

119TH CONGRESS
1ST SESSION

S. _____

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

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on _____

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”.

7 **SEC. 2. PUBLIC ROADS PERFORMANCE MEASURES.**

8 Section 150 of title 23, United States Code, is
9 amended—

1 (1) in subsection (b)—

2 (A) by redesignating paragraph (7) as
3 paragraph (8); and

4 (B) by inserting after paragraph (6) the
5 following:

6 “(7) COMBATING CLIMATE CHANGE.—To re-
7 duce carbon dioxide and other greenhouse gas emis-
8 sions and improve the resilience of the transpor-
9 tation system.”;

10 (2) in subsection (c)—

11 (A) in paragraph (1)—

12 (i) by striking the paragraph designa-
13 tion and all that follows through “Not
14 later” and inserting the following:

15 “(1) RULEMAKING.—

16 “(A) IN GENERAL.—Not later”; and

17 (ii) by adding at the end the fol-
18 lowing:

19 “(B) UPDATES.—The Secretary shall peri-
20 odically update the rulemaking promulgated
21 under subparagraph (A) as necessary, including
22 to implement the amendments made to this sec-
23 tion by the GREEN Streets Act.”;

24 (B) in paragraph (5)—

1 (i) in subparagraph (A), by striking
2 “and” at the end;

3 (ii) in subparagraph (B), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(C) transit accessibility (as defined in sec-
9 tion 5326(a) of title 49);

10 “(D) transit stop distance (as defined in
11 section 5326(a) of title 49); and

12 “(E) transit mode share (as defined in sec-
13 tion 5326(a) of title 49).”; and

14 (C) by adding at the end the following:

15 “(7) PERFORMANCE GOALS FOR PUBLIC
16 ROADS.—For the purpose of carrying out section
17 119(f)(3), the Secretary shall establish—

18 “(A) minimum standards for States to use
19 in decreasing per capita vehicle miles traveled
20 on public roads, including through—

21 “(i) alignment of zoning and land use
22 policy and planning;

23 “(ii) investment in active and safe
24 transportation infrastructure, such as side-
25 walks, trails, and bike lanes;

1 “(iii) public transit and safe
2 multimodal access to public transit; and

3 “(iv) intercity passenger service by
4 train or bus;

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;

16 “(ii) air pollutants and multipollut-
17 ants on public roads, including noise pollu-
18 tion; and

19 “(iii) any other greenhouse gas emis-
20 sions on public roads, as determined to be
21 appropriate by the Secretary.”; and

22 (3) in subsection (d)(1)—

23 (A) by striking “subsection (c), each State
24 shall set” and inserting “subsection (c)(1)(A),
25 and not later than 1 year after each update of

1 that rulemaking under subsection (c)(1)(B),
2 each State shall set or update, as applicable,”;
3 and

4 (B) by striking “and (6)” and inserting
5 “(6), and (7)”.

6 **SEC. 3. ANALYSIS FOR ROAD CAPACITY EXPANSION**
7 **PROJECTS.**

8 (a) METROPOLITAN TRANSPORTATION PLANNING.—

9 (1) FEDERAL-AID HIGHWAYS.—Section 134(h)
10 of title 23, United States Code, is amended—

11 (A) in paragraph (1)—

12 (i) by redesignating subparagraphs
13 (F) through (J) as subparagraphs (H)
14 through (L), respectively; and

15 (ii) by inserting after subparagraph
16 (E) the following:

17 “(F) reduce carbon dioxide and other
18 greenhouse gas emissions;

19 “(G) decrease per capita vehicle miles trav-
20 eled;”; and

21 (B) by adding at the end the following:

22 “(4) ANALYSIS OF PROJECTS THAT INCREASE
23 TRAFFIC CAPACITY.—

24 “(A) DEFINITIONS.—In this paragraph:

1 “(i) COVERED PROJECT.—The term
2 ‘covered project’ means a project that—

3 “(I) uses funds made available
4 under this title to increase traffic ca-
5 pacity, including—

6 “(aa) by adding new travel
7 lanes, including on an existing
8 road; or

9 “(bb) by converting shoulder
10 lanes into new travel lanes; or

11 “(II) is projected to receive not
12 less than \$25,000,000 of Federal
13 funds made available under this title.

