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H. R. 3097

To amend titles 23 and 49, United States Code, to require metropolitan planning organizations to consider greenhouse gas emissions in long-range transportation plans and transportation improvement programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

Mr. DOGGETT (for himself, Mr. BLUMENAUER, Ms. CHU, Ms. ESCOBAR, Mr. GRIJALVA, Mr. NADLER, Mr. POCAN, Ms. PORTER, Mr. RASKIN, Ms. SCHAKOWSKY, Ms. BROWNLEY, Mr. ESPAILLAT, Ms. LEE of California, Mr. TAKANO, Mr. HUFFMAN, Mr. GARCÍA of Illinois, Mr. DESAULNIER, Mr. SWALWELL, Ms. TITUS, Ms. SÁNCHEZ, and Mr. KHANNA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend titles 23 and 49, United States Code, to require metropolitan planning organizations to consider greenhouse gas emissions in long-range transportation plans and transportation improvement programs, 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 “Green Transportation
5 Act”.

1 **SEC. 2. GREENHOUSE GAS EMISSIONS IN LONG-RANGE**
2 **TRANSPORTATION PLANS.**

3 (a) HIGHWAY PLANNING.—Section 134(c)(2) of title
4 23, United States Code, is amended by adding at the end
5 the following: “Such plans and TIPs shall be developed
6 after consideration of direct and indirect emissions of
7 greenhouse gases (as defined in section 211(o)(1) of the
8 Clean Air Act (42 U.S.C. 7545(o)(1))) and shall provide
9 for reductions in such emissions.”.

10 (b) PUBLIC TRANSPORTATION PLANNING.—Section
11 5303(c)(2) of title 49, United States Code, is amended
12 by adding at the end the following: “Such plans and TIPs
13 shall be developed after consideration of direct and indi-
14 rect emissions of greenhouse gases (as defined in section
15 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)))
16 and shall provide for reductions in such emissions.”.

17 (c) STATEWIDE AND NONMETROPOLITAN HIGHWAY
18 PLANNING.—Section 135(a)(2) of title 23, United States
19 Code, is amended by adding at the end the following:
20 “Such plans and TIPs shall be developed after consider-
21 ation of direct and indirect emissions of greenhouse gases
22 (as defined in section 211(o)(1) of the Clean Air Act (42
23 U.S.C. 7545(o)(1))) and shall provide for reductions in
24 such emissions.”.

25 (d) STATEWIDE AND NONMETROPOLITAN PUBLIC
26 TRANSPORTATION PLANNING.—Section 5304(a)(2) of

1 title 49, United States Code, is amended by adding at the
 2 end the following: “Such plans and TIPs shall be devel-
 3 oped after consideration of direct and indirect emissions
 4 of greenhouse gases (as defined in section 211(o)(1) of
 5 the Clean Air Act (42 U.S.C. 7545(o)(1))) and shall pro-
 6 vide for reductions in such emissions.”.

7 (e) EFFECTIVE DATE.—The amendments made by
 8 this section shall take effect—

9 (1) with respect to a metropolitan planning or-
 10 ganization that operate within a metropolitan plan-
 11 ning area with a population of not less than
 12 200,000, on the date of enactment of this section;
 13 and

14 (2) with respect to a metropolitan planning or-
 15 ganization other than a metropolitan planning orga-
 16 nization described in paragraph (1), on the date that
 17 is 4 years after the date of enactment of this sec-
 18 tion.

19 **SEC. 3. CONSIDERATION OF EMISSIONS OF GREENHOUSE**
 20 **GASES.**

21 (a) TITLE 23.—Title 23, United States Code, is
 22 amended—

23 (1) in section 134(a)(1)—

24 (A) by striking “fuel consumption and air
 25 pollution” and inserting “fuel consumption and

1 air pollution and greenhouse gas emissions”;
2 and

3 (B) by striking “minimizing” and inserting
4 “reducing”;

5 (2) in section 134(d)(3), by adding at the end
6 the following:

7 “(D) CONSIDERATIONS.—

8 “(i) EQUITABLE AND PROPORTIONAL
9 REPRESENTATION.—In designating offi-
10 cials or representatives under paragraph
11 (2), the metropolitan planning organization
12 shall consider the equitable and propor-
13 tional representation of the population of
14 the metropolitan planning area.

