LaMalfa Amendment #197 to H.R. 3684, the INVEST in America Act

IMPLEMENT PROGRAM TO ELIMINATE FEDERAL AND STATE ENVIRONMENTAL OVERLAP.

Situation:

1) The California Environmental Quality Act (CEQA) has higher environmental standards than the National Environmental Policy Act (NEPA), but both are required on California projects.
2) Section 1309 of the Fixing America’s Surface Transportation Act of 2015 created a pilot program allowing some States to ignore NEPA, if their State standards were high enough.
3) The Trump Administration issued regulations in late 2020 to implement this program, but the Biden Administration’s broad freeze on all late-term regulations stopped it.

Policy:

✓ Requires the Secretary of Transportation to establish this program within 60 days.
✓ Given the delay in implementation, the Secretary is required to remind all States of this program’s establishment.
✓ A decision on any submitted applications must be made within 180 days of receipt.

PREVENT UNNECESSARY ENVIRONMENTAL REVIEWS ON EXISTING INFRASTRUCTURE.

Situation:

1) A NEPA environmental review is required for any project that can have “significant” impacts, including repairs and routine maintenance along existing roads.

Policy:

✓ Creates a categorical exclusion for the repair, reconstruction, restoration, retrofitting or replacement of a highway, bridge, tunnel or transit facility within the existing footprint.

IMPLEMENT ‘LESSONS LEARNED’ FROM CALIFORNIA HIGH-SPEED RAIL PROJECT.

Situation:

1) California’s high-speed rail project has been a boondoggle and failure of public administration.
2) The Federal government should continually review these failures, and prevent them in the future.

Policy:

✓ Creates a new set of requirements for high-speed rail projects within the proposed Passenger Rail Improvement, Modernization and Expansion (PRIME) grant program.
  ➢ Requires land acquisition and payment agreements before a project can start construction or receive Federal construction grant funding.
  ➢ Requires a minimum operable segment before any Federal grant awards.
  ➢ Requires grant recipient to spend their matching funds concurrently with Federal funding.
  ➢ Forbids additional funding to projects which experience a cost increase of over 20%.