14 “(ii) ENVIRONMENTAL JUSTICE COM-
15 MUNITY.—The term ‘environmental justice
16 community’ means a community with sig-
17 nificant representation of communities of
18 color, low-income communities, or Tribal
19 and Indigenous communities, that experi-
20 ences, or is at risk of experiencing, higher
21 or more adverse human health or environ-
22 mental effects.

23 “(B) ANALYSIS.—In furtherance of the
24 planning goals described in subparagraphs (F)
25 and (G) of paragraph (1), a metropolitan plan-

ning organization, with input from local community-based organizations with relevant expertise, shall conduct and publish an analysis of—

“(i) 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 covered project within the metropolitan planning area; and

“(ii) with respect to environmental justice communities served by the metropolitan planning organization, air pollution, toxic air contaminants, and other environmental justice metrics measured by a Federal environmental justice tool, such as the environmental justice mapping and screening tool created by the Environmental Protection Agency.

“(5) REQUIREMENT FOR NEW CAPACITY PROJECTS.—Before carrying out a project to construct new capacity for single occupancy passenger vehicles, a metropolitan planning organization shall

1 submit to the Secretary and make publicly available
2 documents that demonstrate—

3 “(A) that the metropolitan planning orga-
4 nization has shown progress in achieving a
5 state of good repair on the National Highway
6 System, as defined in the asset management
7 plan of the State under section 119(e);

8 “(B) that the project—

9 “(i) supports the achievement of per-
10 formance targets of the State established
11 under section 150; and

12 “(ii) is more cost effective, as deter-
13 mined by a benefit-cost analysis, than—

14 “(I) an operational improvement
15 to the facility or corridor;

16 “(II) the construction of a public
17 transportation project eligible for as-
18 sistance under chapter 53 of title 49;
19 or

20 “(III) the construction of a non-
21 single occupancy passenger vehicle
22 project that improves freight move-
23 ment; and

24 “(C) that the metropolitan planning orga-
25 nization and the owner of the facility have a

1 public plan for maintaining and operating the
2 new asset while continuing progress in achiev-
3 ing a state of good repair as described in sub-
4 paragraph (A).”.

5 (2) PUBLIC TRANSPORTATION.—Section
6 5303(h)(1) of title 49, United States Code, is
7 amended—

8 (A) by redesignating subparagraphs (F)
9 through (I) as subparagraphs (H) through (K),
10 respectively; and

11 (B) by inserting after subparagraph (E)
12 the following:

13 “(F) reduce carbon dioxide and other
14 greenhouse gas emissions;

15 “(G) decrease per capita vehicle miles trav-
16 eled;”.

17 (b) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
18 TATION PLANNING.—

19 (1) FEDERAL-AID HIGHWAYS.—Section 135(d)
20 of title 23, United States Code, is amended—

21 (A) in paragraph (1)—

22 (i) by redesignating subparagraphs
23 (F) through (J) as subparagraphs (H)
24 through (L), respectively; and

1 (ii) by inserting after subparagraph
2 (E) the following:

3 “(F) reduce carbon dioxide and greenhouse
4 gas emissions;

5 “(G) decrease per capita vehicle miles trav-
6 eled;”; and

7 (B) by adding at the end the following:

8 “(4) ANALYSIS OF PROJECTS THAT INCREASE
9 TRAFFIC CAPACITY.—

10 “(A) DEFINITIONS.—In this paragraph:

11 “(i) COVERED PROJECT.—The term
12 ‘covered project’ means a project that—

13 “(I) uses funds made available
14 under this title to increase traffic ca-
15 pacity, including—

16 “(aa) by adding new travel
17 lanes, including on an existing
18 road; or

19 “(bb) by converting shoulder
20 lanes into new travel lanes; or

21 “(II) is projected to receive not
22 less than \$25,000,000 of Federal
23 funds made available under this title.

24 “(ii) ENVIRONMENTAL JUSTICE COM-
25 MUNITY.—The term ‘environmental justice

community’ means a community with significant representation of communities of color, low-income communities, or Tribal and Indigenous communities, that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects.

