

110TH CONGRESS  
2D SESSION

# S. 3624

To amend title 49, United States Code, to require States and metropolitan planning organizations to develop transportation greenhouse gas reduction 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

SEPTEMBER 26 (legislative day, SEPTEMBER 17), 2008

Mr. CARPER 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 require States and metropolitan planning organizations to develop transportation greenhouse gas reduction 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**

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 a open, collaborative design session held over the  
14 course of 2 or more days—

15 “(A) that includes participation by stake-  
16 holders and the public;

17 “(B) that involves a collaborative process  
18 with a series of short feedback loops; and

19 “(C) the purpose of which is to produce 2  
20 or more feasible Plans.

21 “(3) FUND.—The term ‘Fund’ means the Low  
22 Greenhouse Gas Transportation Fund established by  
23 section 6302(a)(1).

24 “(4) INTERCITY PASSENGER RAIL SERVICE.—

25 “(A) IN GENERAL.—The term ‘intercity  
26 passenger rail service’ has the meaning given

1 the term ‘intercity rail passenger transpor-  
2 tation’ in section 24102.

3 “(B) INCLUSION.—The term ‘intercity pas-  
4 senger rail service’ includes high-speed rail serv-  
5 ice.

6 “(5) MPO.—The term ‘MPO’ means a metro-  
7 politan planning organization designated under sec-  
8 tion 134(b) of title 23 that, as of the most recent  
9 decennial census, represents more than 200,000 in-  
10 dividuals.

11 “(6) PLAN.—The term ‘Plan’ means a trans-  
12 portation greenhouse gas reduction plan covering a  
13 period of at least 10 years developed under section  
14 6304(a).

15 “(7) SCENARIO ANALYSIS.—The term ‘scenario  
16 analysis’ means an analysis that is conducted by  
17 identifying different trends and making projections  
18 based on those trends to develop a range of sce-  
19 narios and estimates of how each scenario could im-  
20 prove mobility and affect rates of—

21 “(A) vehicle miles traveled;

22 “(B) use of petroleum-derived transpor-  
23 tation fuel; and

24 “(C) greenhouse gas emissions from the  
25 transportation sector.

1           “(8) STATE.—The term ‘State’ means—

2                   “(A) a State;

3                   “(B) the District of Columbia; and

4                   “(C) the Commonwealth of Puerto Rico.

5   **“§ 6302. Fund**

6           “(a) ESTABLISHMENT.—There is established in the  
7 Treasury of the United States a fund to be known as the  
8 ‘Low Greenhouse Gas Transportation Fund’, consisting of  
9 such amounts as are deposited in the Fund under section  
10 6303(c).

11          “(b) EXPENDITURES FROM FUND.—

12                   “(1) IN GENERAL.—Subject to section 6303(c),  
13 on request by the Secretary, the Secretary of the  
14 Treasury shall transfer from the Fund to the Sec-  
15 retary such amounts as the Secretary determines are  
16 necessary to provide assistance for use in imple-  
17 menting projects under Plans developed under sec-  
18 tion 6308(b).

19                   “(2) ADMINISTRATIVE EXPENSES.—An amount  
20 not exceeding 10 percent of the amounts in the  
21 Fund shall be available for each fiscal year to pay  
22 the administrative expenses necessary to carry out  
23 this Act.

24          “(c) TRANSFERS OF AMOUNTS.—

1           “(1) IN GENERAL.—The amounts required to  
2           be transferred to the Fund under this section shall  
3           be transferred at least monthly from the general  
4           fund of the Treasury to the Fund on the basis of es-  
5           timates made by the Secretary of the Treasury.

6           “(2) ADJUSTMENTS.—Proper adjustment shall  
7           be made in amounts subsequently transferred to the  
8           extent prior estimates were in excess of or less than  
9           the amounts required to be transferred.

10   **“§ 6303. Auctioning**

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

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

23           “(c) DEPOSIT OF PROCEEDS.—The Administrator  
24           shall deposit in the Fund the proceeds from each auction  
25           conducted under this section.

1 **“§ 6304. Plans**

2 “(a) GOAL.—Each State and MPO shall establish the  
3 goal of reducing greenhouse gas emissions from the trans-  
4 portation sector during the 10 years following the date of  
5 enactment of this chapter through—

6 “(1) the increase in mobility options;

7 “(2) the reduction of vehicle miles traveled; and

8 “(3) the use of petroleum-derived transpor-  
9 tation fuel.

