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(Original Signature of Member)

112TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title 23, United States Code, to provide funding flexibility for transportation emergencies, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BUCSHON introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title 23, United States Code, to provide funding flexibility for transportation emergencies, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “State Transportation  
5       Emergency Flexibility Act of 2011”.

1 **SEC. 2. FUNDING FLEXIBILITY FOR TRANSPORTATION**  
2 **EMERGENCIES.**

3 (a) IN GENERAL.—Chapter 3 of title 23, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 330. Funding flexibility for transportation emer-**  
7 **gencies**

8 “(a) IN GENERAL.—Notwithstanding any other pro-  
9 vision of law, the chief executive of a State, after declaring  
10 an emergency with respect to a transportation facility  
11 under subsection (b), may use any covered funds of the  
12 State to repair or replace the transportation facility.

13 “(b) DECLARATION OF EMERGENCY.—To declare an  
14 emergency with respect to a transportation facility for  
15 purposes of subsection (a), the chief executive of a State  
16 shall provide to the Secretary written notice of the declara-  
17 tion, which shall specify—

18 “(1) the emergency;

19 “(2) the affected transportation facility; and

20 “(3) the repair or replacement activities to be  
21 carried out.

22 “(c) DEFINITIONS.—In this section, the following  
23 definitions apply:

24 “(1) COVERED FUNDS.—The term ‘covered  
25 funds’ means any amounts apportioned to a State  
26 under this title or section 1404 of SAFETEA-LU

1 (23 U.S.C. 402 note), including any such amounts  
2 required to be set aside for a purpose other than the  
3 repair or replacement of a transportation facility  
4 under this section.

5 “(2) EMERGENCY.—The term ‘emergency’  
6 means any event or condition that—

7 “(A) affects a transportation facility; and

8 “(B) is determined to be an emergency by  
9 the chief executive of a State.

10 “(3) TRANSPORTATION FACILITY.—The term  
11 ‘transportation facility’ means any component of the  
12 National Highway System.”.

13 (b) CLERICAL AMENDMENT.—The analysis for such  
14 chapter is amended by adding at the end the following:

“330. Funding flexibility for transportation emergencies.”.