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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Generating Resilient, Environmentally Exceptional National Streets Act” or the “GREEN Streets Act”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—
(1) the Department of Transportation has existing authority to establish greenhouse gas-related performance measures;

(2) performance measures help ensure meaningful greenhouse gas emissions reductions; and

(3) Congress should build on that existing authority in order to ensure meaningful greenhouse gas emissions reductions.

SEC. 3. CONSIDERATION OF PROJECTS AND STRATEGIES TO REDUCE GREENHOUSE GAS EMISSIONS.

(a) NATIONAL GOALS AND PERFORMANCE MANAGEMENT MEASURES.—Section 150 of title 23, United States Code, is amended—

(1) in subsection (b)—

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

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

“(7) COMBATING CLIMATE CHANGE.—To reduce carbon dioxide and other greenhouse gas emissions and improve the resilience of the transportation system.”;

(2) in subsection (c)—

(A) in paragraph (1)—
(i) by striking the paragraph designation and all that follows through “Not later” and inserting the following:

“(1) RULEMAKING.—

“(A) IN GENERAL.—Not later”; and

(ii) by adding at the end the following:

“(B) UPDATEs.—The Secretary shall periodically update the rulemaking promulgated 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”;

(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;

“(ii) investment in active and safe transportation infrastructure, such as sidewalks, trails, and bike lanes; and

“(iii) public transit;

“(B) minimum standards for States to use in improving the resilience of public roads;

“(C) in consultation with the Administrator of the Environmental Protection Agency, minimum standards for the reduction of greenhouse gas emissions on public roads, with the goal of achieving net-zero emissions and the goals described in section 201 of Executive Order 14008 (86 Fed. Reg. 7622 (January 27,
2021); relating to ‘Tackling the Climate Crisis at Home and Abroad’); and

“(D) measures for States to use to assess—

“(i) carbon dioxide emissions on public roads;

“(ii) air pollutants and multipollutants on public roads, including noise pollution; and

“(iii) any other greenhouse gas emissions on public roads, as determined to be appropriate by the Secretary.”; and

(3) in subsection (d)(1)—

(A) by striking “subsection (c), each State shall set” and inserting “subsection (c)(1)(A), and not later than 1 year after each update of that rulemaking under subsection (c)(1)(B), each State shall set or update, as applicable,”; and

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

(b) METROPOLITAN TRANSPORTATION PLANNING.—

(1) FEDERAL-AID HIGHWAYS.—Section 134(h) 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 other 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.—

“(A) DEFINITIONS.—In this paragraph:

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

“(I) uses funds made available under this title to increase traffic capacity, including—

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

“(bb) by converting shoulder lanes into new travel lanes; or
“(II) is projected to receive not less than $25,000,000 of Federal funds made available under this title.

“(ii) **ENVIRONMENTAL JUSTICE COMMUNITY.**—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 metropolitan planning 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 submit to the Secretary and make publicly available documents that demonstrate—

“(A) that the metropolitan planning organization has shown progress in achieving a state of good repair on the National Highway System, as defined in the asset management plan of the State under section 119(e);

“(B) that the project—
“(i) supports the achievement of performance targets of the State established under section 150; and

“(ii) is more cost effective, as determined by a benefit-cost analysis, than—

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

“(II) the construction of a public transportation project eligible for assistance under chapter 53 of title 49; or

“(III) the construction of a non-single occupancy passenger vehicle project that improves freight movement; and

“(C) that the metropolitan planning organization has a public plan for maintaining and operating the new asset while continuing progress in achieving a state of good repair as described in subparagraph (A).”.

(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.—

“(A) Definitions.—In this paragraph:

“(i) Covered project.—The term ‘covered project’ means a project that—

“(I) uses funds made available under this title to increase traffic capacity, including—

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

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

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

“(ii) Environmental justice community.—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 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 State shall submit to the Secretary and make publicly available documents that demonstrate—
“(A) that the State has shown progress in achieving a state of good repair on the National Highway System, as defined in the asset management plan of the State under section 119(e);

“(B) that the project—

“(i) supports the achievement of performance targets of the State established under section 150; and

“(ii) is more cost effective, as determined by a benefit-cost analysis, than—

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

“(II) the construction of a public transportation project eligible for assistance under chapter 53 of title 49; or

“(III) the construction of a non-single occupancy passenger vehicle project that improves freight movement; and

“(C) that the State has a public plan for maintaining and operating the new asset while continuing progress in achieving a state of good repair as described in subparagraph (A).”.
(2) Public Transportation.—Section 5304(d)(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;”.

(d) National Highway Performance Program.—Section 119(f) of title 23, United States Code, is amended—

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

(2) by adding at the end the following:

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

“(A) PENALTY.—

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

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

“(II) to obligate 10 percent of
the amount apportioned to the State
under section 104(b)(2) (other than
amounts suballocated to metropolitan
areas and other areas of the State
under section 133(d)) for the purpose
of achieving the targets through
projects described in clause (iii).

