

118TH CONGRESS
2D SESSION

S. 3669

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

JANUARY 25, 2024

Mr. MARKEY (for himself and Mr. MERKLEY) 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”.

7 **SEC. 2. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

1 (1) the Department of Transportation has ex-
2 isting authority to establish greenhouse gas-related
3 performance measures;

4 (2) performance measures help ensure meaning-
5 ful greenhouse gas emissions reductions; and

6 (3) Congress should build on that existing au-
7 thority in order to ensure meaningful greenhouse
8 gas emissions reductions.

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

11 (a) NATIONAL GOALS AND PERFORMANCE MANAGE-
12 MENT MEASURES.—Section 150 of title 23, United States
13 Code, is amended—

14 (1) in subsection (b)—

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

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

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

23 (2) in subsection (c)—

24 (A) in paragraph (1)—

1 (i) by striking the paragraph designa-
2 tion and all that follows through “Not
3 later” and inserting the following:

4 “(1) RULEMAKING.—

5 “(A) IN GENERAL.—Not later”; and

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

8 “(B) UPDATES.—The Secretary shall peri-
9 odically update the rulemaking promulgated
10 under subparagraph (A) as necessary, including
11 to implement the amendments made to this sec-
12 tion by the GREEN Streets Act.”;

13 (B) in paragraph (5)—

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

16 (ii) in subparagraph (B), by striking
17 the period at the end and inserting “;
18 and”; and

19 (iii) by adding at the end the fol-
20 lowing:

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

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

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

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

4 “(7) GREENHOUSE GAS EMISSIONS ON PUBLIC
5 ROADS.—For the purpose of carrying out section
6 119(f)(3), the Secretary shall establish—

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

10 “(i) alignment of zoning and land use
11 policy and planning;

12 “(ii) investment in active and safe
13 transportation infrastructure, such as side-
14 walks, trails, and bike lanes; and

15 “(iii) public transit;

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

18 “(C) in consultation with the Adminis-
19 trator of the Environmental Protection Agency,
20 minimum standards for the reduction of green-
21 house gas emissions on public roads, with the
22 goal of achieving net-zero emissions and the
23 goals described in section 201 of Executive
24 Order 14008 (86 Fed. Reg. 7622 (January 27,

1 2021); relating to ‘Tackling the Climate Crisis
2 at Home and Abroad’); and

3 “(D) measures for States to use to as-
4 sess—

5 “(i) carbon dioxide emissions on pub-
6 lic roads;

7 “(ii) air pollutants and multipollut-
8 ants on public roads, including noise pollu-
9 tion; and

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

13 (3) in subsection (d)(1)—

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

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

22 (b) METROPOLITAN TRANSPORTATION PLANNING.—

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

25 (A) in paragraph (1)—

1 (i) by redesignating subparagraphs
 2 (F) through (J) as subparagraphs (H)
 3 through (L), respectively; and

4 (ii) by inserting after subparagraph
 5 (E) the following:

6 “(F) reduce carbon dioxide and other
 7 greenhouse gas emissions;

8 “(G) decrease per capita vehicle miles trav-
 9 eled;”; and

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

11 “(4) ANALYSIS OF PROJECTS THAT INCREASE
 12 TRAFFIC CAPACITY.—

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

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

16 “(I) uses funds made available
 17 under this title to increase traffic ca-
 18 pacity, including—

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

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

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

4 “(ii) ENVIRONMENTAL JUSTICE COM-
5 MUNITY.—The term ‘environmental justice
6 community’ means a community with sig-
7 nificant representation of communities of
8 color, low-income communities, or Tribal
9 and Indigenous communities, that experi-
10 ences, or is at risk of experiencing, higher
11 or more adverse human health or environ-
12 mental effects.

13 “(B) ANALYSIS.—In furtherance of the
14 planning goals described in subparagraphs (F)
15 and (G) of paragraph (1), a metropolitan plan-
16 ning organization, with input from local com-
17 munity-based organizations with relevant exper-
18 tise, shall conduct and publish an analysis of—

19 “(i) the impact on per capita vehicle
20 miles traveled, mobile source greenhouse
21 gas emissions, and non-single-occupancy-
22 vehicle trips, including trips by bicycle, pe-
23 destrian travel, public transportation, and
24 passenger rail, prior to approval of each

1 covered project within the metropolitan
2 planning area; and

3 “(ii) with respect to environmental
4 justice communities served by the metro-
5 politan planning organization, air pollu-
6 tion, toxic air contaminants, and other en-
7 vironmental justice metrics measured by a
8 Federal environmental justice tool, such as
9 the environmental justice mapping and
10 screening tool created by the Environ-
11 mental Protection Agency.

