

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.

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.

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

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”; 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;

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,

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—

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”.

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