal agencies, State agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographic scope;

“(iii) ensure that the programmatic reviews—

“(I) promote transparency, including of the analyses and data used in the environmental reviews, the treatment of any deferred issues raised by agencies or the public, and the temporal and special scales to be used to analyze such issues;

“(II) use accurate and timely information in reviews, including—

“(aa) criteria for determining the general duration of the usefulness of the review; and

“(bb) the timeline for updating any out-of-date review;

“(III) describe—

“(aa) the relationship between programmatic analysis and future tiered analysis; and

“(bb) the role of the public in the creation of future tiered analysis; and

“(IV) are available to other relevant Federal and State agencies, Indian tribes, and the public;

Time period.
Public notice and
comments.

“(iv) allow not fewer than 60 days of public notice and comment on any proposed rule; and

“(v) address any comments received under clause (iv).”.

(b) FEDERAL LEAD AGENCY.—Section 139(c) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “The Department of Transportation” and inserting the following:

“(A) IN GENERAL.—The Department of Transportation”;

and

(B) by adding at the end the following:

“(B) MODAL ADMINISTRATION.—If the project requires approval from more than 1 modal administration within the Department, the Secretary may designate a single modal administration to serve as the Federal lead agency for the Department in the environmental review process for the project.”.

(c) PARTICIPATING AGENCIES.—Section 139(d) of title 23, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

“(4) EFFECT OF DESIGNATION.—

“(A) REQUIREMENT.—A participating agency shall comply with the requirements of this section.

“(B) IMPLICATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

“(i) supports a proposed project; or

“(ii) has any jurisdiction over, or special expertise with respect to evaluation of, the project.”; and

(2) by striking paragraph (7) and inserting the following:

“(7) CONCURRENT REVIEWS.—Each participating agency and cooperating agency shall—

“(A) carry out the obligations of that agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and

“(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.”.

(d) PROJECT INITIATION.—Section 139(e) of title 23, United States Code, is amended—

(1) by striking “The project sponsor” and inserting the following:

“(1) IN GENERAL.—The project sponsor”; and

(2) by adding at the end the following:

“(2) SUBMISSION OF DOCUMENTS.—The project sponsor may satisfy the requirement under paragraph (1) by submitting to the Secretary any relevant documents containing the information described in that paragraph, including a draft notice for publication in the Federal Register announcing the preparation of an environmental review for the project.”.

(e) COORDINATION AND SCHEDULING.—Section 139(g)(1)(B)(i) of title 23, United States Code, is amended by inserting “and the concurrence of” after “consultation with”.

Federal Register,
publication.

SEC. 1306. 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,

Deadline.