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.

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

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.

Be it enacted by the Senate and House of Representa-
vies of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Generating Resilient, Environmentally Exceptional National Streets Act” or the “GREEN Streets Act”.

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

(a) NATIONAL GOALS AND PERFORMANCE MANAGEMENT MEASURES.—Section 150 of title 23, United States Code, is amended—

(1) in subsection (b)—

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

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

“(7) COMBATING CLIMATE CHANGE.—To reduce carbon dioxide and other greenhouse gas emissions and improve the resilience of the transportation system.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and all that follows through “Not later” and inserting the following:

“(1) RULEMAKING.—

“(A) IN GENERAL.—Not later”; and

(ii) by adding at the end the following:

“(B) UPDATES.—The Secretary shall periodically update the rulemaking promulgated under subparagraph (A) as necessary, including
to implement the amendments made to this section by the GREEN Streets Act.”;

(B) in paragraph (5)—

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

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

(iii) by adding at the end the following:

“(C) transit accessibility (as defined in section 5326(a) of title 49);

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

“(E) transit mode share (as defined in section 5326(a) of title 49).”; and

(C) by adding at the end the following:

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

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

“(i) alignment of zoning and land use policy and planning;
“(ii) investment in active and safe transportation infrastructure, such as sidewalks, trails, and bike lanes; and

“(iii) public transit;

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

“(C) in consultation with the Administrator of the Environmental Protection Agency, minimum standards for the reduction of greenhouse gas emissions on public roads, with the goal of achieving net-zero emissions; and

“(D) measures for States to use to assess—

“(i) carbon dioxide emissions on public roads; and

“(ii) any other greenhouse gas emissions on public roads, as determined to be appropriate by the Secretary.”; and

(3) in subsection (d)(1)—

(A) by striking “subsection (c), each State shall set” and inserting “subsection (c)(1)(A), and not later than 1 year after each update of that rulemaking under subsection (c)(1)(B), each State shall set or update, as applicable,”; and
(B) by striking “and (6)” and inserting “(6), and (7)”.

(b) METROPOLITAN TRANSPORTATION PLANNING.—

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

(A) in paragraph (1)—

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

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

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

“(G) decrease per capita vehicle miles traveled;”; and

(B) by adding at the end the following:

“(4) ANALYSIS OF PROJECTS THAT INCREASE TRAFFIC CAPACITY.—In furtherance of the planning goals described in subparagraphs (F) and (G) of paragraph (1), a metropolitan planning organization shall conduct and publish an analysis of the impact on per capita vehicle miles traveled, mobile source greenhouse gas emissions, and non-single-occupancy-vehicle trips, including trips by bicycle, pedestrian travel, public transportation, and passenger rail,
prior to approval of each project within the metropolitan planning area that—

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

“(i) by adding new travel lanes, including on an existing road; or

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

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

(2) Public Transportation.—Section 5303(h)(1) of title 49, United States Code, is amended—

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

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

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

“(G) decrease per capita vehicle miles traveled;”.

(c) Statewide and Nonmetropolitan Transportation Planning.—
(1) **FEDERAL-AID HIGHWAYS.**—Section 135(d) of title 23, United States Code, is amended—

(A) in paragraph (1)—

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

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

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

“(G) decrease per capita vehicle miles traveled;”; and

(B) by adding at the end the following:

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

“(A) uses funds made available under this title to increase traffic capacity, including—
“(i) by adding new travel lanes, including on an existing road; or
“(ii) by converting shoulder lanes into new travel lanes; and
“(B) is projected to receive not less than $25,000,000 of Federal funds made available under this title.”.

(2) Public Transportation.—Section 5304(d)(1) of title 49, United States Code, is amended—

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

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

“(F) reduce carbon dioxide and other greenhouse gas emissions;
“(G) decrease per capita vehicle miles traveled;”.

(d) National Highway Performance Program.—Section 119(f) of title 23, United States Code, is amended—

(1) in the subsection heading, by striking “CONDITIONS” and inserting “CONDITIONS; GREENHOUSE GAS EMISSIONS ON PUBLIC ROADS”; and
(2) by adding at the end the following:

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

“(A) PENALTY.—

“(i) In general.—Subject to clause (ii), if a State reports, in a performance target report under section 150(e), that the State has not achieved the targets of the State for performance measures described in section 150(d) pertaining to the minimum standards for public roads established by the Secretary under section 150(e)(7), the State shall be required, during the following fiscal year—

“(I) to obligate, from the amounts apportioned to the State under section 104(b)(1), an amount that is not less than the amount of funds apportioned to the State for fiscal year 2009 under the Interstate maintenance program for the purpose of achieving the targets through projects on Federal-aid highways; and

“(II) to obligate, from the amounts apportioned to the State
under section 104(b)(2) (other than amounts suballocated to metropolitan areas and other areas of the State under section 133(d)), an amount equal to 10 percent of the amount of funds apportioned to the State for fiscal year 2009 under the Interstate maintenance program for the purpose of achieving the targets through projects on Federal-aid highways.

