

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 575

To amend title 49, United States Code, to develop plans and targets for States and metropolitan planning organizations to develop plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 11, 2009

Mr. CARPER (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 49, United States Code, to develop plans and targets for States and metropolitan planning organizations to develop plans to reduce greenhouse gas emissions from the transportation sector, 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 “Clean, Low-Emission,  
5 Affordable, New Transportation Efficiency Act”.

1 **SEC. 2. TRANSPORTATION ALTERNATIVES.**

2 (a) IN GENERAL.—Subtitle III of title 49, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“CHAPTER 63—TRANSPORTATION**  
6 **ALTERNATIVES**

“Sec.

“6301. Definitions.

“6302. Low Greenhouse Gas Transportation Fund.

“6303. Auctioning.

“6304. Plans.

“6305. Recommendations.

“6306. Technical standards.

“6307. Report.

“6308. Funding, implementation, and limitations.

7 **“§ 6301. Definitions**

8 “In this chapter:

9 “(1) ADMINISTRATOR.—The term ‘Adminis-  
10 trator’ means Administrator of the Environmental  
11 Protection Agency.

12 “(2) CHARRETTE.—The term ‘charrette’ means  
13 an open, collaborative, multi-day design session—

14 “(A) that includes a comprehensive de-  
15 scription and discussion of proposed plans and  
16 projects;

17 “(B) that involves participation and input  
18 by stakeholders and the public;

19 “(C) that involves a collaborative process  
20 with a series of feedback loops and responses to  
21 stakeholder and public comments; and

1           “(D) designed to produce 2 or more fea-  
2           sible transportation greenhouse gas reduction  
3           plans to be reviewed and evaluated through the  
4           stakeholder process to find the most effective  
5           option.

6           “(3) COST-BURDENED HOUSEHOLD.—The term  
7           ‘cost-burdened household’ means a household whose  
8           inhabitants—

9                   “(A) pay more than 30 percent of their in-  
10                  come for housing; and

11                   “(B) receive earned income in an amount  
12                  that does not exceed 200 percent of the Federal  
13                  poverty line (as defined by the Office of Man-  
14                  agement and Budget and annually revised by  
15                  the Secretary of Health and Human Services)  
16                  applicable to the number of inhabitants in such  
17                  household.

18           “(4) FUND.—The term ‘Fund’ means the Low  
19           Greenhouse Gas Transportation Fund established  
20           under section 6302(a).

21           “(5) GREENHOUSE GAS.—The term ‘greenhouse  
22           gas’ means carbon dioxide, nitrous oxide, methane,  
23           hydrofluorocarbons, and any other greenhouse gas or  
24           nongaseous emission that the Administrator deter-

1 mines should be addressed in mobile source green-  
2 house gas reduction plans.

3 “(6) INTERCITY PASSENGER RAIL PROJECT.—  
4 The term ‘intercity passenger rail project’ has the  
5 meaning given the term ‘capital project’ in section  
6 24401.

7 “(7) METROPOLITAN PLANNING ORGANIZA-  
8 TION.—The term ‘metropolitan planning organiza-  
9 tion’ means an organization designated under sec-  
10 tion 134(b) of title 23.

11 “(8) SCENARIO ANALYSIS.—The term ‘scenario  
12 analysis’ means an analysis that is conducted by  
13 identifying different trends and making projections  
14 based on those trends to develop a range of sce-  
15 narios and estimates of how each scenario could—

16 “(A) improve access to goods and services,  
17 including employment, education, and health-  
18 care (especially for the elderly and economically  
19 disadvantaged communities); and

20 “(B) affect rates of—

21 “(i) motor vehicle miles traveled;

22 “(ii) motor vehicle hours of operation;

23 “(iii) use of petroleum-derived trans-  
24 portation fuel; and

1                   “(iv) greenhouse gas emissions from  
2                   the transportation sector.

3                   “(9) SECRETARY.—The term ‘Secretary’ means  
4                   the Secretary of Transportation.

5                   “(10) STATE.—The term ‘State’ means—

6                   “(A) any of the several States;

7                   “(B) the District of Columbia; and

8                   “(C) the Commonwealth of Puerto Rico.

