

111TH CONGRESS
1ST SESSION

H. R. 1780

To amend the Clean Air Act to achieve greenhouse gas emissions reductions through transportation efficiency.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2009

Ms. MATSUI introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to achieve greenhouse gas emissions reductions through transportation efficiency.

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 “Smart Planning for
5 Smart Growth Act of 2009”.

6 **SEC. 2. GREENHOUSE GAS EMISSIONS REDUCTIONS**
7 **THROUGH TRANSPORTATION EFFICIENCY.**

8 Title I of the Clean Air Act is amended by inserting
9 after section 179B (42 U.S.C. 7509a) the following:

1 **“SEC. 179C. GREENHOUSE GAS EMISSIONS REDUCTIONS**
2 **THROUGH TRANSPORTATION EFFICIENCY.**

3 “(a) IN GENERAL.—Each State shall—

4 “(1) not later than 3 years after the date of the
5 enactment of this section, submit to the Adminis-
6 trator goals for transportation-related greenhouse
7 gas emissions reductions; and

8 “(2) as part of each transportation plan or
9 transportation improvement plan developed under
10 title 23 or title 49, United States Code, ensure that
11 a plan to achieve such goals, or an updated version
12 of such a plan, is submitted to the Administrator
13 and to the Secretary of Transportation (in this sec-
14 tion referred to as the ‘Secretary’) by each metro-
15 politan planning organization in the State for an
16 area with a population exceeding 200,000.

17 “(b) MODELS AND METHODOLOGIES.—

18 “(1) IN GENERAL.—The Administrator shall
19 promulgate regulations to establish standardized
20 models and methodologies for use in developing
21 goals, plans, and strategies under this section. Such
22 regulations may approve or improve existing models
23 and methodologies.

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

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

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

7 “(c) GREENHOUSE GAS REDUCTION GOALS.—

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

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

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

17 “(C) with public involvement, including
18 public comment periods and meetings.

19 “(2) PERIOD.—The goals referred to in sub-
20 section (a)(1) shall be for 10- and 20-year periods.

21 “(3) TARGETS; DESIGNATED YEAR.—The goals
22 referred to in subsection (a)(1) shall establish tar-
23 gets to reduce mobile source greenhouse gas emis-
24 sions in the covered area from levels projected under
25 a business-as-usual scenario. The targets shall be de-

1 signed to ensure that the levels of such emissions
2 stabilize and decrease after a designated year. The
3 State shall consider designating 2010 as such des-
4 ignated year.

5 “(4) COVERED AREA.—The goals referred to in
6 subsection (a)(1) shall be established—

7 “(A) on a statewide basis; and

8 “(B) for each metropolitan planning orga-
9 nization in the State for an area with a popu-
10 lation exceeding 200,000.

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

14 “(d) PLANNING.—A plan referred to in subsection
15 (a)(2) shall—

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

19 “(2) address mobile sources, economic develop-
20 ment, and scenario analysis; and

21 “(3) be developed—

22 “(A) with public involvement, including
23 public comment periods and meetings;

24 “(B) with regional coordination, including
25 with respect to—

1 “(i) metropolitan planning organiza-
2 tions;

3 “(ii) the localities comprising the met-
4 ropolitan planning organization;

5 “(iii) the State in which the metro-
6 politan planning organization is located;
7 and

8 “(iv) air quality and transportation
9 agencies for the State and region involved;
10 and

11 “(C) in consultation with the State and
12 local housing, public health, economic develop-
13 ment, land use, environment, and public trans-
14 portation agencies.

15 “(e) STRATEGIES.—In developing goals under sub-
16 section (a)(1) and a plan under subsection (a)(2), the
17 State or metropolitan planning organization, as applicable,
18 shall consider transportation and land use planning strate-
19 gies to reduce greenhouse gas emissions, including the fol-
20 lowing:

21 “(1) Efforts to increase public transportation,
22 including commuter rail service and ridership, by
23 adding at a minimum—

24 “(A) new public transportation systems,
25 including new commuter rail systems;

1 “(B) employer-based subsidies; and

2 “(C) cleaner locomotive technologies.

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

5 “(A) coordinates transportation and land
6 use planning;

7 “(B) focuses future growth close to exist-
8 ing and planned job centers and public facili-
9 ties;

10 “(C) uses existing infrastructure;

11 “(D) promotes walking, bicycling, and pub-
12 lic transportation use; and

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

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

17 “(A) ensures adequate accommodation of
18 all users of transportation systems, including
19 pedestrians, bicyclists, public transportation
20 users, motorists, children, the elderly, and indi-
21 viduals with disabilities; and

22 “(B) adequately addresses the safety and
23 convenience of all users of the transportation
24 system.

1 “(4) Construction of bicycle and pedestrian in-
2 frastructure facilities.

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

5 “(6) Pricing measures such as congestion pric-
6 ing.

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

10 “(8) Parking policies.

11 “(9) Travel demand management projects.

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

15 “(11) Reduction of vehicle idling, including
16 idling associated with freight management, construc-
17 tion, transportation, and commuter operations.

18 “(12) Policies to encourage the use of retrofit
19 technologies and early replacement of vehicles, en-
20 gines and equipment to reduce greenhouse gas emis-
21 sions from existing mobile sources.

22 “(13) Other projects that the Administrator
23 finds reduce greenhouse gas emissions from mobile
24 sources.

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) ENFORCEMENT.—If the Administrator finds
11 that a State has failed to submit goals under subsection
12 (a)(1), or to ensure the submission of a plan under sub-
13 section (a)(2), for any area in the State (irrespective of
14 whether the area is a nonattainment area), the Adminis-
15 trator may impose a prohibition in accordance with section
16 179(b)(1) applicable to the area. The Administrator may
17 not impose a prohibition under the preceding sentence,
18 and no action may be brought by the Administrator or
19 any other entity alleging a violation of this section, based
20 on the content or adequacy of a goal or plan submitted
21 under subsection (a)(1) or (a)(2).

22 “(h) COMPETITIVE GRANTS.—

23 “(1) GRANTS.—The Administrator, in consulta-
24 tion with the Secretary of Transportation, may
25 award grants on a competitive basis to metropolitan

1 planning organizations to develop or implement
2 plans submitted under subsection (a)(2) or elements
3 thereof.

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

7 “(A) the amount of greenhouse gas emis-
8 sions to be reduced on a total or per capita
9 basis, as determined by the Administrator in
10 consultation with the Secretary of Transpor-
11 tation; and

12 “(B) such other factors as the Adminis-
13 trator determines appropriate.

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

17 “(i) DEFINITIONS.—In this section:

18 “(1) The term ‘metropolitan planning organiza-
19 tion’ means a metropolitan planning organization, as
20 such term is used in section 176 of the Clean Air
21 Act.

22 “(2) The term ‘scenario analysis’ means an
23 analysis that is conducted by identifying different
24 trends and making projections based on those trends
25 to develop a range of scenarios and estimates of how

1 each scenario could improve access to goods and
2 services, including access to employment, education,
3 and health care (especially for elderly and economi-
4 cally disadvantaged communities), and could affect
5 rates of—

6 “(A) vehicle miles traveled;

7 “(B) use of mobile source fuel by type, in-
8 cluding electricity; and

9 “(C) greenhouse gas emissions from the
10 mobile source sector.

11 “(j) LAND USE AUTHORITY.—Nothing in this section
12 may be construed to—

13 “(1) infringe upon the existing authority of
14 State or local governments to plan or control land
15 use, or

16 “(2) provide or transfer authority over land use
17 to any other entity.”.

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