

**(e) Cooperating agency****(1) In general**

A lead agency may designate a participating agency as a cooperating agency in accordance with part 1501 of title 40, Code of Federal Regulations (or successor regulations).

**(2) Effect on other designation**

The designation described in paragraph (1) shall not affect any designation under subsection (a)(3).

**(3) Limitation on designation**

Any agency not designated as a participating agency under subsection (a)(3) shall not be designated as a cooperating agency under paragraph (1).

**(f) Reporting status of other projects on Dashboard****(1) In general**

On request of the Executive Director, the Secretary and the Secretary of the Army shall use best efforts to provide information for inclusion on the Dashboard on projects subject to section 139 of title 23 and section 2348 of title 33 likely to require—

(A) a total investment of more than \$200,000,000; and

(B) an environmental impact statement under NEPA.

**(2) Effect of inclusion on Dashboard**

Inclusion on the Dashboard of information regarding projects subject to section 139 of title 23 or section 2348 of title 33 shall not subject those projects to any requirements of this subchapter.

(Pub. L. 114-94, div. D, title XLI, § 41003, Dec. 4, 2015, 129 Stat. 1747.)

## REFERENCES IN TEXT

NEPA, referred to in subsec. (f)(1)(B), means the National Environmental Policy Act of 1969, Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to this chapter. See section 4370m(16) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

## CODIFICATION

Section was enacted as part of the Fixing America's Surface Transportation Act, also known as the FAST Act, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

**§ 4370m-3. Interstate compacts****(a) In general**

The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact establishing regional infrastructure development agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated permitting authority described under section 4370m-5 of this title, that will advance infrastructure development, production, and generation within the States that are parties to the compact.

**(b) Regional infrastructure**

For the purpose of this subchapter, a regional infrastructure development agency referred to

in subsection (a) shall have the same authorities and responsibilities of a State agency.

(Pub. L. 114-94, div. D, title XLI, § 41004, Dec. 4, 2015, 129 Stat. 1755.)

## CODIFICATION

Section was enacted as part of the Fixing America's Surface Transportation Act, also known as the FAST Act, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

**§ 4370m-4. Coordination of required reviews****(a) Concurrent reviews**

To integrate environmental reviews and authorizations, each agency shall, to the maximum extent practicable—

(1) carry out the obligations of the agency with respect to a covered project under any other applicable law concurrently, and in conjunction with, other environmental reviews and authorizations being conducted by other cooperating or participating agencies, including environmental reviews and authorizations required under NEPA, unless the agency determines that doing so would impair the ability of the agency to carry out the statutory obligations of the agency; and

(2) 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.

**(b) Adoption, incorporation by reference, and use of documents****(1)<sup>1</sup> State environmental documents; supplemental documents****(A) Use of existing documents****(i) In general**

On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate by reference, the analysis and documentation that has been prepared for a covered project under State laws and procedures as the documentation, or part of the documentation, required to complete an environmental review for the covered project, if the analysis and documentation were, as determined by the lead agency in consultation with the Council on Environmental Quality, prepared under circumstances that allowed for opportunities for public participation and consideration of alternatives, environmental consequences, and other required analyses that are substantially equivalent to what would have been available had the documents and analysis been prepared by a Federal agency pursuant to NEPA.

**(ii) Guidance by CEQ**

The Council on Environmental Quality may issue guidance to carry out this subsection.

**(B) NEPA obligations**

An environmental document adopted under subparagraph (A) or a document that

<sup>1</sup> So in original. No par. (2) has been enacted.