9                   “(11) TRANSPORTATION.—The term ‘transportation’ means the design, construction, operation,  
10                  and maintenance of transportation infrastructure,  
11                  including highway facilities, public transit, rail, bicycle, and pedestrian facilities, and other modes of  
12                  transporting people, goods, and services

15   **“§ 6302. Low Greenhouse Gas Transportation Fund**

16                  “(a) ESTABLISHMENT.—There is established in the  
17                  Treasury of the United States a fund, to be known as the  
18                  ‘Low Greenhouse Gas Transportation Fund’, consisting of  
19                  such amounts as are deposited into the Fund under section 6303(c). Amounts deposited into the Fund may be  
20                  used by the Secretary, without further appropriation, to  
21                  carry out this chapter.

22                  “(b) EXPENDITURES FROM FUND.—

23                  “(1) IN GENERAL.—Subject to the availability  
24                  of funds deposited under section 6303(c), upon the  
25

1 request of the Secretary, the Secretary of the Treas-  
2 ury shall transfer from the Fund to the Secretary  
3 such amounts as the Secretary determines are nec-  
4 essary to provide assistance for use in implementing  
5 projects under plans developed pursuant to section  
6 6308(b).

7 “(2) ADMINISTRATIVE EXPENSES.—Not more  
8 than 5 percent of the amounts deposited in the  
9 Fund may be used to pay the administrative ex-  
10 penses necessary to carry out this chapter.

11 **“§ 6303. Auctioning**

12 “(a) IN GENERAL.—For each of calendar years 2012  
13 through 2050, the Administrator shall auction 10 percent  
14 of the emission allowances established for each of those  
15 calendar years under any program in effect providing for  
16 the regulation of greenhouse gas emissions and the auc-  
17 tioning of emission allowances that is administered by the  
18 Administrator.

19 “(b) TIMING.—The auctions required for each cal-  
20 endar year specified in paragraph (1) shall be conducted  
21 over the course of at least 4 sessions, spaced evenly over  
22 a period beginning 330 days before, and ending 60 days  
23 after, the beginning of each such calendar year.

1       “(c) DEPOSIT OF PROCEEDS.—The Administrator  
2 shall deposit into the Fund the proceeds from each auction  
3 conducted under this section.

4       **“§ 6304. Plans**

5       “(a) GOAL.—Each State and metropolitan planning  
6 organization shall establish the goal of reducing green-  
7 house gas emissions from the transportation sector during  
8 the 10-year period beginning on the date of the enactment  
9 of this chapter by—

10               “(1) increasing mobility options;

11               “(2) reducing the number of miles traveled by  
12 motor vehicle; and

13               “(3) reducing the use of petroleum-derived  
14 transportation fuel.

15       “(b) RULEMAKING.—Not later than 1 year after the  
16 date of the enactment of this chapter, the Secretary, in  
17 consultation with the Administrator, shall promulgate reg-  
18 ulations for the development of—

19               “(1) transportation greenhouse gas reduction  
20 plans and emission reduction targets for relevant ju-  
21 risdictions; and

22               “(2) prioritized lists of greenhouse gas reduc-  
23 tion projects described under this chapter.

24       “(c) DEVELOPMENT OF TRANSPORTATION GREEN-  
25 HOUSE GAS REDUCTION PLANS.—Each State and metro-

1 politan planning organization, which represents a popu-  
2 lation, as of the most recent decennial census, of more  
3 than 200,000 individuals, shall develop a transportation  
4 greenhouse gas reduction plan, and a prioritized list of  
5 projects to support the plan, that are integrated into the  
6 long-range transportation plans and transportation im-  
7 provement programs required under sections 134 and 135  
8 of title 23, of the State or metropolitan planning organiza-  
9 tion. Such plan and projects shall support the goal estab-  
10 lished by the State or metropolitan planning organization  
11 under subsection (a) by investing in—

12           “(1) new transit projects eligible for assistance  
13           under chapter 53 (or the expansion of operations or  
14           frequency of existing transit service);

15           “(2) an intercity passenger rail project;

