S A C O G

Transportation Committee

Item #09-6-8
Information

May 27, 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 a section (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

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Attachment
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SEC. 222. GREENHOUSE GAS EMISSIONS REDUCTIONS THROUGH TRANSPORTATION EFFICIENCY.

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

"PART D—PLANNING REQUIREMENTS

"SEC. 841. GREENHOUSE GAS EMISSIONS REDUCTIONS THROUGH TRANSPORTATION EFFICIENCY.

''(a) IN GENERAL.—Each State shall—

''(1) not later than 3 years after the date of enactment of this section, submit to the Administrator goals for transportation-related greenhouse gas emissions reductions; and

''(2) as part of each transportation plan or transportation improvement program developed under title 23 or title 49, United States Code, ensure that a plan to achieve such goals, or an updated version of such a plan, is submitted to the Administrator and to the Secretary of Transportation (in this section referred to as the 'Secretary') by each metropolitan planning organization in the State for an area with a population exceeding 200,000.

''(b) MODELS AND METHODOLOGIES.—

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

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

''(A) data collection techniques for assessing State and regional transportation-related greenhouse gas emissions;

''(B) methodologies for determining transportation-related greenhouse gas emissions baselines;

''(C) models and methodologies for scenario analysis; and

''(D) models and methodologies for estimating transportation-related greenhouse gas emissions reductions from the strategies considered under this section.

Such regulations may approve or improve existing models and methodologies

''(2) TIMING.—The Administrator shall—

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

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

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

graph (1), the Administrator, in coordination with the Secretary, shall assess current and projected progress in reducing transportation-related greenhouse gas emissions. The assessment shall examine the contributions to emissions reductions attributable to improvements in vehicle efficiency, greenhouse gas performance of transportation fuels, and increased efficiency in utilizing transportation systems.

''(c) GREENHOUSE GAS REDUCTION GOALS.—

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

''(A) in concurrence with State agencies responsible for air quality and transportation;

''(B) in consultation with each metropolitan planning organization for an area in the State with a population exceeding 200,000 and applicable local air quality and transportation agencies; and

''(C) with public involvement, including public comment periods and meetings.

''(2) PERIOD.—The goals referred to in subsection (a)(1) shall be for 4-, 10-, and 20-year periods.

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

''(4) COVERED AREA.—The goals referred to in subsection (a)(1)—

''(A) shall be established on a statewide basis;

''(B) shall be established for each metropolitan planning organization in the State for an area with a population exceeding 200,000; and

''(C) may be established on a voluntary basis, in accordance with the provisions of this section, for any metropolitan planning organization not described in subparagraph (B).

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

''(d) PLANNING.—A plan submitted under subsection (a)(2) shall—

''(1) be based upon the models and methodologies established by the Administrator under subsection (b);

''(2) use transportation and land use scenario analysis to address transportation-related greenhouse gas emissions and economic development impacts; and

''(3) be developed—

''(A) with public involvement, including public comment periods and meetings which provide opportunities for comment from a variety of stakeholders based on age, race, income, and disability;

''(B) with regional coordination, including with respect to—

''(i) metropolitan planning organizations;

''(ii) the localities comprising the metropolitan planning organization;

''(iii) the State in which the metropolitan planning organization is located; and

''(iv) air quality, environmental health, and transportation agencies for the State and region involved; and

''(C) in consultation with the State and local housing, public health, economic development, land use, environment, and public transportation agencies.

''(e) STRATEGIES.—In developing goals under subsection (a)(1) and a plan under subsection (a)(2), the State or metropolitan planning organization, as applicable, shall consider transportation and land use planning strategies to reduce transportation-related greenhouse gas emissions, including the following:

''(1) Efforts to increase or improve public transportation, including—

''(A) new public transportation systems, including new commuter rail systems;

''(B) expansion of existing public transportation systems;

''(C) employer-based subsidies;

''(D) cleaner locomotive technologies; and

''(E) quality of service improvements, including improved frequency of service.

''(2) Updates to zoning and other land use regulations and plans to support development that—

''(A) coordinates transportation and land use planning;

''(B) focuses future growth close to existing and planned job centers and public facilities;

''(C) uses existing infrastructure;

''(D) promotes walking, bicycling, and public transportation use; and

''(E) mixes land uses such as housing, retail, and schools.

''(3) Implementation of a policy (referred to as a 'complete streets policy') that—

''(A) ensures adequate accommodation of all users of transportation systems, including pedestrians, bicyclists, public transportation users, motorists, children, the elderly, and individuals with disabilities; and

''(B) adequately addresses the safety and convenience of all users of the transportation system.

''(4) Construction of bicycle and pedestrian infrastructure facilities, including facilities that improve the connections with networks that provide access to human services, employment, schools, and retail.

''(5) Projects to promote telecommuting, flexible work schedules, or satellite work centers.

''(6) Pricing measures, including tolling, congestion pricing, and pay-as-you-drive insurance.