15 “(ii) SAVINGS CLAUSE.—Nothing in
16 this paragraph shall require a metropolitan
17 planning organization in existence on the
18 date of enactment of this subparagraph to
19 be restructured.”;

20 (3) in section 134(i)(2)(H), by striking “play in
21 reducing congestion, pollution,” and inserting “play
22 in reducing congestion, pollution, greenhouse gas
23 emissions,”;

24 (4) in section 134(g)(3)(A), by striking “dis-
25 aster risk reduction, environmental protection,” and

1 inserting “disaster risk reduction, environmental
2 protection, climate change adaptation and resil-
3 ience,”;

4 (5) in section 134(h)(1)(E)—

5 (A) by striking “promote energy conserva-
6 tion” and inserting “promote energy conserva-
7 tion, reduce greenhouse gas emissions”;

8 (B) by inserting “and public health” after
9 “quality of life”; and

10 (C) by inserting “, including housing and
11 land use patterns” after “development pat-
12 terns”;

13 (6) in section 134(i)(2)(D)(i), by striking
14 “greatest potential to” and inserting “greatest po-
15 tential to reduce greenhouse gas emissions and”;

16 (7) in section 134(i)(5)(A), by inserting “air
17 quality, public health, housing, transportation,”
18 after “conservation,”;

19 (8) in section 135(d)(1)(E)—

20 (A) by striking “promote energy conserva-
21 tion” and inserting “promote energy conserva-
22 tion, reduce greenhouse gas emissions”;

23 (B) by inserting “and public health” after
24 “quality of life”; and

1 (C) by inserting “, including housing and
2 land use patterns” after “development pat-
3 terns”;

4 (9) in section 135(d)(1)(I), by striking “miti-
5 gate stormwater” and inserting “mitigate
6 stormwater and climate change”;

7 (10) in section 135(f)(2)(D)(i), by inserting
8 “air quality, public health, housing, transportation,”
9 after “conservation,”;

10 (11) in section 135(f)(4)(A), by striking “have
11 the greatest potential to” and inserting “have the
12 greatest potential to reduce greenhouse gas emis-
13 sions and”; and

14 (12) in section 135(f)(8), by striking “play in
15 reducing congestion, pollution,” and inserting “play
16 in reducing congestion, pollution, greenhouse gas
17 emissions,”.

18 (b) TITLE 49.—Title 49, United States Code, is
19 amended—

20 (1) in section 5303(a)(1), by striking “fuel con-
21 sumption and air pollution” and inserting “fuel con-
22 sumption and air pollution and greenhouse gas emis-
23 sions”;

1 (2) in section 5303(i)(2)(H), by striking “re-
2 ducing congestion, pollution,” and inserting “reduc-
3 ing congestion, pollution, greenhouse gas emissions”;

4 (3) in section 5303(g)(3)(A), by striking “re-
5 duction, environmental protection,” and inserting
6 “reduction, environmental protection, climate change
7 adaptation and resilience,”;

8 (4) in section 5303(h)(1)(E), by striking “pro-
9 mote energy conservation” and inserting “promote
10 energy conservation, reduce greenhouse gas emis-
11 sions”;

12 (5) in section 5303(h)(1)(I), by striking “reli-
13 ability of the transportation system” and inserting
14 “reliability of the transportation system and reduce
15 or mitigate stormwater and climate change impacts
16 of surface transportation”;

17 (6) in section 5303(i)(2)(D), by striking “may
18 have the greatest potential to” and inserting “may
19 have the greatest potential to reduce greenhouse gas
20 emissions and”;

21 (7) in section 5304(d)(1)(E), by striking “pro-
22 mote energy conservation,” and inserting “promote
23 energy conservation, reduce greenhouse gas emis-
24 sions,”;

1 (8) in section 5304(f)(2)(D)(i), by striking “re-
 2 sources, environmental protection,” and inserting
 3 “resources, environmental protection, climate change
 4 adaptation and resilience,”; and

5 (9) in section 5304(f)(4)(A), by striking “have
 6 the greatest potential to” and inserting “have the
 7 greatest potential to reduce greenhouse gas emis-
 8 sions and”.

