

117TH CONGRESS  
1ST SESSION

# S. 431

To amend title 23, United States Code, to require transportation planners to consider projects and strategies to reduce greenhouse gas emissions, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2021

Mr. MARKEY (for himself, Mr. CARPER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. SANDERS, and Mr. PADILLA) 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 23, United States Code, to require transportation planners to consider projects and strategies to reduce greenhouse gas emissions, 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 “Generating Resilient,  
5 Environmentally Exceptional National Streets Act” or the  
6 “GREEN Streets Act”.

1 **SEC. 2. CONSIDERATION OF PROJECTS AND STRATEGIES**  
2 **TO REDUCE GREENHOUSE GAS EMISSIONS.**

3 (a) NATIONAL GOALS AND PERFORMANCE MANAGE-  
4 MENT MEASURES.—Section 150 of title 23, United States  
5 Code, is amended—

6 (1) in subsection (b)—

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

9 (B) by inserting after paragraph (6) the  
10 following:

11 “(7) COMBATING CLIMATE CHANGE.—To re-  
12 duce carbon dioxide and other greenhouse gas emis-  
13 sions and improve the resilience of the transpor-  
14 tation system.”;

15 (2) in subsection (c)—

16 (A) in paragraph (1)—

17 (i) by striking the paragraph designa-  
18 tion and all that follows through “Not  
19 later” and inserting the following:

20 “(1) RULEMAKING.—

21 “(A) IN GENERAL.—Not later”; and

22 (ii) by adding at the end the fol-  
23 lowing:

24 “(B) UPDATES.—The Secretary shall peri-  
25 odically update the rulemaking promulgated  
26 under subparagraph (A) as necessary, including

1 to implement the amendments made to this sec-  
2 tion by the GREEN Streets Act.”;

3 (B) in paragraph (5)—

4 (i) in subparagraph (A), by striking  
5 “and” at the end;

6 (ii) in subparagraph (B), by striking  
7 the period at the end and inserting “;  
8 and”; and

9 (iii) by adding at the end the fol-  
10 lowing:

11 “(C) transit accessibility (as defined in sec-  
12 tion 5326(a) of title 49);

13 “(D) transit stop distance (as defined in  
14 section 5326(a) of title 49); and

15 “(E) transit mode share (as defined in sec-  
16 tion 5326(a) of title 49).”; and

17 (C) by adding at the end the following:

18 “(7) GREENHOUSE GAS EMISSIONS ON PUBLIC  
19 ROADS.—For the purpose of carrying out section  
20 119(f)(3), the Secretary shall establish—

21 “(A) minimum standards for States to use  
22 in decreasing per capita vehicle miles traveled  
23 on public roads, including through—

24 “(i) alignment of zoning and land use  
25 policy and planning;

1 “(ii) investment in active and safe  
2 transportation infrastructure, such as side-  
3 walks, trails, and bike lanes; and

4 “(iii) public transit;

5 “(B) minimum standards for States to use  
6 in improving the resilience of public roads;

7 “(C) in consultation with the Adminis-  
8 trator of the Environmental Protection Agency,  
9 minimum standards for the reduction of green-  
10 house gas emissions on public roads, with the  
11 goal of achieving net-zero emissions; and

12 “(D) measures for States to use to as-  
13 sess—

14 “(i) carbon dioxide emissions on pub-  
15 lic roads; and

16 “(ii) any other greenhouse gas emis-  
17 sions on public roads, as determined to be  
18 appropriate by the Secretary.”; and

19 (3) in subsection (d)(1)—

20 (A) by striking “subsection (c), each State  
21 shall set” and inserting “subsection (c)(1)(A),  
22 and not later than 1 year after each update of  
23 that rulemaking under subsection (c)(1)(B),  
24 each State shall set or update, as applicable,”;  
25 and

1 (B) by striking “and (6)” and inserting  
2 “(6), and (7)”.

