



## Climate & Air Quality Committee

May 28, 2009

### Federal Climate Bill and Surface Transportation Authorization

**Issue:** What is the status of the federal climate bill H.R. 2454 and surface transportation authorization?

**Recommendation:** None. This item is for information only.

**Discussion:** The House Energy and Commerce Committee passed out a climate bill H.R. 2454 this week. This lengthy bill includes Section 222 related to regional transportation planning. Congresswoman Doris Matsui was assigned the lead for that section of the bill by Chairman Waxman. We were fortunate to have been provided good access to that process. Staff believes that the provisions in the attached pertinent section of the bill are consistent with SACOG's advocacy approach on this important topic. Specifically:

- The states/regions are allowed to establish their own greenhouse gas emission targets for the Regional Transportation Plans (i.e., not the U.S. EPA or another federal agency).
- The U.S. EPA is provided authority to establish methods for data, modeling, and scenario planning that must be used in the Regional Transportation Plan process, and to require that the regions use those methods (this, arguably, is authority they have under current powers; regardless, we do not believe it creates problems for SACOG and may provide benefits in light of the fact that Congresswoman Matsui will soon introduce a bill to establish a limited number of regional Centers of Excellence for data and modeling, and SACOG should be in a strong position to compete for one of those designations).
- Some funds will be awarded competitively based on the greenhouse gas emissions performance of the Regional Transportation Plans. We should be in a strong position to compete for those funds.

The bill now goes to House Ways and Means Committee, then to the floor of the House and then to the Senate. Speculation is divided on whether it is likely to be signed into law by the end of this year.

The reauthorization of the Transportation Bill is an important related matter. The Chairman of the House Transportation and Infrastructure Committee, Congressman James Oberstar, has announced his intentions to get a bill through his Committee in June. This is ambitious, in part because a draft of the bill is not in print yet. Our federal advocate, Mike Miller, has provided us with very useful information on the current intentions of the Chairman in terms of the structure of the bill. Those intentions appear to be very consistent with SACOG's federal advocacy principles, including collapsing the current myriad of funding programs into a much smaller number of programs (thus making for more flexible funding), using a more performance-based approach for determining eligible projects, and encouraging the further integration of the land use and transportation components of regional plans. It is our understanding that the Transportation and Infrastructure Committee will not address the perplexing issue of funding sources for the bill, deferring that issue to Ways and Means. As with the climate bill, there is divided speculation on the odds of passing a Transportation Bill this year. The current bill expires September 30, 2009. During the last reauthorization cycle, Congress used the Continuing Resolution vehicle to keep transportation funds flowing at current levels while they sought agreement on a new bill. This time, however, the Highway Trust Fund is completely depleted, so it is not clear whether a Continuing Resolution approach would be so readily used. The Administration has stated it is opposed to any increases in the gas tax to bridge the funding gap.

Approved by:

Mike McKeever  
Executive Director

MM:RS:le  
Attachment

Key Staff: Rebecca Sloan, Director of External Affairs and Member Services, (916) 340-6224  
Matt Carpenter, Director of Transportation Planning, (916) 340-6276  
Gordon Garry, Director of Research and Analysis, (916) 340-6230

1 **SEC. 222. GREENHOUSE GAS EMISSIONS REDUCTIONS**  
2 **THROUGH TRANSPORTATION EFFICIENCY.**

3 Title VIII of the Clean Air Act, as added by section  
4 331 of this Act, is further amended by inserting after part  
5 C the following new part:

6 **“PART D—PLANNING REQUIREMENTS**  
7 **“SEC. 841. GREENHOUSE GAS EMISSIONS REDUCTIONS**  
8 **THROUGH TRANSPORTATION EFFICIENCY.**

9 “(a) IN GENERAL.—Each State shall—

10 “(1) not later than 3 years after the date of en-  
11 actment of this section, submit to the Administrator  
12 goals for transportation-related greenhouse gas  
13 emissions reductions; and

14 “(2) as part of each transportation plan or  
15 transportation improvement program developed  
16 under title 23 or title 49, United States Code, en-  
17 sure that a plan to achieve such goals, or an up-  
18 dated version of such a plan, is submitted to the Ad-  
19 ministrator and to the Secretary of Transportation  
20 (in this section referred to as the ‘Secretary’) by  
21 each metropolitan planning organization in the State  
22 for an area with a population exceeding 200,000.

