

111TH CONGRESS
1ST SESSION

H. R. 1329

To amend title 49, United States Code, to support efforts by States and eligible local and regional entities to develop and implement plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2009

Mr. BLUMENAUER (for himself, Mrs. TAUSCHER, and Mr. LATOURETTE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to support efforts by States and eligible local and regional entities to develop and implement 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.

7 **“§ 6301. Definitions**

8 “In this chapter:

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

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

15 “(A) includes a comprehensive description
16 and discussion of proposed plans and projects;

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

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

1 “(D) is 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) ELIGIBLE REGIONAL OR LOCAL ENTITY.—
7 The term ‘eligible regional or local entity’ means a
8 metropolitan planning organization designated under
9 section 134(b) of title 23, or other governmental en-
10 tity, multi-jurisdictional entity, or tribal agency that
11 is responsible for transportation.

12 “(4) FUND.—The term ‘Fund’ means the Low
13 Greenhouse Gas Transportation Fund established
14 under section 6302(a).

15 “(5) GREENHOUSE GAS.—The term ‘greenhouse
16 gas’ means carbon dioxide, nitrous oxide, methane,
17 hydrofluorocarbons, and any other greenhouse gas or
18 nongaseous emission that the Administrator deter-
19 mines should be addressed in mobile source green-
20 house gas reduction plans.

21 “(6) INTERCITY PASSENGER RAIL PROJECT.—
22 The term ‘intercity passenger rail project’ has the
23 meaning given the term ‘capital project’ in section
24 24401.

1 “(7) SCENARIO ANALYSIS.—The term ‘scenario
2 analysis’ means an analysis that is conducted by
3 identifying different trends and making projections
4 based on those trends to develop a range of sce-
5 narios and estimates of how each scenario could—

6 “(A) improve access to goods and services,
7 including employment, education, and
8 healthcare (especially for the elderly and eco-
9 nomically disadvantaged communities); and

10 “(B) affect rates of—

11 “(i) motor vehicle miles traveled;

12 “(ii) motor vehicle hours of operation;

13 “(iii) use of petroleum-derived trans-
14 portation fuel; and

15 “(iv) greenhouse gas emissions from
16 the transportation sector.

17 “(8) SECRETARY.—The term ‘Secretary’ means
18 the Secretary of Transportation.

19 “(9) STATE.—The term ‘State’ means—

20 “(A) any of the several States;

21 “(B) the District of Columbia; and

22 “(C) the Commonwealth of Puerto Rico.

23 “(10) TRANSPORTATION.—The term ‘transpor-
24 tation’ means the design, construction, operation,
25 and maintenance of transportation infrastructure,

1 including highway facilities, public transit, rail, bicy-
2 cle, and pedestrian facilities, and other modes of
3 transporting people, goods, and services.

4 **“§ 6302. Low Greenhouse Gas Transportation Fund**

5 “(a) ESTABLISHMENT.—There is established in the
6 Treasury of the United States a fund, to be known as the
7 ‘Low Greenhouse Gas Transportation Fund’, consisting of
8 such amounts as are deposited into the Fund under sec-
9 tion 6303(c). Amounts deposited into the Fund may be
10 used by the Secretary, without further appropriation, to
11 carry out this chapter.

12 “(b) EXPENDITURES FROM FUND.—

13 “(1) IN GENERAL.—Subject to the availability
14 of funds deposited under section 6303(c), upon the
15 request of the Secretary, the Secretary of the Treas-
16 ury shall transfer from the Fund to the Secretary
17 such amounts as the Secretary determines are nec-
18 essary to provide assistance for use in implementing
19 projects under plans developed pursuant to section
20 6308(b).

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

1 **“§ 6303. Auctioning**

2 “(a) IN GENERAL.—For each of calendar years 2012
3 through 2050, the Administrator shall auction 10 percent
4 of the emission allowances established for each of those
5 calendar years under any program in effect providing for
6 the regulation of greenhouse gas emissions and the auc-
7 tioning of emission allowances that is administered by the
8 Administrator.

9 “(b) TIMING.—The auctions required for each cal-
10 endar year specified in subsection (a) shall be conducted
11 over the course of at least 4 sessions, spaced evenly over
12 a period beginning 330 days before, and ending 60 days
13 after, the beginning of each such calendar year.

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

17 **“§ 6304. Plans**

18 “(a) GOAL.—Each State and eligible regional or local
19 entity shall establish the goal of reducing greenhouse gas
20 emissions from the transportation sector during the 10-
21 year period beginning on the date of the enactment of this
22 chapter by—

23 “(1) increasing mobility options;

24 “(2) reducing the number of miles traveled by
25 motor vehicle; and

1 “(3) reducing the use of petroleum-derived
2 transportation fuel.