10 “(b) DEVELOPMENT OF PLANS.—Each State and  
11 MPO shall develop a transportation greenhouse gas reduc-  
12 tion plan, and a prioritized list of projects the support the  
13 plan, that are integrated into the long-range transpor-  
14 tation and transportation improvement plans of the State  
15 or MPO to work toward achieving the goal established by  
16 the State or MPO under subsection (a) through invest-  
17 ment in—

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

21 “(2) an intercity passenger rail project for—

22 “(A)(i) the acquisition, construction, im-  
23 provement, or inspection of equipment, track  
24 and track structures, or a facility for use in or  
25 for the primary benefit of intercity passenger  
26 rail service;

1           “(ii) expenses incidental to that acquisition  
2 or construction (including expenses for design-  
3 ing, engineering, location surveying, mapping,  
4 environmental studies, and acquisition of rights-  
5 of-way);

6           “(iii) payments for the capital portions of  
7 rail trackage rights agreements;

8           “(iv) highway-rail grade crossing improve-  
9 ments relating to intercity passenger rail serv-  
10 ice;

11           “(v) security;

12           “(vi) mitigation of environmental impacts;

13           “(vii) communication and signalization im-  
14 provements;

15           “(viii) relocation assistance;

16           “(ix) acquisition of replacement housing  
17 sites; and

18           “(x) acquisition, construction, relocation,  
19 and rehabilitation of replacement housing;

20           “(B) rehabilitating, remanufacturing, or  
21 overhauling rail rolling stock and facilities used  
22 primarily in intercity passenger rail service; and

23           “(C) costs associated with developing State  
24 rail plans;

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

8           “(4) additional freight rail capacity, particularly  
9 if the capacity—

10           “(A) relieves a freight bottleneck des-  
11 ignated by the Secretary as causing poor on-  
12 time performance for intercity rail passenger  
13 trains; or

14           “(B) expands intercity or commuter rail  
15 capacity;

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

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

19           “(A) to coordinate with local, regional, and  
20 State plans; or

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

23           “(7) improvements in—

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

1           “(B) travel models to better measure  
2           greenhouse gas emissions and emission reduc-  
3           tions; or

4           “(8) the transportation control measures de-  
5           scribed in clauses (i) through (xv) of section  
6           108(f)(1)(A), or section 211, of the Clean Air Act  
7           (42 U.S.C. 7408(f)(1)(A), 7545).

8           “(c) SUBMISSION AND UPDATING.—Each Plan shall  
9 be—

10           “(1) submitted to the Secretary not later than  
11           2 years after the date of enactment of this chapter;  
12           and

13           “(2) updated every 4 years thereafter, including  
14           with analysis regarding achievement of the goals of  
15           the Plan.

16           “(d) CERTIFICATION.—

17           “(1) IN GENERAL.—Subject to section 6306(b),  
18           not later than 180 days after the date of submission  
19           of a Plan under subsection (c)(1), the Secretary, in  
20           consultation with the Administrator, shall determine  
21           and certify whether—

22           “(A) the Plan is likely to achieve the goal  
23           established by the State or MPO, as the case  
24           may be, under subsection (a); and

1           “(B) the development of the plan has com-  
2           plied with subsection (e).

3           “(2) PREVIOUSLY DEVELOPED PLANS.—If a  
4           State or MPO develops a plan to reduce greenhouse  
5           gas emissions from the transportation sector before  
6           the date of enactment of this chapter, the State or  
7           MPO shall not be eligible to receive a distribution of  
8           funds under section 6308 unless the Secretary, in  
9           consultation with the Administrator, first determines  
10          and certifies that the plan meets the requirements of  
11          this chapter.

12          “(e) PUBLIC INVOLVEMENT, COORDINATION, AND  
13          CONSULTATION.—Each Plan shall be developed—

14                 “(1) using transportation and economic devel-  
15                 opment scenario analysis and strong public and  
16                 stakeholder involvement, including—

17                         “(A) public comment periods;

18                         “(B) scenario planning;

19                         “(C) the most recent models; and

20                         “(D) public charrettes;

21                 “(2) with strong regional coordination, includ-  
22                 ing between each MPO and the State in which the  
23                 MPO is located and with other MPOs located within  
24                 that State; and

1           “(3) in consultation with State and local hous-  
2           ing, economic development, land use, environmental,  
3           and transportation agencies.

