NARC
Building Regional Communities

2009-2010 Transportation-Related Climate Change Legislative Efforts

Details information most relevant to NARC members

HR 2454, ACESA (passed by the House 6/26/09)	**S 575, CLEAN-TEA** (introduced in Senate 3/11/09)	**S 1733 Clean Energy Jobs & American Power Act** (introduced in Senate 9/30/09)	**American Power Act** (introduced in Senate 5/12/10)
General Information			
American Clean Energy and Security Act of 2009 (ACESA) was introduced by Energy & Commerce Committee Chairman Waxman (D-CA) and Subcommittee Chairman Markey (D-MA). Would cap greenhouse gas emissions, create a cap and trade system to reduce emissions and require the use of more renewable electricity. Section 222. Greenhouse Gas (GHG) Emissions Reductions Through Transportation Efficiency. This amends Title VIII of the Clean Air Act (CAA).	Clean Low-Emission, Affordable, New Transportation Efficiency Act (CLEAN-TEA) was introduced by Senators Carper (D-DE) and Specter (D-PA). Would be a part of a larger cap-and-trade climate change bill – like ACESA. Would amend Title 49 USC to develop plans and targets for States and MPOs to develop plans to reduce GHG emissions from transportation sector. Would establish the Low Greenhouse Gas Transportation Fund to appropriate funds for the requirements of the bill, including the implementation of projects within plans.	Clean Energy Jobs and American Power Act was introduced by Senate Environment and Public Works Committee Chair Boxer (D-CA) and Senate Foreign Relations Committee Chair Kerry (D-MA). Establishes targets for reducing global warming pollution. Would cap greenhouse gas emissions, create a cap and trade system to reduce emissions, and would provide for aggressive market safeguards to minimize volatility and speculation in the carbon emissions market. Would provide 20% of revenues to offset budget deficit.	American Power Act was introduced by Senators Kerry (D-MA) and Lieberman (I-CT). Seeks to reduce carbon pollution by 17% in 2020 and by over 80% in 2050 through a carbon-market system. Nationwide framework will not allow states to operate cap-and-trade programs for GHGs. The bill establishes a list of GHGs to be regulated, and gives EPA the power to designate additional GHGs by rule. An annual tonnage limit will be placed on GHGs, and a pricing system for carbon will be created.
USDOT & EPA			
National Transportation-Related GHG Emissions "Sec. 841. (Pg. 472) • EPA Administrator, in consultation with USDOT Secretary, will create and update regulations to establish national transportation-related greenhouse gas (GHG) emissions reduction goals, standardized models and methodologies, and data collection within metropolitan and statewide transportation planning. • These goals must meet the goals set within the bill. • Must consult with states and metropolitan planning organizations (MPOs) on this process	**Joint Rulemaking** "§6304(b) (Pg. 7) • No later than one year after enactment, EPA and DOT must promulgate regulations for the development of: ○ Transportation GHG reduction plans and emission reduction targets for relevant jurisdictions ○ Prioritized lists of GHG reduction projects • No later than one year after enactment, DOT, EPA and National Academy of Sciences will conduct a study and submit a report to DOT and EPA with recommendations to: ○ Improve research and tools to assess effects of state and local transportation, land use and environmental planning on motor vehicle	**Emissions Standards & Reduction** "Sec. 821 and "Sec. 831 (PG. 19-28) amending Title VIII , CAA: • Requires EPA to establish GHG emissions standards for new heavy-duty vehicles and engines, and for non-road vehicles and engines. • EPA, in consultation with USDOT, to establish national greenhouse gas emission reduction goals, as well as standardized emission models and related methodologies to be used by States and metropolitan planning organizations (MPOs) to ○ address emissions reduction goals ○ assess projected surface transportation-related GHGs from transportation strategies ○ assess projected surface transportation-related	**Emissions Reductions** Sec.1711 "Sec. 803 (Pg. 211-215) amends Title VIII, CAA: • EPA, in consultation with USDOT, to establish national GHG emission reduction goals, standardization emissions models and related methods to be used by States and MPOs to address emissions reduction goals pursuant to ○ §134 and §135 of Title 23, and §5303 and §5304 of Title 49 ○ assess projected surface transportation-related GHGs from transportation strategies ○ assess projected surface transportation-related GHG emissions

