COMMITTEE REPORT

March 23, 2017

**H. 3962**

Introduced by Reps. Putnam, Thayer, Gagnon, Yow, West, Taylor, Loftis, Toole, Felder, Simrill, Burns, Long, V.S. Moss, Pope, Magnuson, Chumley, Hamilton, G.R. Smith, Elliott, Arrington, Bennett, McCoy, Jordan, Allison, Sottile, Atwater, Bradley, S. Rivers, Davis, Erickson, B. Newton, Martin, Bedingfield, Crawford, Fry, W. Newton, Murphy, Spires, Bannister, Blackwell, Clemmons, Cogswell, Cole, Crosby, Daning, Delleney, Forrest, Forrester, Henderson, Herbkersman, Hill, Hiott, Hixon, Lowe, D.C. Moss, Pitts, Sandifer, Tallon, Whitmire and Willis

S. Printed 3/23/17--H.

Read the first time March 13, 2017.

**THE COMMITTEE ON**

**INVITATIONS AND MEMORIAL RESOLUTIONS**

To whom was referred a House Resolution (H. 3962) to memorialize the President of the United States, the South Carolina Congressional Delegation, and the United States Secretary of Transportation to support and enact legislation that gives the states more flexibility, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

JIMMY C. BALES for Committee.

**A** **HOUSE RESOLUTION**

TO MEMORIALIZE THE PRESIDENT OF THE UNITED STATES, THE SOUTH CAROLINA CONGRESSIONAL DELEGATION, AND THE UNITED STATES SECRETARY OF TRANSPORTATION TO SUPPORT AND ENACT LEGISLATION THAT GIVES THE STATES MORE FLEXIBILITY IN SPENDING FEDERAL DOLLARS ON TRANSPORTATION INFRASTRUCTURE PROJECTS.

Whereas, since its inception, the federal‑aid highway program has been a federally assisted, state‑administered program. Over time, the respective roles of the Federal Highway Administration (FHWA) and state departments of transportation have evolved, with FHWA’s role shifting from a “full oversight” model to a “risk‑based” model. As part of this transition, state departments of transportation have assumed increased responsibility for project‑level and program‑level decisions with regard to the federal‑aid highway program; and

Whereas, under 23 U.S.C. 106(c), state departments of transportation may assume the responsibilities of FHWA for “design, plans, specifications, estimates, contract awards, and inspections” with respect to projects on the National Highway System (NHS), including the Interstate Highway System, and states are required to assume those responsibilities for non‑NHS projects. The specific responsibilities assumed by each state under 23 U.S.C. 106 must be documented in an agreement, commonly known as a Stewardship and Oversight Agreement; and

Whereas, Section 1316 of the Fixing America’s Surface Transportation Act directed FHWA to use its existing authority under 23 U.S.C. 106 “to the maximum extent practicable” and also directed FHWA to submit recommendations for legislation to permit the assumption of additional authorities by states; and

Whereas, states extensively have used the existing authority to assume FHWA responsibilities under 23 U.S.C. 106. A majority of the states report that they had assumed a majority of the activities that are currently eligible for assignment; and

Whereas, there is broad support among state departments of transportation for allowing additional authorities to be assigned by FHWA, beyond those that already can be assigned under 23 U.S.C. 106. Now, therefore,

Be it resolved by the House of Representatives:

That members of the South Carolina House of Representatives memorialize the President of the United States, the South Carolina Congressional Delegation, and the United States Secretary of Transportation to support and enact legislation that gives the states more flexibility in spending federal dollars on transportation infrastructure projects including:

(1) the full assignment to the states of FHWA’s responsibilities under the National Environmental Policy Act;

(2) the full assignment to the states of FHWA’s authority for approving new or modified access points along the Interstate Highway System; and

(3) allowing the states to fully assume FHWA’s responsibilities for determining that all federal requirements have been met on all federal‑aid highway projects without the need for an individual project‑level authorization by FHWA prior to commencement of the construction of the project.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, members of the South Carolina Congressional Delegation, and the Secretary of the United States Department of Transportation.

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