12 “(5) REQUIREMENT FOR NEW CAPACITY
13 PROJECTS.—Before carrying out a project to con-
14 struct new capacity for single occupancy passenger
15 vehicles, a metropolitan planning organization shall
16 submit to the Secretary and make publicly available
17 documents that demonstrate—

18 “(A) that the metropolitan planning orga-
19 nization has shown progress in achieving a
20 state of good repair on the National Highway
21 System, as defined in the asset management
22 plan of the State under section 119(e);

23 “(B) that the project—

1 “(i) supports the achievement of per-
2 formance targets of the State established
3 under section 150; and

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

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

8 “(II) the construction of a public
9 transportation project eligible for as-
10 sistance under chapter 53 of title 49;
11 or

12 “(III) the construction of a non-
13 single occupancy passenger vehicle
14 project that improves freight move-
15 ment; and

16 “(C) that the metropolitan planning orga-
17 nization has a public plan for maintaining and
18 operating the new asset while continuing
19 progress in achieving a state of good repair as
20 described in subparagraph (A).”.

21 (2) PUBLIC TRANSPORTATION.—Section
22 5303(h)(1) of title 49, United States Code, is
23 amended—

1 (A) by redesignating subparagraphs (F)
 2 through (I) as subparagraphs (H) through (K),
 3 respectively; and

4 (B) by inserting after subparagraph (E)
 5 the following:

6 “(F) reduce carbon dioxide and other
 7 greenhouse gas emissions;

8 “(G) decrease per capita vehicle miles trav-
 9 eled;”.

10 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
 11 TATION PLANNING.—

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

14 (A) in paragraph (1)—

15 (i) by redesignating subparagraphs
 16 (F) through (J) as subparagraphs (H)
 17 through (L), respectively; and

18 (ii) by inserting after subparagraph
 19 (E) the following:

20 “(F) reduce carbon dioxide and greenhouse
 21 gas emissions;

22 “(G) decrease per capita vehicle miles trav-
 23 eled;”; and

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

1 “(4) ANALYSIS OF PROJECTS THAT INCREASE
2 TRAFFIC CAPACITY.—

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

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

6 “(I) uses funds made available
7 under this title to increase traffic ca-
8 pacity, including—

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

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

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

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

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

5 “(i) the impact on per capita vehicle
6 miles traveled, mobile source greenhouse
7 gas emissions, and non-single-occupancy-
8 vehicle trips, including trips by bicycle, pe-
9 destrian travel, public transportation, and
10 passenger rail, prior to approval of each
11 covered project within the State; and

12 “(ii) with respect to environmental
13 justice communities served by the State,
14 air pollution, toxic air contaminants, and
15 other environmental justice metrics meas-
16 ured by a Federal environmental justice
17 tool, such as the environmental justice
18 mapping and screening tool created by the
19 Environmental Protection Agency.

20 “(5) REQUIREMENT FOR NEW CAPACITY
21 PROJECTS.—Before carrying out a project to con-
22 struct new capacity for single occupancy passenger
23 vehicles, a State shall submit to the Secretary and
24 make publicly available documents that dem-
25 onstrate—

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

5 “(B) that the project—

6 “(i) supports the achievement of per-
7 formance targets of the State established
8 under section 150; and

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

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

13 “(II) the construction of a public
14 transportation project eligible for as-
15 sistance under chapter 53 of title 49;

16 or

17 “(III) the construction of a non-
18 single occupancy passenger vehicle
19 project that improves freight move-
20 ment; and

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

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

4 (A) by redesignating subparagraphs (F)
5 through (I) as subparagraphs (H) through (K),
6 respectively; and

7 (B) by inserting after subparagraph (E)
8 the following:

9 “(F) reduce carbon dioxide and other
10 greenhouse gas emissions;

11 “(G) decrease per capita vehicle miles trav-
12 eled;”.

13 (d) NATIONAL HIGHWAY PERFORMANCE PRO-
14 GRAM.—Section 119(f) of title 23, United States Code, is
15 amended—

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

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

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

22 “(A) PENALTY.—

23 “(i) IN GENERAL.—Subject to clause
24 (ii), if a State reports, in a performance
25 target report under section 150(e), that

1 the State has not achieved the targets of
2 the State for performance measures de-
3 scribed in section 150(d) pertaining to the
4 minimum standards for public roads estab-
5 lished by the Secretary under section
6 150(e)(7), the State shall be required, dur-
7 ing the following fiscal year—

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

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

21 “(ii) INCREASE.—Each fiscal year
22 after the date of enactment of this para-
23 graph, the amount required to be obligated
24 under clause (i)(I) shall be increased by 2

1 percent over the amount required to be ob-
2 ligated in the previous fiscal year.

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

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

8 “(II) Transit expansion, includ-
9 ing an expansion of regular bus
10 routes, arterial bus rapid transit,
11 highway bus rapid transit, rail transit,
12 and intercity passenger rail.

13 “(III) Transit service improve-
14 ments, including an increased service
15 level.

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

18 “(V) A project for active trans-
19 portation infrastructure.

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

23 “(VII) A land use project, includ-
24 ing residential and other density in-

1 creases, mixed-use development, and
2 transit-oriented development.

3 “(B) RESTORATION.—The obligation re-
4 quirement in subparagraph (A)(i)(I) for a fiscal
5 year shall remain in effect for each subsequent
6 fiscal year until the date on which the Secretary
7 determines that the State has achieved the tar-
8 gets of the State for performance measures de-
9 scribed in section 150(d) pertaining to the min-
10 imum standards for public roads established by
11 the Secretary under section 150(c)(7).”.