''(7) Intermodal freight system strategies, including enhanced rail services, short sea shipping, and other strategies.

''(8) Parking policies.

''(9) Intercity rail service, including high speed rail.

''(10) Travel demand management projects.

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

''(12) Reduction of vehicle idling, including idling associated with freight management, construction, transportation, and commuter operations.

''(13) Policies to encourage the use of retrofit technologies and early replacement of vehicles, engines and equipment to reduce transportation-related greenhouse gas emissions from existing mobile sources.

''(14) Other projects that the Administrator finds reduce transportation-related greenhouse gas emissions.

''(f) PUBLIC AVAILABILITY.—The Administrator shall publish, including by posting on the Environmental Protection Agency's website—

''(1) the goals and plans submitted under subsection (a); and

''(2) for each plan submitted under subsection (a)(2), an analysis of the anticipated effects of the plan on greenhouse gas emissions and oil consumption.

''(g) CERTIFICATION.—The Administrator, in consultation with the Secretary, shall certify a State or metropolitan planning organization greenhouse gas reduction plan submitted under subsection (a)(2) if the plan's implementation is likely to meet the corresponding greenhouse gas reduction goal referred to in subsection (a)(1). If the Administrator, in consultation with the Secretary, determines that a submitted plan cannot be certified, the State or metropolitan planning organization shall revise and resubmit the plan within 1 year.

''(h) ENFORCEMENT.—If the Administrator finds that a State has failed to submit goals under subsection (a)(1), has failed to ensure the submission of a plan under subsection (a)(2), or has failed to submit a revised plan under subsection (g), for any area in the State (irrespective of whether the area is a nonattainment area), the Ad-

ministrator shall impose a prohibition in accordance with section 179(b)(1) applicable to the area within 2 years of such a finding. The Administrator may not impose a prohibition under the preceding sentence, and no action may be brought by the Administrator or any other entity alleging a violation of this section, based on the content or adequacy of a goal or plan submitted under subsection (a)(1) or (a)(2) or failure to achieve the goal submitted under subsection (a)(1).

''(i) COMPETITIVE GRANTS.—

''(1) GRANTS.—The Administrator, in consultation with the Secretary, may—

''(A) award grants to support activities related to improving data collection, modeling, and monitoring systems to assess transportation-related greenhouse gas emissions and the effects of plans, policies, and strategies referenced in this section;

''(B) award grants to States and metropolitan planning organizations for the development of goals and plans to be submitted under sections (a)(1) or (a)(2); and

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

project thus funded includes a measurement and evaluation component that meets the regulations promulgated under subsection (b).

''(2) PRIORITY.—In making grants under paragraph (1)(C), the Administrator shall give priority to applicants based upon—

''(A) the amount of total greenhouse gas emissions to be reduced as a result of implementation of a certified plan, within the covered area, as determined by methods established under subsection (b); and

''(B) the amount of per capita greenhouse gas emissions to be reduced as a result of implementation of a certified plan, within the covered area, as determined by methods established under subsection (b);

''(C) the cost effectiveness, in terms of dollars per tons of greenhouse gas reductions, to be achieved as a result of the implementation of a certified plan;

''(D) the potential for both short- and long-term reductions; and

''(E) such other factors as the Administrator determines appropriate.

''(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated such sums as may be necessary.

''(j) DEFINITIONS.—In this section:

''(1) The term 'metropolitan planning organization' means a metropolitan planning organization, as such term is used in section 176.

''(2) The term 'scenario analysis' means an analysis that is conducted by identifying different trends and making projections based on those trends to develop a range of scenarios and estimates of how each scenario could improve access to goods and services, including access to employment, education, and health care (especially for elderly and economically disadvantaged communities), and could affect rates of—

''(A) vehicle miles traveled;

''(B) vehicle hours traveled;

''(C) use of mobile source fuel by type, including electricity; and

''(D) transportation-related greenhouse gas emissions.

''(k) LAND USE AUTHORITY.—Nothing in this section may be construed to—

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

''(2) provide or transfer authority over land use to any other entity.''.

SEC. 223. SMARTWAY TRANSPORTATION EFFICIENCY PROGRAM.

Part B of title VIII of the Clean Air Act, as added by section 221 of this Act is amended by adding after section 821 the following section:

''SEC. 822. SMARTWAY TRANSPORTATION EFFICIENCY PROGRAM.

''(a) IN GENERAL.—There is established within the Environmental Protection Agency a SmartWay Transport Program to quantify, demonstrate, and promote the benefits of technologies, products, fuels, and operational strategies that reduce petroleum consumption, air pollution, and greenhouse gas emissions from the mobile source sector.

''(b) GENERAL DUTIES.—Under the program established under this section, the Administrator shall carry out each of the following:

''(1) Development of measurement protocols to evaluate the energy consumption and greenhouse gas impacts from technologies and strategies in the mo-