“(B) ANALYSIS.—In furtherance of the planning goals described in subparagraphs (F) and (G) of paragraph (1), a State shall conduct and publish an analysis of—

“(i) 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 covered project within the State; and

“(ii) with respect to environmental justice communities served by the State, air pollution, toxic air contaminants, and other environmental justice metrics measured by a Federal environmental justice tool, such as the environmental justice

1 mapping and screening tool created by the
2 Environmental Protection Agency.

3 “(5) REQUIREMENT FOR NEW CAPACITY
4 PROJECTS.—Before carrying out a project to con-
5 struct new capacity for single occupancy passenger
6 vehicles, a State shall submit to the Secretary and
7 make publicly available documents that dem-
8 onstrate—

9 “(A) that the State has shown progress in
10 achieving a state of good repair on the National
11 Highway System, as defined in the asset man-
12 agement plan of the State under section 119(e);

13 “(B) that the project—

14 “(i) supports the achievement of per-
15 formance targets of the State established
16 under section 150; and

17 “(ii) is more cost effective, as deter-
18 mined by a benefit-cost analysis, than—

19 “(I) an operational improvement
20 to the facility or corridor;

21 “(II) the construction of a public
22 transportation project eligible for as-
23 sistance under chapter 53 of title 49;
24 or

1 “(III) the construction of a non-
2 single occupancy passenger vehicle
3 project that improves freight move-
4 ment; and

5 “(C) that the State has a public plan for
6 maintaining and operating the new asset while
7 continuing progress in achieving a state of good
8 repair as described in subparagraph (A).”.

9 (2) PUBLIC TRANSPORTATION.—Section
10 5304(d)(1) of title 49, United States Code, is
11 amended—

12 (A) by redesignating subparagraphs (F)
13 through (I) as subparagraphs (H) through (K),
14 respectively; and

15 (B) by inserting after subparagraph (E)
16 the following:

17 “(F) reduce carbon dioxide and other
18 greenhouse gas emissions;

19 “(G) decrease per capita vehicle miles trav-
20 eled;”.

21 **SEC. 4. INVESTMENT REQUIREMENTS TO MEET PERFORM-**
22 **ANCE GOALS.**

23 Section 119(f) of title 23, United States Code, is
24 amended—

(1) in the subsection heading, by striking
“CONDITIONS” and inserting “CONDITIONS; GREEN-
HOUSE GAS EMISSIONS ON PUBLIC ROADS”; and

4 (2) by adding at the end the following:

5 “(3) GREENHOUSE GAS EMISSIONS ON PUBLIC
6 ROADS.—

7 “(A) OBLIGATION REQUIREMENT.—

8 “(i) IN GENERAL.—Subject to clause
9 (ii), if a State reports, in a performance
10 target report under section 150(e), that
11 the State has not achieved the targets of
12 the State for performance measures de-
13 scribed in section 150(d) pertaining to the
14 minimum standards for public roads estab-
15 lished by the Secretary under section
16 150(c)(7), the State shall be required, dur-
17 ing the following fiscal year—

18 “(I) to obligate 33 percent of the
19 amount apportioned to the State
20 under section 104(b)(1) for the pur-
21 pose of achieving the targets through
22 projects described in clause (iii); and

23 “(II) to obligate 10 percent of
24 the amount apportioned to the State
25 under section 104(b)(2) (other than

1 amounts suballocated to metropolitan
2 areas and other areas of the State
3 under section 133(d)) for the purpose
4 of achieving the targets through
5 projects described in clause (iii).

6 “(ii) INCREASE.—For each fiscal year
7 after the date of enactment of this para-
8 graph that the State does not achieve the
9 targets of the State for performance meas-
10 ures described in section 150(d) pertaining
11 to the minimum standards for public roads
12 established by the Secretary under section
13 150(c)(7), the amount required to be obli-
14 gated under clause (i)(I) shall be increased
15 by 2 percent over the amount required to
16 be obligated in the previous fiscal year.