3 (b) METROPOLITAN TRANSPORTATION PLANNING.—

4 (1) FEDERAL-AID HIGHWAYS.—Section 134(h)  
5 of title 23, United States Code, is amended—

6 (A) in paragraph (1)—

7 (i) by redesignating subparagraphs  
8 (F) through (J) as subparagraphs (H)  
9 through (L), respectively; and

10 (ii) by inserting after subparagraph  
11 (E) the following:

12 “(F) reduce carbon dioxide and other  
13 greenhouse gas emissions;

14 “(G) decrease per capita vehicle miles trav-  
15 eled;”; and

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

17 “(4) ANALYSIS OF PROJECTS THAT INCREASE  
18 TRAFFIC CAPACITY.—In furtherance of the planning  
19 goals described in subparagraphs (F) and (G) of  
20 paragraph (1), a metropolitan planning organization  
21 shall conduct and publish an analysis of the impact  
22 on per capita vehicle miles traveled, mobile source  
23 greenhouse gas emissions, and non-single-occupancy-  
24 vehicle trips, including trips by bicycle, pedestrian  
25 travel, public transportation, and passenger rail,

1 prior to approval of each project within the metro-  
 2 politan planning area that—

3 “(A) uses funds made available under this  
 4 title to increase traffic capacity, including—

5 “(i) by adding new travel lanes, in-  
 6 cluding on an existing road; or

7 “(ii) by converting shoulder lanes into  
 8 new travel lanes; and

9 “(B) is projected to receive not less than  
 10 \$25,000,000 of Federal funds made available  
 11 under this title.”.

12 (2) PUBLIC TRANSPORTATION.—Section  
 13 5303(h)(1) of title 49, United States Code, is  
 14 amended—

15 (A) by redesignating subparagraphs (F)  
 16 through (I) as subparagraphs (H) through (K),  
 17 respectively; and

18 (B) by inserting after subparagraph (E)  
 19 the following:

20 “(F) reduce carbon dioxide and other  
 21 greenhouse gas emissions;

22 “(G) decrease per capita vehicle miles trav-  
 23 eled;”.

24 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-  
 25 TATION PLANNING.—

1           (1) FEDERAL-AID HIGHWAYS.—Section 135(d)  
2 of title 23, United States Code, is amended—

3           (A) in paragraph (1)—

4                 (i) by redesignating subparagraphs  
5                 (F) through (J) as subparagraphs (H)  
6                 through (L), respectively; and

7                 (ii) by inserting after subparagraph  
8                 (E) the following:

9                 “(F) reduce carbon dioxide and greenhouse  
10                 gas emissions;

11                 “(G) decrease per capita vehicle miles trav-  
12                 eled;”; and

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

14           “(4) ANALYSIS OF PROJECTS THAT INCREASE  
15           TRAFFIC CAPACITY.—In furtherance of the planning  
16           goals described in subparagraphs (F) and (G) of  
17           paragraph (1), a State shall conduct and publish an  
18           analysis of the impact on per capita vehicle miles  
19           traveled, mobile source greenhouse gas emissions,  
20           and non-single-occupancy-vehicle trips, including  
21           trips by bicycle, pedestrian travel, public transpor-  
22           tation, and passenger rail, prior to approval of each  
23           project within the State that—

24                 “(A) uses funds made available under this  
25                 title to increase traffic capacity, including—

1 “(i) by adding new travel lanes, in-  
2 cluding on an existing road; or

3 “(ii) by converting shoulder lanes into  
4 new travel lanes; and

5 “(B) is projected to receive not less than  
6 \$25,000,000 of Federal funds made available  
7 under this title.”.

8 (2) PUBLIC TRANSPORTATION.—Section  
9 5304(d)(1) of title 49, United States Code, is  
10 amended—

11 (A) by redesignating subparagraphs (F)  
12 through (I) as subparagraphs (H) through (K),  
13 respectively; and

14 (B) by inserting after subparagraph (E)  
15 the following:

16 “(F) reduce carbon dioxide and other  
17 greenhouse gas emissions;

18 “(G) decrease per capita vehicle miles trav-  
19 eled;”.