23 “(b) MODELS AND METHODOLOGIES.—

24 “(1) IN GENERAL.—The Administrator shall  
25 promulgate regulations to establish standards for  
26 use in developing goals, plans, and strategies under

1 this section and for monitoring progress toward such  
2 goals. Such standards shall include—

3 “(A) data collection techniques for assess-  
4 ing State and regional transportation-related  
5 greenhouse gas emissions;

6 “(B) methodologies for determining trans-  
7 portation-related greenhouse gas emissions  
8 baselines;

9 “(C) models and methodologies for sce-  
10 nario analysis; and

11 “(D) models and methodologies for esti-  
12 mating transportation-related greenhouse gas  
13 emissions reductions from the strategies consid-  
14 ered under this section.

15 Such regulations may approve or improve existing  
16 models and methodologies

17 “(2) TIMING.—The Administrator shall—

18 “(A) publish proposed regulations under  
19 paragraph (1) not later than 1 year after the  
20 date of enactment of this section; and

21 “(B) promulgate final regulations under  
22 paragraph (1) not later than 2 years after such  
23 date of enactment.

24 “(3) ASSESSMENT.—At least every 6 years  
25 after promulgating final regulations under para-

1 graph (1), the Administrator, in coordination with  
2 the Secretary, shall assess current and projected  
3 progress in reducing transportation-related green-  
4 house gas emissions. The assessment shall examine  
5 the contributions to emissions reductions attrib-  
6 utable to improvements in vehicle efficiency, green-  
7 house gas performance of transportation fuels, and  
8 increased efficiency in utilizing transportation sys-  
9 tems.

10 “(c) GREENHOUSE GAS REDUCTION GOALS.—

11 “(1) CONSULTATION.—Each State shall develop  
12 the goals referred to in subsection (a)(1)—

13 “(A) in concurrence with State agencies re-  
14 sponsible for air quality and transportation;

15 “(B) in consultation with each metropoli-  
16 tan planning organization for an area in the  
17 State with a population exceeding 200,000 and  
18 applicable local air quality and transportation  
19 agencies; and

20 “(C) with public involvement, including  
21 public comment periods and meetings.

22 “(2) PERIOD.—The goals referred to in sub-  
23 section (a)(1) shall be for 4-, 10-, and 20-year peri-  
24 ods.

1           “(3) TARGETS; DESIGNATED YEAR.—The goals  
2 referred to in subsection (a)(1) shall establish tar-  
3 gets to reduce transportation-related greenhouse gas  
4 emissions in the covered area. The targets shall be  
5 designed to ensure that the levels of such emissions  
6 stabilize and decrease after a designated year. The  
7 State shall consider designating 2010 as such des-  
8 ignated year.

9           “(4) COVERED AREA.—The goals referred to in  
10 subsection (a)(1)—

11                 “(A) shall be established on a statewide  
12 basis;

13                 “(B) shall be established for each metro-  
14 politan planning organization in the State for  
15 an area with a population exceeding 200,000;  
16 and

17                 “(C) may be established on a voluntary  
18 basis, in accordance with the provisions of this  
19 section, for any metropolitan planning organiza-  
20 tion not described in subparagraph (B).

21           “(5) REVISED GOALS.—Every 4 years, each  
22 State shall update and revise, as appropriate, the  
23 goals referred to in subsection (a)(1).