17 “(iii) PROJECTS DESCRIBED.—A
18 project referred to in clause (i) is any of
19 the following:

20 “(I) A project on a Federal-aid
21 highway.

22 “(II) Transit expansion, includ-
23 ing an expansion of regular bus
24 routes, arterial bus rapid transit,

1 highway bus rapid transit, rail transit,
2 and intercity passenger rail.

3 “(III) Transit service improve-
4 ments, including an increased service
5 level.

6 “(IV) Transit fare reduction or
7 transit priority treatments.

8 “(V) A project for active trans-
9 portation infrastructure.

10 “(VI) A project for micromobility
11 infrastructure and service, including
12 shared vehicle services.

13 “(VII) A land use project, includ-
14 ing residential and other density in-
15 creases, mixed-use development, and
16 transit-oriented development.

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 **SEC. 5. TRANSIT ACCESSIBILITY.**

2 (a) IN GENERAL.—Section 5326 of title 49, United
3 States Code, is amended—

4 (1) in the section heading, by inserting “**and**
5 **accessibility**” after “**management**”;

6 (2) in subsection (a)—

7 (A) by redesignating paragraphs (2) and
8 (3) as paragraphs (5) and (6), respectively;

9 (B) by inserting after paragraph (1) the
10 following:

11 “(2) COVERED ENTITY.—The term ‘covered en-
12 tity’ means—

13 “(A) any metropolitan planning area with
14 a population of not fewer than 250,000 individ-
15 uals on the date of enactment of the GREEN
16 Streets Act; and

17 “(B) any State in which there exists a
18 metropolitan planning area with a population of
19 not fewer than 250,000 individuals on the date
20 of enactment of the GREEN Streets Act.

21 “(3) FIRST LAST MILE ACCESSIBILITY.—The
22 term ‘first last mile accessibility’ means the require-
23 ment of a traveler to travel—

24 “(A) from the starting point of their jour-
25 ney to the place of transportation; and

1 “(B) from place of transportation to their
2 final destination.

3 “(4) TRANSIT ACCESSIBILITY.—The term ‘tran-
4 sit accessibility’ means the share of jobs, health care
5 facilities, grocery stores and other food suppliers,
6 schools, and other destinations accessible by public
7 transportation in any 45-minute period.”; and

8 (C) by adding at the end the following:

9 “(7) TRANSIT MODE SHARE.—The term ‘transit
10 mode share’ means the percentage of trips taken by
11 public transportation for both commuting and non-
12 commuting trips.

13 “(8) TRANSIT STOP DISTANCE.—The term
14 ‘transit stop distance’ means the average distance by
15 census block to the nearest transit stop, passenger
16 station, or terminal providing regularly scheduled
17 service.”;

18 (3) by redesignating subsections (c) and (d) as
19 subsections (d) and (e), respectively; and

20 (4) by inserting after subsection (b) the fol-
21 lowing:

22 “(c) TRANSIT ACCESS.—

23 “(1) STANDARDS AND PERFORMANCE MEAS-
24 URES.—Not later than 1 year after the date of en-
25 actment of the GREEN Streets Act, the Secretary

1 shall establish national transit access standards and
2 performance measures for—

3 “(A) transit accessibility;

4 “(B) transit stop distance;

5 “(C) transit mode share;

6 “(D) first last mile accessibility; and

7 “(E) accessibility for individuals with dis-
8 abilities in accordance with guidance issued by
9 the Access Board on accessibility for transpor-
10 tation vehicles, streets, and sidewalks.

11 “(2) PERFORMANCE TARGETS AND INITIAL RE-
12 PORT.—Not later than 180 days after the date on
13 which the Secretary establishes the standards and
14 performance measures under paragraph (1), the Sec-
15 retary shall—

16 “(A) require each covered entity to—

17 “(i) establish targets for the covered
18 entity relating to each of the standards
19 and performance measures described in
20 paragraph (1); and

21 “(ii) submit to the Secretary a report
22 describing—

23 “(I) the performance of the cov-
24 ered entity with respect to each of the

1 standards and performance measures
2 described in paragraph (1); and

3 “(II) by functional classification,
4 the share of housing units and road-
5 ways in the covered entity that have—