20 (d) NATIONAL HIGHWAY PERFORMANCE PRO-  
21 GRAM.—Section 119(f) of title 23, United States Code, is  
22 amended—

23 (1) in the subsection heading, by striking  
24 “CONDITIONS” and inserting “CONDITIONS; GREEN-  
25 HOUSE GAS EMISSIONS ON PUBLIC ROADS”; and



1 (2) by adding at the end the following:

2 “(3) GREENHOUSE GAS EMISSIONS ON PUBLIC  
3 ROADS.—

4 “(A) PENALTY.—

5 “(i) IN GENERAL.—Subject to clause  
6 (ii), if a State reports, in a performance  
7 target report under section 150(e), that  
8 the State has not achieved the targets of  
9 the State for performance measures de-  
10 scribed in section 150(d) pertaining to the  
11 minimum standards for public roads estab-  
12 lished by the Secretary under section  
13 150(c)(7), the State shall be required, dur-  
14 ing the following fiscal year—

15 “(I) to obligate, from the  
16 amounts apportioned to the State  
17 under section 104(b)(1), an amount  
18 that is not less than the amount of  
19 funds apportioned to the State for fis-  
20 cal year 2009 under the Interstate  
21 maintenance program for the purpose  
22 of achieving the targets through  
23 projects on Federal-aid highways; and

24 “(II) to obligate, from the  
25 amounts apportioned to the State

1 under section 104(b)(2) (other than  
2 amounts suballocated to metropolitan  
3 areas and other areas of the State  
4 under section 133(d)), an amount  
5 equal to 10 percent of the amount of  
6 funds apportioned to the State for fis-  
7 cal year 2009 under the Interstate  
8 maintenance program for the purpose  
9 of achieving the targets through  
10 projects on Federal-aid highways.

11 “(ii) INCREASE.—Each fiscal year  
12 after the date of enactment of this para-  
13 graph, the amount required to be obligated  
14 under clause (i)(I) shall be increased by 2  
15 percent over the amount required to be ob-  
16 ligated in the previous fiscal year.

17 “(B) RESTORATION.—The obligation re-  
18 quirement in subparagraph (A)(i)(I) for a fiscal  
19 year shall remain in effect for each subsequent  
20 fiscal year until the date on which the Secretary  
21 determines that the State has achieved the tar-  
22 gets of the State for performance measures de-  
23 scribed in section 150(d) pertaining to the min-  
24 imum standards for public roads established by  
25 the Secretary under section 150(c)(7).”

1 (e) TRANSIT ACCESSIBILITY.—

2 (1) TRANSIT ACCESS.—Section 5326 of title 49,  
3 United States Code, is amended—

4 (A) in the section heading, by inserting  
5 “**and accessibility**” after “**manage-**  
6 **ment**”;

7 (B) in subsection (a)—

8 (i) by redesignating paragraphs (2)  
9 and (3) as paragraphs (4) and (5), respec-  
10 tively; and

11 (ii) by inserting after paragraph (1)  
12 the following:

13 “(2) COVERED ENTITY.—The term ‘covered en-  
14 tity’ means—

15 “(A) any metropolitan planning area with  
16 a population of not fewer than 250,000 individ-  
17 uals on the date of enactment of the GREEN  
18 Streets Act; and

19 “(B) any State in which there exists a  
20 metropolitan planning area with a population of  
21 not fewer than 250,000 individuals on the date  
22 of enactment of the GREEN Streets Act.

23 “(3) TRANSIT ACCESSIBILITY.—The term ‘tran-  
24 sit accessibility’ means the share of jobs, health care  
25 facilities, grocery stores and other food suppliers,

1 schools, and other destinations accessible by public  
2 transportation in any 45-minute period.”;

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

4 “(6) TRANSIT MODE SHARE.—The term ‘transit  
5 mode share’ means the percentage of trips taken by  
6 public transportation for both commuting and non-  
7 commuting trips.

8 “(7) TRANSIT STOP DISTANCE.—The term  
9 ‘transit stop distance’ means the average distance by  
10 census block to the nearest transit stop, passenger  
11 station, or terminal providing regularly scheduled  
12 service.”;

13 (D) by redesignating subsections (c) and  
14 (d) as subsections (d) and (e), respectively; and

15 (E) by inserting after subsection (b) the  
16 following:

17 “(c) TRANSIT ACCESS.—

18 “(1) STANDARDS AND PERFORMANCE MEAS-  
19 URES.—Not later than 1 year after the date of en-  
20 actment of the GREEN Streets Act, the Secretary  
21 shall establish national transit access standards and  
22 performance measures for—

23 “(A) transit accessibility;

24 “(B) transit stop distance; and

25 “(C) transit mode share.