“(ii) INCREASE.—Each fiscal year
after the date of enactment of this para-
graph, the amount required to be obligated
under clause (i)(I) shall be increased by 2
percent over the amount required to be obligat-
ed in the previous fiscal year.

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

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

“(II) Transit expansion, including an expansion of regular bus routes, arterial bus rapid transit, highway bus rapid transit, rail transit, and intercity passenger rail.

“(III) Transit service improvements, including an increased service level.

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

“(V) A project for active transportation infrastructure.

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

“(VII) A land use project, including residential and other density in-
creases, mixed-use development, and transit-oriented development.

“(B) RESTORATION.—The obligation requirement in subparagraph (A)(i)(I) for a fiscal year shall remain in effect for each subsequent fiscal year until the date on which the Secretary determines that the State has achieved the targets of the State for performance measures described in section 150(d) pertaining to the minimum standards for public roads established by the Secretary under section 150(e)(7).”.

(e) TRANSIT ACCESSIBILITY.—

(1) TRANSIT ACCESS.—Section 5326 of title 49, United States Code, is amended—

(A) in the section heading, by inserting “and accessibility” after “management”;

(B) in subsection (a)—

(i) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (1) the following:

“(2) COVERED ENTITY.—The term ‘covered en-

tity’ means—
“(A) any metropolitan planning area with a population of not fewer than 250,000 individuals on the date of enactment of the GREEN Streets Act; and

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

“(3) FIRST LAST MILE ACCESSIBILITY.—The term ‘first last mile accessibility’ means the requirement of a traveler to travel—

“(A) from the starting point of their journey to the place of transportation; and

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

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

(C) by adding at the end the following:

“(7) TRANSIT MODE SHARE.—The term ‘transit mode share’ means the percentage of trips taken by public transportation for both commuting and non-commuting trips.
“(8) TRANSIT STOP DISTANCE.—The term ‘transit stop distance’ means the average distance by census block to the nearest transit stop, passenger station, or terminal providing regularly scheduled service.”;

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(E) by inserting after subsection (b) the following:

“(c) TRANSIT ACCESS.—

“(1) STANDARDS AND PERFORMANCE MEASURES.—Not later than 1 year after the date of enactment of the GREEN Streets Act, the Secretary shall establish national transit access standards and performance measures for—

“(A) transit accessibility;

“(B) transit stop distance;

“(C) transit mode share;

“(D) first last mile accessibility; and

“(E) accessibility for individuals with disabilities in accordance with guidance issued by the Access Board on accessibility for transportation vehicles, streets, and sidewalks.

“(2) PERFORMANCE TARGETS AND INITIAL REPORT.—Not later than 180 days after the date on
which the Secretary establishes the standards and performance measures under paragraph (1), the Secretary shall—

“(A) require each covered entity to—

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

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

“(I) the performance of the covered entity with respect to each of the standards and performance measures described in paragraph (1); and

“(II) by functional classification, the share of housing units and roadways in the covered entity that have—

“(aa) sidewalks;

“(bb) crosswalks;

“(cc) dedicated bike lanes;

or

“(dd) other forms of dedicated nonmotorized facilities; and

“(B) provide technical assistance, including analytical tools, to assist a covered entity in—
“(i) establishing targets under sub-
paragraph (A)(i); and
“(ii) reporting on performance under
subparagraph (A)(ii).
“(3) SUBSEQUENT REPORTS.—
“(A) TIMING.—Not later than 180 days
after receipt of the initial report under para-
graph (2)(A)(ii), the Secretary shall establish a
schedule for the submission of subsequent re-
ports by each covered entity.
“(B) CONTENTS.—Each subsequent report
under this paragraph shall describe—
“(i) the progress of the covered entity
in meeting the targets of the covered entity
relating to the standards and performance
measures described in paragraph (1), in-
cluding any change in performance since
the submission of the previous report;
“(ii) any revision of existing targets or
establishment of new targets relating to
the standards and performance measures
described in paragraph (1); and
“(iii) any proposal for the revision of
existing targets or the establishment of
new targets relating to the standards and
performance measures described in paragraph (1).

“(C) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, including analytical tools, to assist a covered entity in—

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

“(ii) establishing or revising performance targets relating to the standards and performance measures described in paragraph (1).

“(4) OTHER ENTITIES.—

“(A) IN GENERAL.—With respect to any State or community that is not a covered entity, including a rural community or Tribal community, the Secretary shall provide technical assistance, including analytical tools, to assist those entities with reaching each of the standards and performance measures described in paragraph (1)(A).

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to require any entity described in that subparagraph to comply with the standards, performance
measures, or reporting requirements under this subsection.”.

(2) **METROPOLITAN TRANSPORTATION PLANNING.**—Section 5303(h)(2)(B)(i)(I) of title 49, United States Code, is amended by striking “title 23,” and inserting “title 23 and section 5326,”.

(3) **CONFORMING AMENDMENTS.**—

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

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

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

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

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

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

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

(4) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5326 and inserting the following:

“5326. Transit asset management and accessibility.”.