24           “(d) PLANNING.—A plan submitted under subsection  
25 (a)(2) shall—

1           “(1) be based upon the models and methodolo-  
2           gies established by the Administrator under sub-  
3           section (b);

4           “(2) use transportation and land use scenario  
5           analysis to address transportation-related green-  
6           house gas emissions and economic development im-  
7           pacts; and

8           “(3) be developed—

9           “(A) with public involvement, including  
10           public comment periods and meetings which  
11           provide opportunities for comment from a vari-  
12           ety of stakeholders based on age, race, income,  
13           and disability;

14           “(B) with regional coordination, including  
15           with respect to—

16           “(i) metropolitan planning organiza-  
17           tions;

18           “(ii) the localities comprising the met-  
19           ropolitan planning organization;

20           “(iii) the State in which the metro-  
21           politan planning organization is located;  
22           and

23           “(iv) air quality, environmental  
24           health, and transportation agencies for the  
25           State and region involved; and

1           “(C) in consultation with the State and  
2           local housing, public health, economic develop-  
3           ment, land use, environment, and public trans-  
4           portation agencies.

5           “(e) STRATEGIES.—In developing goals under sub-  
6           section (a)(1) and a plan under subsection (a)(2), the  
7           State or metropolitan planning organization, as applicable,  
8           shall consider transportation and land use planning strate-  
9           gies to reduce transportation-related greenhouse gas emis-  
10          sions, including the following:

11           “(1) Efforts to increase or improve public  
12          transportation, including—

13           “(A) new public transportation systems,  
14          including new commuter rail systems;

15           “(B) expansion of existing public transpor-  
16          tation systems;

17           “(C) employer-based subsidies;

18           “(D) cleaner locomotive technologies; and

19           “(E) quality of service improvements, in-  
20          cluding improved frequency of service.

21           “(2) Updates to zoning and other land use reg-  
22          ulations and plans to support development that—

23           “(A) coordinates transportation and land  
24          use planning;

1           “(B) focuses future growth close to exist-  
2           ing and planned job centers and public facili-  
3           ties;

4           “(C) uses existing infrastructure;

5           “(D) promotes walking, bicycling, and pub-  
6           lic transportation use; and

7           “(E) mixes land uses such as housing, re-  
8           tail, and schools.

9           “(3) Implementation of a policy (referred to as  
10          a ‘complete streets policy’) that—

11           “(A) ensures adequate accommodation of  
12           all users of transportation systems, including  
13           pedestrians, bicyclists, public transportation  
14           users, motorists, children, the elderly, and indi-  
15           viduals with disabilities; and

16           “(B) adequately addresses the safety and  
17           convenience of all users of the transportation  
18           system.

19           “(4) Construction of bicycle and pedestrian in-  
20           frastructure facilities, including facilities that im-  
21           prove the connections with networks that provide ac-  
22           cess to human services, employment, schools, and re-  
23           tail.

24           “(5) Projects to promote telecommuting, flexi-  
25           ble work schedules, or satellite work centers.

1           “(6) Pricing measures, including tolling, con-  
2           gestion pricing, and pay-as-you-drive insurance.

3           “(7) Intermodal freight system strategies, in-  
4           cluding enhanced rail services, short sea shipping,  
5           and other strategies.

6           “(8) Parking policies.

7           “(9) Intercity rail service, including high speed  
8           rail.

9           “(10) Travel demand management projects.

10          “(11) Restriction of the use of certain roads, or  
11          lanes, by vehicles other than passenger buses and  
12          high-occupancy vehicles.

13          “(12) Reduction of vehicle idling, including  
14          idling associated with freight management, construc-  
15          tion, transportation, and commuter operations.

16          “(13) Policies to encourage the use of retrofit  
17          technologies and early replacement of vehicles, en-  
18          gines and equipment to reduce transportation-re-  
19          lated greenhouse gas emissions from existing mobile  
20          sources.

21          “(14) Other projects that the Administrator  
22          finds reduce transportation-related greenhouse gas  
23          emissions.

1           “(f) PUBLIC AVAILABILITY.—The Administrator  
2 shall publish, including by posting on the Environmental  
3 Protection Agency’s website—

4                   “(1) the goals and plans submitted under sub-  
5 section (a); and

6                   “(2) for each plan submitted under subsection  
7 (a)(2), an analysis of the anticipated effects of the  
8 plan on greenhouse gas emissions and oil consump-  
9 tion.