9 **SEC. 4. USE OF FUNDS FOR MEASURING AND MONITORING**
 10 **TRANSPORTATION-RELATED GREENHOUSE**
 11 **GAS EMISSIONS.**

12 Notwithstanding any other provision of law, a State
 13 or metropolitan planning organization may use amounts
 14 authorized pursuant to section 1101 of the FAST Act to
 15 develop standardized models and methodologies for meas-
 16 uring and monitoring transportation-related greenhouse
 17 gas emissions.

18 **SEC. 5. SUBMISSION OF REPORTS.**

19 (a) STATES.—Section 150(e) of title 23, United
 20 States Code, is amended—

21 (1) in paragraph (3), by striking “and” at the
 22 end;

23 (2) in paragraph (4), by striking the period and
 24 inserting “; and”; and

25 (3) by adding at the end the following:

1 “(5) the standardized models and methodologies
2 the State uses to measure and monitor transpor-
3 tation-related greenhouse gas emissions.”.

4 (b) MPOs.—Not later than 2 years after the date
5 of enactment of this section, and biennially thereafter,
6 each metropolitan planning organization (as such term is
7 defined in section 134 of title 23, United States Code)
8 shall submit to the Secretary of Transportation the stand-
9 ardized models and methodologies the metropolitan plan-
10 ning organization uses to measure and monitor transpor-
11 tation-related greenhouse gas emissions.

12 (c) ANALYSIS.—The Secretary of Transportation
13 shall collect and organize the models and methodologies
14 that are submitted pursuant to section 150(e)(5) of title
15 23, United States Code, and subsection (b) of this section,
16 in a publicly available clearinghouse.

17 **SEC. 6. NATIONAL GOALS AND PERFORMANCE MANAGE-**
18 **MENT MEASURES.**

19 (a) IN GENERAL.—Section 150 of title 23, United
20 States Code, is amended—

21 (1) in subsection (b)—

22 (A) by redesignating paragraph (7) as
23 paragraph (8); and

24 (B) by inserting after paragraph (6) the
25 following:

1 “(7) COMBATING CLIMATE CHANGE.—To re-
2 duce carbon dioxide and other greenhouse gas emis-
3 sions and reduce the climate impacts of the trans-
4 portation system.”;

5 (2) in subsection (c)—

6 (A) in paragraph (1) by striking “Not
7 later than 18 months after the date of enact-
8 ment of the MAP-21, the Secretary” and in-
9 serting “The Secretary”; and

10 (B) by adding at the end the following:

11 “(7) GREENHOUSE GAS EMISSIONS.—The Sec-
12 retary shall establish, in consultation with the Ad-
13 ministrator of the Environmental Protection Agency,
14 measures for States to use to assess—

15 “(A) carbon dioxide emissions per capita
16 on public roads; and

17 “(B) any other greenhouse gas emissions
18 per capita on public roads that the Secretary
19 determines to be appropriate.”;

20 (3) in subsection (d)—

21 (A) in paragraph (1)—

22 (i) by striking “Not later than 1 year
23 after the Secretary has promulgated the
24 final rulemaking under subsection (c),
25 each” and inserting “Each”; and

1 (ii) by striking “and (6)” and insert-
2 ing “(6), and (7)”; and

3 (B) by adding at the end the following:

4 “(3) REGRESSIVE TARGETS.—

5 “(A) IN GENERAL.—A State may not es-
6 tablish a regressive target for the measures de-
7 scribed under paragraph (4) or paragraph (7)
8 of subsection (c).