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

7 “(1) transportation greenhouse gas reduction
8 plans and emission reduction targets for relevant ju-
9 risdictions; and

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

12 “(c) DEVELOPMENT OF TRANSPORTATION GREEN-
13 HOUSE GAS REDUCTION PLANS.—Each State and eligible
14 regional or local entity, which represents a population, as
15 of the most recent decennial census, of more than 200,000
16 individuals, shall develop a transportation greenhouse gas
17 reduction plan, and a prioritized list of projects to support
18 the plan, that are integrated into the long-range transpor-
19 tation plans and transportation improvement programs re-
20 quired under sections 134 and 135 of title 23, of the State
21 or eligible regional or local entity. Such plan and projects
22 shall support the goal established by the State or eligible
23 regional or local entity under subsection (a) by investing
24 in—

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

4 “(2) an intercity passenger rail project;

5 “(3) sidewalks, crosswalks, bicycle paths, green-
6 ways, pedestrian signals, pavement marking, traffic
7 calming techniques, modification of public sidewalks
8 (including projects to achieve compliance with the
9 Americans with Disabilities Act of 1990 (42 U.S.C.
10 12101 et seq.)), and other strategies to encourage
11 pedestrian and bike travel;

12 “(4) additional freight rail capacity;

13 “(5) travel or demand management programs,
14 including—

15 “(A) carpool, vanpool, or car-share
16 projects;

17 “(B) congestion pricing measures;

18 “(C) programs to promote telecommuting,
19 flexible work schedules, or satellite work cen-
20 ters; and

21 “(D) intelligent transportation systems or
22 other operational improvements that are cer-
23 tified by the Administrator to reduce green-
24 house gas emissions;

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

3 “(A) to coordinate with local, regional, and
4 State plans; or

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

7 “(7) improvements in—

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

10 “(B) travel models to better measure
11 greenhouse gas emissions and emission reduc-
12 tions;

13 “(8) new, local street construction that en-
14 hances connectivity, increases the efficiency of net-
15 work performance, and encourages the use of public
16 transportation, pedestrian walkways, or bicycle
17 lanes; or

18 “(9) programs to reduce the greenhouse gas
19 emissions from materials or equipment associated
20 with the construction of transportation projects.

21 “(d) VOLUNTARY PARTICIPATION.—Any eligible re-
22 gional or local entity, which represents a population, as
23 of the most recent decennial census, of 200,000 or fewer
24 individuals, may—

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

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

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

13 “(f) SUBMISSION AND UPDATING.—Each transpor-
14 tation greenhouse gas reduction plan required under this
15 section shall be—

16 “(1) submitted to the Secretary not later than
17 2 years after the date of the enactment of this chap-
18 ter; and

19 “(2) updated in coordination with updates to
20 long-range transportation plans and transportation
21 improvement programs required under sections 134
22 and 135 of title 23, to include an analysis regarding
23 the achievement of the goals of the plan by the State
24 or eligible regional or local entity, as applicable.

25 “(g) APPROVAL.—

1 “(1) IN GENERAL.—Subject to section 6306(b),
2 not later than 180 days after the date of submission
3 of a transportation greenhouse gas reduction plan
4 under subsection (f)(1), the Administrator, with the
5 concurrence of the Secretary, shall approve the plan
6 if the Administrator determines that—

7 “(A) the plan is likely to achieve the goal
8 established by the State or eligible regional or
9 local entity, as the case may be, under sub-
10 section (a); and

11 “(B) the development of the plan targets
12 and list of projects complies with subsection
13 (h).

14 “(2) PREVIOUSLY DEVELOPED PLANS.—If a
15 State or eligible regional or local entity developed a
16 plan to reduce greenhouse gas emissions from the
17 transportation sector before the date of the enact-
18 ment of this chapter, the State or eligible regional
19 or local entity shall be eligible to receive Federal fi-
20 nancial assistance under section 6308 if the Sec-
21 retary, in consultation with the Administrator, deter-
22 mines and certifies that the plan meets the require-
23 ments under this chapter.

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

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

4 “(A) public involvement, including public
5 comment periods and public charrettes;

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

8 “(i) eligible regional or local entities;

9 “(ii) the entities that develop trans-
10 portation greenhouse gas reduction plans;
11 and

12 “(iii) other transportation and air
13 quality agencies within the region in which
14 the State is located; and

15 “(C) consultation with representatives of—

16 “(i) the Environmental Protection
17 Agency;

18 “(ii) the Department of Transpor-
19 tation; and

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

22 “(2) TRANSPORTATION EMISSION REDUCTION
23 TARGETS.—Transportation emission reduction tar-
24 gets, at a minimum—

1 “(A) shall be established for the 10-year
2 period beginning on the date of the enactment
3 of this chapter; and

4 “(B) shall be reestablished for every subse-
5 quent 10-year period until the final year for
6 which Federal financial assistance is available
7 under this chapter.