10           “(g) CERTIFICATION.—The Administrator, in con-  
11 sultation with the Secretary, shall certify a State or metro-  
12 politan planning organization greenhouse gas reduction  
13 plan submitted under subsection (a)(2) if the plan’s imple-  
14 mentation is likely to meet the corresponding greenhouse  
15 gas reduction goal referred to in subsection (a)(1). If the  
16 Administrator, in consultation with the Secretary, deter-  
17 mines that a submitted plan cannot be certified, the State  
18 or metropolitan planning organization shall revise and re-  
19 submit the plan within 1 year.

20           “(h) ENFORCEMENT.—If the Administrator finds  
21 that a State has failed to submit goals under subsection  
22 (a)(1), has failed to ensure the submission of a plan under  
23 subsection (a)(2), or has failed to submit a revised plan  
24 under subsection (g), for any area in the State (irrespec-  
25 tive of whether the area is a nonattainment area), the Ad-

1 administrator shall impose a prohibition in accordance with  
2 section 179(b)(1) applicable to the area within 2 years of  
3 such a finding. The Administrator may not impose a pro-  
4 hibition under the preceding sentence, and no action may  
5 be brought by the Administrator or any other entity alleg-  
6 ing a violation of this section, based on the content or ade-  
7 quacy of a goal or plan submitted under subsection (a)(1)  
8 or (a)(2) or failure to achieve the goal submitted under  
9 subsection (a)(1).

10 “(i) COMPETITIVE GRANTS.—

11 “(1) GRANTS.—The Administrator, in consulta-  
12 tion with the Secretary, may—

13 “(A) award grants to support activities re-  
14 lated to improving data collection, modeling,  
15 and monitoring systems to assess transpor-  
16 tation-related greenhouse gas emissions and the  
17 effects of plans, policies, and strategies ref-  
18 erenced in this section;

19 “(B) award grants to States and metro-  
20 politan planning organizations for the develop-  
21 ment of goals and plans to be submitted under  
22 sections (a)(1) or (a)(2); and

23 “(C) award grants, on a competitive basis,  
24 to implement plans certified under subsection  
25 (g) or elements thereof, provided that each

1 project thus funded includes a measurement  
2 and evaluation component that meets the regu-  
3 lations promulgated under subsection (b).

4 “(2) PRIORITY.—In making grants under para-  
5 graph (1)(C), the Administrator shall give priority to  
6 applicants based upon—

7 “(A) the amount of total greenhouse gas  
8 emissions to be reduced as a result of imple-  
9 mentation of a certified plan, within the covered  
10 area, as determined by methods established  
11 under subsection (b); and

12 “(B) the amount of per capita greenhouse  
13 gas emissions to be reduced as a result of im-  
14 plementation of a certified plan, within the cov-  
15 ered area, as determined by methods estab-  
16 lished under subsection (b);

17 “(C) the cost effectiveness, in terms of dol-  
18 lars per tons of greenhouse gas reductions, to  
19 be achieved as a result of the implementation of  
20 a certified plan;

21 “(D) the potential for both short- and  
22 long-term reductions; and

23 “(E) such other factors as the Adminis-  
24 trator determines appropriate.

1           “(3) AUTHORIZATION OF APPROPRIATIONS.—

2           To carry out this subsection, there are authorized to  
3           be appropriated such sums as may be necessary.

4           “(j) DEFINITIONS.—In this section:

5           “(1) The term ‘metropolitan planning organiza-  
6           tion’ means a metropolitan planning organization, as  
7           such term is used in section 176.

8           “(2) The term ‘scenario analysis’ means an  
9           analysis that is conducted by identifying different  
10          trends and making projections based on those trends  
11          to develop a range of scenarios and estimates of how  
12          each scenario could improve access to goods and  
13          services, including access to employment, education,  
14          and health care (especially for elderly and economi-  
15          cally disadvantaged communities), and could affect  
16          rates of—

17                   “(A) vehicle miles traveled;

18                   “(B) vehicle hours traveled;

19                   “(C) use of mobile source fuel by type, in-  
20                   cluding electricity; and

21                   “(D) transportation-related greenhouse gas  
22                   emissions.

23          “(k) LAND USE AUTHORITY.—Nothing in this sec-  
24          tion may be construed to—