16           “(3) sidewalks, crosswalks, bicycle paths, green-  
17           ways, pedestrian signals, pavement marking, traffic  
18           calming techniques, modification of public sidewalks  
19           (including projects to achieve compliance with the  
20           Americans with Disabilities Act of 1990 (42 U.S.C.  
21           12101 et seq.)), and other strategies to encourage  
22           pedestrian and bike travel;

23           “(4) additional freight rail capacity;

24           “(5) travel or demand management programs,  
25           including—



1           “(A) carpool, vanpool, or car-share  
2 projects;

3           “(B) congestion pricing measures;

4           “(C) programs to promote telecommuting,  
5 flexible work schedules, or satellite work cen-  
6 ters; and

7           “(D) intelligent transportation systems or  
8 other operational improvements that are cer-  
9 tified by the Administrator to reduce green-  
10 house gas emissions;

11          “(6) updates to zoning and other land use regu-  
12 lations and plans—

13           “(A) to coordinate with local, regional, and  
14 State plans; or

15           “(B) to support infill, transit-oriented de-  
16 velopment, or mixed-use development;

17          “(7) improvements in—

18           “(A) travel and land-use data collection;

19          and

20           “(B) travel models to better measure  
21 greenhouse gas emissions and emission reduc-  
22 tions;

23          “(8) new, local street construction that en-  
24 hances connectivity, increases the efficiency of net-  
25 work performance, and encourages the use of public

1 transportation, pedestrian walkways, or bicycle  
2 lanes; or

3 “(9) programs to reduce the greenhouse gas  
4 emissions from materials or equipment associated  
5 with the construction of transportation projects.

6 “(d) VOLUNTARY PARTICIPATION.—Any metropoli-  
7 tan planning organization, which represents a population,  
8 as of the most recent decennial census, of 200,000 or  
9 fewer individuals, may—

10 “(1) develop a transportation greenhouse gas  
11 reduction plan and a prioritized list of projects in  
12 accordance with subsection (c); and

13 “(2) if the entity submits such plan in accord-  
14 ance with subsection (f), receive financial assistance  
15 under section 6308.

16 “(e) REDUCING SINGLE-OCCUPANT MOTOR VEHICLE  
17 TRAVEL.—Notwithstanding subsection (c), the transpor-  
18 tation greenhouse gas reduction plan and prioritized list  
19 of projects shall not include projects that add new general  
20 purpose vehicle lanes or otherwise add capacity for single  
21 occupant motor vehicles on the transportation network.

22 “(f) SUBMISSION AND UPDATING.—Each transpor-  
23 tation greenhouse gas reduction plan required under this  
24 section shall be—

1           “(1) submitted to the Secretary not later than  
2           2 years after the date of the enactment of this chap-  
3           ter; and

4           “(2) updated, and resubmitted to the Secretary  
5           for approval, in coordination with updates to long-  
6           range transportation plans and transportation im-  
7           provement programs required under sections 134  
8           and 135 of title 23, to include an analysis regarding  
9           the achievement of the goals of the plan by the State  
10          or metropolitan planning organization, as applicable.

11          “(g) APPROVAL.—

12           “(1) IN GENERAL.—Subject to section 6306(b),  
13           not later than 180 days after the date of submission  
14           of a transportation greenhouse gas reduction plan  
15           under subsection (f)(1), the Secretary shall approve  
16           the plan if the Secretary, with the concurrence of  
17           the Administrator, determines that—

18                   “(A) the plan is likely to achieve the goal  
19                   established by the State or metropolitan plan-  
20                   ning organization, as the case may be, under  
21                   subsection (a); and

22                   “(B) the development of the plan targets  
23                   and list of projects complies with subsection  
24                   (h).

1           “(2) PREVIOUSLY DEVELOPED PLANS.—If a  
 2           State or metropolitan planning organization devel-  
 3           oped a plan to reduce greenhouse gas emissions from  
 4           the transportation sector before the date of the en-  
 5           actment of this chapter, the State or metropolitan  
 6           planning organization shall be eligible to receive  
 7           Federal financial assistance under section 6308 if  
 8           the Secretary, in consultation with the Adminis-  
 9           trator, determines and certifies that the plan meets  
 10          the requirements under this chapter.