“(ii) INCREASE.—Each fiscal year after the date of enactment of this paragraph, the amount required to be obligated under clause (i)(I) shall be increased by 2 percent over the amount required to be obligated in the previous fiscal year.

“(B) RESTORATION.—The obligation requirement in subparagraph (A)(i)(I) for a fiscal year shall remain in effect for each subsequent fiscal year until the date on which the Secretary determines that the State has achieved the targets of the State for performance measures described in section 150(d) pertaining to the minimum standards for public roads established by the Secretary under section 150(e)(7).”.
(c) **Transit Accessibility.**—

(1) **Transit Access.**—Section 5326 of title 49, United States Code, is amended—

(A) in the section heading, by inserting ‘‘and accessibility’’ after ‘‘management’’;

(B) in subsection (a)—

(i) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

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

‘‘(2) **Covered Entity.**—The term ‘‘covered entity’’ means—

‘‘(A) any metropolitan planning area with a population of not fewer than 250,000 individuals on the date of enactment of the GREEN Streets Act; and

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

‘‘(3) **Transit Accessibility.**—The term ‘‘transit accessibility’’ means the share of jobs, health care facilities, grocery stores and other food suppliers,
schools, and other destinations accessible by public
transportation in any 45-minute period.”;

(C) by adding at the end the following:

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

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

(D) by redesignating subsections (c) and
d as subsections (d) and (e), respectively; and
(E) by inserting after subsection (b) the
following:

“(c) TRANSIT ACCESS.—

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

“(A) transit accessibility;

“(B) transit stop distance; and

“(C) transit mode share.
“(2) Performance targets and initial report.—Not later than 180 days after the date on which the Secretary establishes the standards and performance measures under paragraph (1), the Secretary shall—

“(A) require each covered entity to—

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

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

“(I) the performance of the covered entity with respect to each of the standards and performance measures described in paragraph (1); and

“(II) by functional classification, the share of housing units and roadways in the covered entity that have—

“(aa) sidewalks;

“(bb) crosswalks;

“(cc) dedicated bike lanes;

or

“(dd) other forms of dedicated nonmotorized facilities; and

“(3) Implementation and enforcement.—The Secretary shall—

“(A) monitor covered entities to ensure compliance with the requirements of this section;

“(B) take enforcement action against any covered entity that fails to comply with the requirements of this section; and

“(C) publish a notice in the Federal Register every 12 months describing the results of any enforcement action taken under subparagraph (B).
“(B) provide technical assistance, including analytical tools, to assist a covered entity in—

“(i) establishing targets under subparagraph (A)(i); and

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

“(3) SUBSEQUENT REPORTS.—

“(A) TIMING.—Not later than 180 days after receipt of the initial report under paragraph (2)(A)(ii), the Secretary shall establish a schedule for the submission of subsequent reports by each covered entity.

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

“(i) the progress of the covered entity in meeting the targets of the covered entity relating to the standards and performance measures described in paragraph (1), including any change in performance since the submission of the previous report;

“(ii) any revision of existing targets or establishment of new targets relating to the standards and performance measures described in paragraph (1); and
“(iii) any proposal for the revision of existing targets or the establishment of new targets relating to the standards and performance measures described in paragraph (1).

“(C) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, including analytical tools, to assist a covered entity in—

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

“(ii) establishing or revising performance targets relating to the standards and performance measures described in paragraph (1).”.

(2) METROPOLITAN TRANSPORTATION PLANNING.—Section 5303(h)(2)(B)(i)(I) of title 49, United States Code, is amended by striking “title 23,” and inserting “title 23 and section 5326,”.

(3) CONFORMING AMENDMENTS.—

(A) Section 134(h)(2)(B)(ii) of title 23, United States Code, is amended by striking “5326(e)” and inserting “5326(d)”.
(B) Section 135(d)(2)(B)(ii) of title 23, United States Code, is amended by striking “5326(c)” and inserting “5326(d)”.

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

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

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

(F) Section 24904(e)(1)(A) of title 49, United States Code, is amended by inserting “subsections (b), (d), and (e) of” after “authorized under”.

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