9 “(B) REGRESSIVE TARGET DEFINED.—In
10 this paragraph, the term ‘regressive target’
11 means a target that fails to demonstrate con-
12 stant or improved performance for a particular
13 measure.”; and
14 (4) in subsection (e)—

15 (A) by striking “Not later than 4 years
16 after the date of enactment of the MAP-21 and
17 biennially thereafter, a” and inserting “A”; and

18 (B) by inserting “biennial” after “the Sec-
19 retary a”.

20 (b) DEVELOPMENT OF GREENHOUSE GAS MEAS-
21 URE.—Not later than 1 year after the date of enactment
22 of this Act, the Secretary of Transportation shall issue
23 such regulations as are necessary to carry out paragraph
24 (7) of section 150(c) of title 23, United States Code, as
25 added by this Act.

1 **SEC. 7. CARBON POLLUTION REDUCTION.**

2 (a) IN GENERAL.—Chapter 1 of title 23, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 171. Carbon pollution reduction**

6 “(a) ESTABLISHMENT.—The Secretary shall estab-
7 lish a carbon pollution reduction program to support the
8 reduction of greenhouse gas emissions from the surface
9 transportation system.

10 “(b) ELIGIBLE PROJECTS.—A project is eligible for
11 funding under this section if such project—

12 “(1) is expected to yield a significant reduction
13 in greenhouse gas emissions from the surface trans-
14 portation system;

15 “(2) will help a State meet the greenhouse gas
16 emissions performance targets established under sec-
17 tion 150(c)(7); and

18 “(3) is—

19 “(A) eligible for assistance under this title
20 or under chapter 53 of title 49; or

21 “(B) a capital project, as such term is de-
22 fined in section 22906 of title 49, to improve
23 intercity rail passenger transportation, provided
24 that the project will yield a significant reduction
25 in single occupant vehicle trips and improve
26 mobility on public roads.

1 “(c) GUIDANCE.—The Secretary shall issue guidance
 2 on methods of determining the reduction of single occu-
 3 pant vehicle trips and improvement of mobility on public
 4 roads as those factors relate to intercity rail passenger
 5 transportation projects under subsection (b)(4).

6 “(d) OPERATING EXPENSES.—A State may use not
 7 more than 10 percent of the funds provided under section
 8 104(b)(7) for the operating expenses of public transpor-
 9 tation and passenger rail transportation projects.

10 “(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
 11 CILITIES.—None of the funds provided under this section
 12 may be used for a project that will result in the construc-
 13 tion of new capacity available to single occupant vehicles
 14 unless the project consists of a high occupancy vehicle fa-
 15 cility and is consistent with section 166.

16 “(f) EVALUATION.—

17 “(1) IN GENERAL.—The Secretary shall annu-
 18 ally evaluate the progress of each State in carrying
 19 out the program under this section by comparing the
 20 percent change in carbon dioxide emissions per cap-
 21 ita on public roads in the State calculated as—

22 “(A) the annual carbon dioxide emissions
 23 per capita on public roads in the State for the
 24 most recent year for which there is data; di-
 25 vided by

1 “(B) the average annual carbon dioxide
2 emissions per capita on public roads in the
3 State in calendar years 2015 through 2019.

4 “(2) MEASURES.—In conducting the evaluation
5 under paragraph (1), the Secretary shall—

6 “(A) prior to the effective date of the
7 greenhouse gas performance measures under
8 section 150(c)(7), use such data as are avail-
9 able, which may include data on motor fuels
10 usage published by the Federal Highway Ad-
11 ministration and information on emissions fac-
12 tors or coefficients published by the Energy In-
13 formation Administration of the Department of
14 Energy; and

15 “(B) following the effective date of the
16 greenhouse gas performance measures under
17 section 150(c)(7), use such measures.