12 (e) TRANSIT ACCESSIBILITY.—

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

15 (A) in the section heading, by inserting
16 “**and accessibility**” after “**manage-**
17 **ment**”;

18 (B) in subsection (a)—

19 (i) by redesignating paragraphs (2)
20 and (3) as paragraphs (5) and (6), respec-
21 tively; and

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

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

1 “(A) any metropolitan planning area with
2 a population of not fewer than 250,000 individ-
3 uals on the date of enactment of the GREEN
4 Streets Act; and

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

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

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

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

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

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

22 “(7) TRANSIT MODE SHARE.—The term ‘transit
23 mode share’ means the percentage of trips taken by
24 public transportation for both commuting and non-
25 commuting trips.

1 “(8) TRANSIT STOP DISTANCE.—The term
2 ‘transit stop distance’ means the average distance by
3 census block to the nearest transit stop, passenger
4 station, or terminal providing regularly scheduled
5 service.”;

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

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

10 “(c) TRANSIT ACCESS.—

11 “(1) STANDARDS AND PERFORMANCE MEAS-
12 URES.—Not later than 1 year after the date of en-
13 actment of the GREEN Streets Act, the Secretary
14 shall establish national transit access standards and
15 performance measures for—

16 “(A) transit accessibility;

17 “(B) transit stop distance;

18 “(C) transit mode share;

19 “(D) first last mile accessibility; and

20 “(E) accessibility for individuals with dis-
21 abilities in accordance with guidance issued by
22 the Access Board on accessibility for transpor-
23 tation vehicles, streets, and sidewalks.

24 “(2) PERFORMANCE TARGETS AND INITIAL RE-
25 PORT.—Not later than 180 days after the date on

1 which the Secretary establishes the standards and
2 performance measures under paragraph (1), the Sec-
3 retary shall—

4 “(A) require each covered entity to—

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

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

11 “(I) the performance of the cov-
12 ered entity with respect to each of the
13 standards and performance measures
14 described in paragraph (1); and

15 “(II) by functional classification,
16 the share of housing units and road-
17 ways in the covered entity that have—

18 “(aa) sidewalks;

19 “(bb) crosswalks;

20 “(cc) dedicated bike lanes;

21 or

22 “(dd) other forms of dedi-
23 cated nonmotorized facilities; and

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

1 “(i) establishing targets under sub-
2 paragraph (A)(i); and

3 “(ii) reporting on performance under
4 subparagraph (A)(ii).

5 “(3) SUBSEQUENT REPORTS.—

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

11 “(B) CONTENTS.—Each subsequent report
12 under this paragraph shall describe—

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

19 “(ii) any revision of existing targets or
20 establishment of new targets relating to
21 the standards and performance measures
22 described in paragraph (1); and

23 “(iii) any proposal for the revision of
24 existing targets or the establishment of
25 new targets relating to the standards and

1 performance measures described in para-
2 graph (1).

3 “(C) TECHNICAL ASSISTANCE.—The Sec-
4 retary shall provide technical assistance, includ-
5 ing analytical tools, to assist a covered entity
6 in—

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

9 “(ii) establishing or revising perform-
10 ance targets relating to the standards and
11 performance measures described in para-
12 graph (1).

13 “(4) OTHER ENTITIES.—

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

22 “(B) RULE OF CONSTRUCTION.—Nothing
23 in subparagraph (A) shall be construed to re-
24 quire any entity described in that subparagraph
25 to comply with the standards, performance

1 measures, or reporting requirements under this
2 subsection.”.

3 (2) METROPOLITAN TRANSPORTATION PLAN-
4 NING.—Section 5303(h)(2)(B)(i)(I) of title 49,
5 United States Code, is amended by striking “title
6 23,” and inserting “title 23 and section 5326,”.

7 (3) CONFORMING AMENDMENTS.—

8 (A) Section 134(h)(2)(B)(ii) of title 23,
9 United States Code, is amended by striking
10 “5326(c)” and inserting “5326(d)”.

11 (B) Section 135(d)(2)(B)(ii) of title 23,
12 United States Code, is amended by striking
13 “5326(c)” and inserting “5326(d)”.

14 (C) Section 5303(h)(2)(B)(ii) of title 49,
15 United States Code, is amended by striking
16 “5326(c)” and inserting “5326(d)”.

17 (D) Section 5304(d)(2)(B)(ii) of title 49,
18 United States Code, is amended by striking
19 “5326(c)” and inserting “5326(d)”.

20 (E) Section 5309(c)(1)(C) of title 49,
21 United States Code, is amended by striking
22 “5326(c)(2)” and inserting “5326(d)(2)”.

23 (F) Section 5337(a)(4)(B) of title 49,
24 United States Code, is amended by striking
25 “5326(d)” and inserting “5326(e)”.

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

4 (4) CLERICAL AMENDMENT.—The analysis for
5 chapter 53 of title 49, United States Code, is
6 amended by striking the item relating to section
7 5326 and inserting the following:

“5326. Transit asset management and accessibility.”.

○