4           “(f) INCORPORATION OF MPO PLANS.—Each State  
5           shall incorporate, without modification, into the Plan of  
6           the State the final Plans of MPOs located within the  
7           State.

8           **“§ 6305. Study**

9           “To maximize greenhouse gas emission reductions  
10          from the transportation sector, the Secretary and the Ad-  
11          ministrators shall enter into an arrangement with the  
12          Transportation Research Board of the National Academy  
13          of Sciences under which that Board shall submit to the  
14          Administrator and the Secretary, not later than 1 year  
15          after the date of enactment of this chapter, a report con-  
16          taining recommendations—

17               “(1) for use in improving research and tools to  
18               assess the effect of transportation plans and land  
19               use plans on motor vehicle use rates and transpor-  
20               tation sector greenhouse gas emissions;

21               “(2) for use in improving Federal Government  
22               data sources that are necessary to assess greenhouse  
23               gas emission data from the transportation sector for  
24               use in developing Plans; and

1           “(3) regarding policies to effectively reduce  
2           greenhouse gas emissions from the transportation  
3           sector.

4   **“§ 6306. Technical standards**

5           “(a) IN GENERAL.—Not later than 2 years after the  
6           date of enactment of this chapter, based on any rec-  
7           ommendations contained in the reports submitted under  
8           paragraphs (1) and (2) of section 6305, and every 5 years  
9           thereafter, the Secretary, in consultation with the Admin-  
10          istrator, shall establish or update, as appropriate, stand-  
11          ards for transportation data collection, monitoring, plan-  
12          ning, and modeling.

13          “(b) EFFECT ON CERTIFICATION.—The Secretary  
14          shall not certify any Plan under section 6304(d) until such  
15          time as standards for transportation data collection, moni-  
16          toring, planning, and modeling are established under sub-  
17          section (a).

18   **“§ 6307. Report**

19          “Not later than 5 years after the date of enactment  
20          of this chapter, and every 5 years thereafter, the Adminis-  
21          trator shall submit to the committees of the Senate and  
22          the House of Representatives having jurisdiction over  
23          transportation and climate change a report that de-  
24          scribes—

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

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

7           “(3) changes to Federal law that could improve  
8           the performance of the Plans; and

9           “(4) regulatory changes planned to improve the  
10          performance of the Plans.

11   **“§ 6308. Funding**

12          “(a) DEVELOPMENT AND UPDATING OF PLANS.—  
13          The Secretary shall use 5 percent of the funds deposited  
14          in the Fund for each fiscal year to support the develop-  
15          ment and updating of Plans under section 6304.

16          “(b) IMPLEMENTATION OF PLANS.—

17                  “(1) IN GENERAL.—The Secretary shall use 10  
18                  percent of the funds deposited in the Fund for each  
19                  fiscal year—

20                          “(A) to support the implementation of  
21                          Plans; and

22                          “(B) to fund the projects described in  
23                          Plans as being necessary to meet the goals es-  
24                          tablished by the States or MPOs submitting the  
25                          Plans.

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

5                   “(A) reflects the expected per capita reduc-  
6                   tion in greenhouse gas emissions expected as a  
7                   result of implementation of each Plan certified  
8                   under section 6304(d);

9                   “(B) ensures that at least 50 percent of  
10                  the funds are used to implement Plans certified  
11                  under section 6304(d) that are developed by  
12                  MPOs;

13                  “(C) emphasizes Plans that increase trans-  
14                  portation options and mobility, particularly for  
15                  low-income individuals, minorities, the elderly,  
16                  zero-car households, and the disabled; and

17                  “(D) during the first 5 years after the date  
18                  of enactment of this chapter, takes into consid-  
19                  eration reductions in greenhouse gas emissions  
20                  achieved by States and MPOs under Plans cer-  
21                  tified under section 6304(d).

22           “(3) COST-SHARING.—The Federal share of a  
23           project described in paragraph (1)(B) that is carried  
24           out using funds made available under this section  
25           shall be 80 percent.”.

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

“CHAPTER 63—TRANSPORTATION ALTERNATIVES

“Sec.

“6301. Definitions.

“6302. Fund.

“6303. Auctioning.

“6304. Plans.

“6305. Study.

“6306. Technical standards.

“6307. Report.

“6308. Funding.”.

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