1           “(2) PERFORMANCE TARGETS AND INITIAL RE-  
2           PORT.—Not later than 180 days after the date on  
3           which the Secretary establishes the standards and  
4           performance measures under paragraph (1), the Sec-  
5           retary shall—

6                   “(A) require each covered entity to—

7                           “(i) establish targets for the covered  
8                           entity relating to each of the standards  
9                           and performance measures described in  
10                          paragraph (1); and

11                          “(ii) submit to the Secretary a report  
12                          describing—

13                                   “(I) the performance of the cov-  
14                                   ered entity with respect to each of the  
15                                   standards and performance measures  
16                                   described in paragraph (1); and

17                                   “(II) by functional classification,  
18                                   the share of housing units and road-  
19                                   ways in the covered entity that have—

20   “(aa) sidewalks;

21   “(bb) crosswalks;

22   “(cc) dedicated bike lanes;

23   or

24   “(dd) other forms of dedi-  
25   cated nonmotorized facilities; and

1           “(B) provide technical assistance, including  
2 analytical tools, to assist a covered entity in—

3           “(i) establishing targets under sub-  
4 paragraph (A)(i); and

5           “(ii) reporting on performance under  
6 subparagraph (A)(ii).

7           “(3) SUBSEQUENT REPORTS.—

8           “(A) TIMING.—Not later than 180 days  
9 after receipt of the initial report under para-  
10 graph (2)(A)(ii), the Secretary shall establish a  
11 schedule for the submission of subsequent re-  
12 ports by each covered entity.

13           “(B) CONTENTS.—Each subsequent report  
14 under this paragraph shall describe—

15           “(i) the progress of the covered entity  
16 in meeting the targets of the covered entity  
17 relating to the standards and performance  
18 measures described in paragraph (1), in-  
19 cluding any change in performance since  
20 the submission of the previous report;

21           “(ii) any revision of existing targets or  
22 establishment of new targets relating to  
23 the standards and performance measures  
24 described in paragraph (1); and

1 “(iii) any proposal for the revision of  
2 existing targets or the establishment of  
3 new targets relating to the standards and  
4 performance measures described in para-  
5 graph (1).

6 “(C) TECHNICAL ASSISTANCE.—The Sec-  
7 retary shall provide technical assistance, includ-  
8 ing analytical tools, to assist a covered entity  
9 in—

10 “(i) reporting on performance under  
11 this paragraph; and

12 “(ii) establishing or revising perform-  
13 ance targets relating to the standards and  
14 performance measures described in para-  
15 graph (1).”.

16 (2) METROPOLITAN TRANSPORTATION PLAN-  
17 NING.—Section 5303(h)(2)(B)(i)(I) of title 49,  
18 United States Code, is amended by striking “title  
19 23,” and inserting “title 23 and section 5326.”.

20 (3) CONFORMING AMENDMENTS.—

21 (A) Section 134(h)(2)(B)(ii) of title 23,  
22 United States Code, is amended by striking  
23 “5326(c)” and inserting “5326(d)”.

1           (B) Section 135(d)(2)(B)(ii) of title 23,  
2           United States Code, is amended by striking  
3           “5326(c)” and inserting “5326(d)”.

4           (C) Section 5303(h)(2)(B)(ii) of title 49,  
5           United States Code, is amended by striking  
6           “5326(c)” and inserting “5326(d)”.

7           (D) Section 5304(d)(2)(B)(ii) of title 49,  
8           United States Code, is amended by striking  
9           “5326(c)” and inserting “5326(d)”.

10          (E) Section 5337(a)(4)(B) of title 49,  
11          United States Code, is amended by striking  
12          “5326(d)” and inserting “5326(e)”.

13          (F) Section 24904(c)(1)(A) of title 49,  
14          United States Code, is amended by inserting  
15          “subsections (b), (d), and (e) of” after “author-  
16          ized under”.

○