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

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

18 **“§ 6305. Recommendations**

19 “To effectively reduce greenhouse gas emissions from
20 the transportation sector, the Secretary and the Adminis-
21 trator shall contract with the Transportation Research
22 Board of the National Academy of Sciences to conduct a
23 study and submit a report to the Administrator and the
24 Secretary, not later than 1 year after the date of the en-

1 actment of this chapter, which contains recommenda-
2 tions—

3 “(1) for improving research and tools to assess
4 the effect of State and local transportation, land
5 use, and environmental planning on motor vehicle
6 usage rates and transportation sector greenhouse
7 gas emissions;

8 “(2) for improving Federal Government data
9 sources that are necessary to assess greenhouse gas
10 emission data from the transportation sector for use
11 in developing transportation greenhouse gas reduc-
12 tion plans under this chapter; and

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

16 **“§ 6306. Technical standards**

17 “(a) INITIAL STANDARDS.—Not later than 2 years
18 after the date of the enactment of this chapter, the Sec-
19 retary, in consultation with the Administrator and taking
20 into consideration any recommendations contained in the
21 reports submitted under section 6305, shall establish
22 standards for transportation data collection, monitoring,
23 planning, and modeling.

24 “(b) UPDATES.—Not later than 5 years after the es-
25 tablishment of standards under subsection (a), and every

1 5 years thereafter, the Secretary, in consultation with the
2 Administrator, shall update such standards, as appro-
3 priate.

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

8 **“§ 6307. Report**

9 “Not later than 5 years after the date of the enact-
10 ment of this chapter, and every 5 years thereafter, the
11 Administrator shall submit a report to the committees of
12 the Senate and of the House of Representatives with juris-
13 diction over transportation and climate change that de-
14 scribes—

15 “(1) the aggregate reduction in greenhouse gas
16 emissions from the transportation sector expected as
17 a result of the development and implementation of
18 the transportation greenhouse gas reduction plans;

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

21 “(3) changes to Federal law that could improve
22 the performance of the transportation greenhouse
23 gas reduction plans; and

1 “(4) regulatory changes planned to improve the
2 performance of the transportation greenhouse gas
3 reduction plans.

4 **“§ 6308. Funding, implementation, and limitations**

5 “(a) DEVELOPMENT AND UPDATING OF PLANS AND
6 TARGETS.—The Secretary may allocate amounts depos-
7 ited into the Fund for a fiscal year for States, eligible re-
8 gional and local entities, and, if the Secretary or the Ad-
9 ministrator determines necessary, State or local coordi-
10 nating agencies. Amounts allocated under this subsection
11 shall be used to develop and update transportation green-
12 house gas reduction plans and emission reduction targets
13 under section 6304.

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

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

18 “(A) to support the implementation of
19 transportation greenhouse gas reduction plans;
20 and

21 “(B) to provide financial assistance to
22 projects described in the transportation green-
23 house gas reduction plans as being necessary to
24 meet the goals established by the States or eli-

1 gible regional or local entities submitting the
2 plans.

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

7 “(A) reflects the expected per capita reduc-
8 tion in greenhouse gas emissions expected as a
9 result of the implementation of each transpor-
10 tation greenhouse gas reduction plan approved
11 under section 6304(g);

12 “(B) ensures that at least 60 percent of
13 the amounts are used to implement transpor-
14 tation greenhouse gas reduction plans approved
15 under section 6304(g) that are developed by eli-
16 gible regional or local entities;

17 “(C) emphasizes transportation greenhouse
18 gas reduction plans and project lists that in-
19 crease transportation options and mobility, par-
20 ticularly for low-income individuals, cost-bur-
21 dened households, minorities, the elderly, house-
22 holds without motor vehicles, and the disabled;
23 and

24 “(D) during the 5-year period beginning
25 on the date of the enactment of this chapter,

1 takes into consideration reductions in green-
2 house gas emissions previously achieved by
3 States and eligible regional or local entities
4 under transportation greenhouse gas reduction
5 plans approved under section 6304(g).

6 “(3) COST-BURDENED HOUSEHOLD DE-
7 FINED.—In this subsection, the term ‘cost-burdened
8 household’ means a household that pays more than
9 30 percent of the household’s income for housing
10 and earns up to 200 percent of the Federal poverty
11 threshold (as defined by the Office of Management
12 and Budget and annually revised by the Secretary of
13 Health and Human Services) applicable to the num-
14 ber of inhabitants in such household.

15 “(4) COST SHARING.—The Federal share of the
16 cost of a project receiving Federal financial assist-
17 ance under this section shall be 80 percent.

18 “(c) WITHHOLDING FUNDS.—The Secretary may
19 withhold any portion of the amounts allocated for a State
20 or eligible regional or local entity for a fiscal year under
21 this chapter if the Secretary or the Administrator deter-
22 mines that the State or eligible regional or local entity has
23 not complied with the requirements under this chapter.

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

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

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

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

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

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

“CHAPTER 63—TRANSPORTATION ALTERNATIVES

“Sec.

“6301. Definitions.

“6302. Low Greenhouse Gas Transportation Fund.

“6303. Auctioning.

“6304. Plans.

“6305. Recommendations.

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