11          “(h) ANALYSIS, PUBLIC INVOLVEMENT, COORDINA-  
 12          TION, CONSULTATION, AND OTHER REQUIREMENTS.—

13           “(1) IN GENERAL.—Transportation greenhouse  
 14           gas reduction plans and project lists shall be devel-  
 15           oped with—

16                   “(A) public involvement, including public  
 17                   comment periods and public charrettes;

18                   “(B) regional coordination, including co-  
 19                   ordination between each State and—

20                           “(i) eligible regional or local entities;

21                           “(ii) the entities that develop trans-  
 22                           portation greenhouse gas reduction plans;  
 23                           and

1           “(iii) other transportation and air  
2           quality agencies within the region in which  
3           the State is located; and

4           “(C) consultation with representatives of—  
5                 “(i) the Environmental Protection  
6           Agency;

7                 “(ii) the Department of Transpor-  
8           tation; and

9                 “(iii) State and local housing, eco-  
10          nomic development, and land use agencies.

11          “(2) TRANSPORTATION EMISSION REDUCTION  
12          TARGETS.—Transportation emission reduction tar-  
13          gets, at a minimum—

14                 “(A) shall be established for the 10-year  
15          period beginning on the date of the enactment  
16          of this chapter; and

17                 “(B) shall be reestablished for every subse-  
18          quent 10-year period until the final year for  
19          which Federal financial assistance is available  
20          under this chapter.

21          “(3) USE OF MOST RECENT DATA.—Transpor-  
22          tation greenhouse gas reduction plans and emission  
23          reduction targets shall be based on the most recent  
24          data and models that is available.

1           “(4) ANALYSIS.—Transportation greenhouse  
2 gas reduction plans shall include transportation, eco-  
3 nomic development, and scenario analysis, including  
4 an assessment of the plan’s impact on access to jobs,  
5 health care, and education, especially for elderly and  
6 economically-disadvantaged communities.

7 **“§ 6305. Recommendations**

8           “To effectively reduce greenhouse gas emissions from  
9 the transportation sector, the Secretary and the Adminis-  
10 trator shall contract with the Transportation Research  
11 Board of the National Academy of Sciences to conduct a  
12 study and submit a report to the Administrator and the  
13 Secretary, not later than 1 year after the date of the en-  
14 actment of this chapter, which contains recommenda-  
15 tions—

16           “(1) for improving research and tools to assess  
17 the effect of State and local transportation, land  
18 use, and environmental planning on motor vehicle  
19 usage rates and transportation sector greenhouse  
20 gas emissions;

21           “(2) for improving Federal Government data  
22 sources that are necessary to assess greenhouse gas  
23 emission data from the transportation sector for use  
24 in developing transportation greenhouse gas reduc-  
25 tion plans under this chapter; and

1           “(3) regarding policies and projects to effec-  
2           tively reduce greenhouse gas emissions from the  
3           transportation sector.

4   **“§ 6306. Technical standards**

5           “(a) INITIAL STANDARDS.—Not later than 2 years  
6           after the date of the enactment of this chapter, the Sec-  
7           retary, with the concurrence of the Administrator and tak-  
8           ing into consideration any recommendations contained in  
9           the reports submitted under section 6305, shall establish  
10          standards for transportation data collection, monitoring,  
11          planning, and modeling.

12          “(b) UPDATES.—Not later than 5 years after the es-  
13          tablishment of standards under subsection (a), and every  
14          5 years thereafter, the Secretary, in consultation with the  
15          Administrator, shall update such standards, as appro-  
16          priate.

17          “(c) EFFECT ON APPROVALS.—After standards are  
18          established under this section, the Secretary shall approve  
19          any transportation greenhouse gas reduction plan sub-  
20          mitted under section 6304(g) that meets such standards.

21   **“§ 6307. Report**

22          “Not later than 5 years after the date of the enact-  
23          ment of this chapter, and every 5 years thereafter, the  
24          Administrator shall submit a report to the committees of  
25          the Senate and of the House of Representatives with juris-

1 diction over transportation and climate change that de-  
2 scribes—

3 “(1) the aggregate reduction in greenhouse gas  
4 emissions from the transportation sector expected as  
5 a result of the development and implementation of  
6 the transportation greenhouse gas reduction plans;

7 “(2) the impact of other Federal policies and  
8 programs on this chapter;

9 “(3) changes to Federal law that could improve  
10 the performance of the transportation greenhouse  
11 gas reduction plans; and

12 “(4) regulatory changes planned to improve the  
13 performance of the transportation greenhouse gas  
14 reduction plans.