18 “(g) PROGRESS REPORT.—The Secretary shall annu-
19 ally issue a carbon pollution reduction progress report, to
20 be made publicly available on the website of the Depart-
21 ment of Transportation, that includes—

22 “(1) the results of the evaluation under sub-
23 section (f) for each State; and

24 “(2) a ranking of all the States by the criteria
25 under subsection (f), with the States that, for the

1 year covered by such report, have the largest per-
2 centage reduction in annual carbon dioxide emissions
3 per capita on public roads being ranked the highest.

4 “(h) HIGH-PERFORMING STATES.—

5 “(1) DESIGNATION.—For purposes of this sec-
6 tion, each State that is 1 of the 15 highest ranked
7 States, as determined under subsection (g)(2), and
8 that achieves a reduction in carbon dioxide emissions
9 per capita on public roads, as determined by the
10 evaluation in subsection (f), shall be designated as a
11 high-performing State for the following fiscal year.

12 “(2) USE OF FUNDS.—For each State that is
13 designated as a high-performing State under para-
14 graph (1)—

15 “(A) notwithstanding section 120, the
16 State may use funds made available under this
17 title to pay the non-Federal share of a project
18 under this section during any year for which
19 such State is designated as a high-performing
20 State; and

21 “(B) notwithstanding section 126, the
22 State may transfer up to 50 percent of funds
23 apportioned under section 104(b)(7) to the pro-
24 gram under section 104(b)(2) in any year for

1 which such State is designated as a high-per-
2 forming State.

3 “(3) TRANSFER.—For each State that is 1 of
4 the 15 lowest ranked States, as determined under
5 subsection (g)(2), the Secretary shall transfer 10
6 percent of the amount apportioned to the State
7 under section 104(b)(2) in the fiscal year following
8 the year in which the State is so ranked, not includ-
9 ing amounts set aside under section 133(d)(1)(A)
10 and under section 133(h) or 505(a), to the appor-
11 tionment of the State under section 104(b)(7).

12 “(4) LIMITATION.—The Secretary shall not
13 conduct a transfer under paragraph (3)—

14 “(A) until the first fiscal year following the
15 effective date of greenhouse gas performance
16 measures under section 150(c)(7); and

17 “(B) with respect to a State in any fiscal
18 year following the year in which such State
19 achieves a reduction in carbon dioxide emissions
20 per capita on public roads in such year as de-
21 termined by the evaluation under subsection (f).

22 “(i) REPORT.—Not later than 2 years after the date
23 of enactment of this section and periodically thereafter,
24 the Secretary, in consultation with the Administrator of

1 the Environmental Protection Agency, shall issue a re-
2 port—

3 “(1) detailing, based on the best available
4 science, what types of projects eligible for assistance
5 under this section are expected to provide the most
6 significant greenhouse gas emissions reductions from
7 the surface transportation sector; and

8 “(2) detailing, based on the best available
9 science, what types of projects eligible for assistance
10 under this section are not expected to provide sig-
11 nificant greenhouse gas emissions reductions from
12 the surface transportation sector.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 1 of title 23, United States Code, is amended by add-
15 ing at the end the following new item:

“171. Carbon pollution reduction.”.

16 (c) APPLICABILITY.—Subsection (b)(2) of section
17 171 of title 23, United States Code, as added by this sec-
18 tion, shall apply to a State beginning on the first fiscal
19 year following the fiscal year in which the State sets green-
20 house gas performance targets under section 150(d) of
21 title 23, United States Code.

22 (d) APPORTIONMENT.—Section 104(b) of title 23,
23 United States Code, is amended—

24 (1) in paragraph (1) by striking “63.7 percent”
25 and inserting “62.38 percent”;

1 (2) in paragraph (2) by striking “29.3 percent”
2 and inserting “27.98 percent”;

3 (3) in paragraph (3) by striking “7 percent”
4 and inserting “5.69 percent”; and

5 (4) by adding at the end the following:

6 “(7) CARBON POLLUTION REDUCTION PRO-
7 GRAM.—For the carbon pollution reduction program,
8 3.95 percent of the amount remaining after distrib-
9 uting amounts under paragraphs (4), (5), and (6).”.

○