6 “(aa) sidewalks;

7 “(bb) crosswalks;

8 “(cc) dedicated bike lanes;

9 or

10 “(dd) other forms of dedi-
11 cated nonmotorized facilities; and

12 “(B) provide technical assistance, including
13 analytical tools, to assist a covered entity in—

14 “(i) establishing targets under sub-
15 paragraph (A)(i); and

16 “(ii) reporting on performance under
17 subparagraph (A)(ii).”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 53 of title 49, United States Code, is amended by
20 striking the item relating to section 5326 and inserting
21 the following:

“5326. Transit asset management and accessibility.”.

22 **SEC. 6. REPORTS AND TECHNICAL ASSISTANCE.**

23 (a) IN GENERAL.—Section 5326(c) of title 49,
24 United States Code (as amended by section 5(a)(4)), is
25 amended by adding at the end the following:

21

1 “(3) SUBSEQUENT REPORTS.—

2 “(A) TIMING.—Not later than 180 days
3 after receipt of the initial report under para-
4 graph (2)(A)(ii), the Secretary shall establish a
5 schedule for the submission of subsequent re-
6 ports by each covered entity.

7 “(B) CONTENTS.—Each subsequent report
8 under this paragraph shall describe—

9 “(i) the progress of the covered entity
10 in meeting the targets of the covered entity
11 relating to the standards and performance
12 measures described in paragraph (1), in-
13 cluding any change in performance since
14 the submission of the previous report;

15 “(ii) any revision of existing targets or
16 establishment of new targets relating to
17 the standards and performance measures
18 described in paragraph (1); and

19 “(iii) any proposal for the revision of
20 existing targets or the establishment of
21 new targets relating to the standards and
22 performance measures described in para-
23 graph (1).

24 “(C) TECHNICAL ASSISTANCE.—The Sec-
25 retary shall provide technical assistance, includ-

1 ing analytical tools, to assist a covered entity
2 in—

3 “(i) reporting on performance under
4 this paragraph; and

5 “(ii) establishing or revising perform-
6 ance targets relating to the standards and
7 performance measures described in para-
8 graph (1).

9 “(4) OTHER ENTITIES.—

10 “(A) IN GENERAL.—With respect to any
11 State or community that is not a covered entity,
12 including a rural community or Tribal commu-
13 nity, the Secretary shall provide technical as-
14 sistance, including analytical tools, to assist
15 those entities with reaching each of the stand-
16 ards and performance measures described in
17 paragraph (1).

18 “(B) RULE OF CONSTRUCTION.—Nothing
19 in subparagraph (A) requires any entity de-
20 scribed in that subparagraph to comply with the
21 standards, performance measures, or reporting
22 requirements under this subsection.”.

23 (b) METROPOLITAN TRANSPORTATION PLANNING.—
24 Section 5303(h)(2)(B)(i)(I) of title 49, United States

23

1 Code, is amended by striking “title 23,” and inserting
2 “title 23 and section 5326,”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 134(h)(2)(B)(ii) of title 23, United
5 States Code, is amended by striking “5326(c)” and
6 inserting “5326(d)”.

7 (2) Section 135(d)(2)(B)(ii) of title 23, United
8 States Code, is amended by striking “5326(c)” and
9 inserting “5326(d)”.

10 (3) Section 5303(h)(2)(B)(ii) of title 49, United
11 States Code, is amended by striking “5326(c)” and
12 inserting “5326(d)”.

13 (4) Section 5304(d)(2)(B)(ii) of title 49, United
14 States Code, is amended by striking “5326(c)” and
15 inserting “5326(d)”.

16 (5) Section 5309(c)(1)(C) of title 49, United
17 States Code, is amended by striking “5326(c)(2)”
18 and inserting “5326(d)(2)”.

19 (6) Section 5337(a)(4)(B) of title 49, United
20 States Code, is amended by striking “5326(d)” and
21 inserting “5326(e)”.

22 (7) Section 24904(d)(2)(A) of title 49, United
23 States Code, is amended by striking “5326(a)(3)”
24 and inserting “5326(a)(6)”.