15 **“§ 6308. Funding, implementation, and limitations**

16 “(a) DEVELOPMENT AND UPDATING OF PLANS AND  
17 TARGETS.—The Secretary shall allocate amounts depos-  
18 ited into the Fund for a fiscal year for States and metro-  
19 politan planning organizations to develop and update  
20 transportation greenhouse gas reduction plans and emis-  
21 sion reduction targets under section 6304.

22 “(b) IMPLEMENTATION OF PLANS AND TARGETS.—

23 “(1) IN GENERAL.—The Secretary shall use at  
24 least 80 percent of the amounts deposited into the  
25 Fund for each fiscal year—



1           “(A) to support the implementation of  
2           transportation greenhouse gas reduction plans;  
3           and

4           “(B) to provide financial assistance to  
5           projects described in the transportation green-  
6           house gas reduction plans as being necessary to  
7           meet the goals established by the States or met-  
8           ropolitan planning organizations submitting the  
9           plans.

10          “(2) FORMULA.—The Secretary, in coordina-  
11          tion with the Administrator, shall establish and reg-  
12          ularly update a formula for the allocation of  
13          amounts in accordance with paragraph (1) that—

14                 “(A) reflects the expected per capita reduc-  
15                 tion in greenhouse gas emissions expected as a  
16                 result of the implementation of each transpor-  
17                 tation greenhouse gas reduction plan approved  
18                 under section 6304(g);

19                 “(B) ensures that at least 60 percent of  
20                 the amounts are used to implement transpor-  
21                 tation greenhouse gas reduction plans approved  
22                 under section 6304(g) that are developed by  
23                 metropolitan planning organizations;

24                 “(C) emphasizes transportation greenhouse  
25                 gas reduction plans and project lists that in-

1           crease transportation options and mobility, par-  
2           ticularly for low-income individuals, minorities,  
3           the elderly, households without motor vehicles,  
4           cost-burdened households, and the disabled;

5           “(D) emphasizes plans developed regionally  
6           and in conjunction with land use, economic de-  
7           velopment, and housing agencies; and

8           “(E) during the 5-year period beginning on  
9           the date of the enactment of this chapter, takes  
10          into consideration reductions in greenhouse gas  
11          emissions previously achieved by States and  
12          metropolitan planning organizations under  
13          transportation greenhouse gas reduction plans  
14          approved under section 6304(g).

15          “(3) COST-SHARING.—The Federal share of a  
16          project receiving Federal financial assistance under  
17          this section be 80 percent.

18          “(c) WITHHOLDING FUNDS.—The Secretary may  
19          withhold any portion of the amounts allocated for a State  
20          or metropolitan planning organizations for a fiscal year  
21          under this chapter if the Secretary or the Administrator  
22          determines that the State or metropolitan planning orga-  
23          nizations has not complied with the requirements under  
24          this chapter.

1 “(d) LAND USE AUTHORITY.—Nothing in this chap-  
2 ter may be construed to—

3 “(1) infringe upon the existing authority of  
4 local governments to plan or control land use; or

5 “(2) provide or transfer authority over land use  
6 to any other entity.

7 “(e) LIMITATIONS.—The Secretary may not approve  
8 any transportation greenhouse gas reduction plan that  
9 proposes to use amounts from the Fund for a project that  
10 would be inconsistent with existing design, procurement,  
11 and construction guidelines established by the Department  
12 of Transportation.

13 “(f) CONGESTION PRICING MEASURES.—All projects  
14 listed under section 6304(c) shall be eligible to receive  
15 amounts collected through congestion pricing measures  
16 funded under this chapter.”.

17 (b) CONFORMING AMENDMENT.—The analysis for  
18 subtitle III of title 49, United States Code, is amended  
19 by inserting after the item relating to chapter 61 the fol-  
20 lowing:

“CHAPTER 63—TRANSPORTATION ALTERNATIVES

“Sec.

“6301. Definitions.

“6302. Low Greenhouse Gas Transportation Fund.

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