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• Existing models and methodologies may be used. • Must publish proposed regulations no later than 12 months after enactment of bill, with the final regulations publish 18 months after enactment. • At least every six years EPA and DOT must assess progress for GHG reduction.	usage and GHG emissions ○ Improve federal government data sourced necessary to assess GHG data from transportation sector ○ Policies and projects to effectively reduce GHGs ○ 2 years after release, DOT and EPA will establish standards for transportation data collection, monitoring, planning and modeling ○ These will be updated 5 years after establishment ○ These standards will determine approval for GHG plans	GHG emissions from State and regional transportation plans ○ establish surface transportation-related GHG emissions baselines at national, State and regional levels ○ measure and assess actual surface transportation-related progress towards emissions targets at State and regional levels • EPA and DOT to establish data collection methods for GHGs • EPA and DOT to publish and distribute successful strategies employed by States, MPOs and other entities to reduce GHGs • DOT, in consultation with EPA, will establish regulations to: ○ Improve transportation planning models and tools, including travel demand models to address GHGs ○ Assess projected surface transportation-related travel activity and transportation strategies from State and MPO transportation plans ○ Update transportation planning requirements and approval of transportation plans to carry out requirements • In determining regs, DOT and EPA: ○ Will consult with States, MPOs and air quality agencies ○ May use existing models and methodologies to assess actual and projected GHG emissions from transportation plans and projects ○ Will consider previously developed plans • DOT and EPA proposed regulations must be published no later than one year after enactment of law with final regulations no later than 18 month after enactment • At least every 6 years DOT and EPA must jointly assess GHG reduction progress, examining: ○ Improvements in vehicle efficiency ○ GHG performance of transportation fuels ○ Reductions in VMT	from State and regional transportation plans ○ establish surface transportation-related GHG emissions baselines at national, State and regional levels ○ measure and assess actual surface transportation-related progress towards emissions targets at State and regional levels • EPA and DOT to establish data collection methods for GHGs • EPA and DOT to publish and distribute successful strategies employed by States, Indian Tribes, MPOs and other entities to reduce GHGs • DOT, in consultation with EPA, will establish regulations to: ○ Improve transportation planning models and tools, including travel demand models to address GHGs ○ Assess projected surface transportation-related travel activity and transportation strategies from State and MPO transportation plans ○ Update transportation planning requirements and approval of transportation plans to carry out requirements • In determining regs, DOT and EPA: ○ Will consult with States, Indian Tribes, MPOs and air quality agencies ○ May use existing models and methodologies to assess actual and projected GHG emissions from transportation plans and projects ○ Will consider previously developed plans • DOT and EPA proposed regulations must be published no later than one year after enactment of law with final regulations no later than 18 month after enactment

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		○ Changes in consumer demand and use of transportation management systems ○ Any other GHG transportation policy enacted by Congress	• At least every 6 years DOT and EPA must jointly assess GHG reduction progress, examining: ○ Improvements in vehicle efficiency ○ GHG performance of transportation fuels ○ Reductions in VMT ○ Changes in consumer demand and use of transportation management systems ○ Any other GHG transportation policy enacted by Congress ○ DOT and EPA to determine whether assessment results warrant changes or regulatory updates to §134 and §135 of Title 23, and §5303 and §5304 of Title 49
<u>MPOs Requirements</u> *National Interests/Goals* **(size 200,000 population or larger)**			
"Sec. 841(b) (Pg. 473-477) • Amends metropolitan transportation planning by incorporating it with new national interests: ○ Reliance on oil ○ impacts on the environment ○ transportation-related GHG emissions.	**Chapter 63. "§6304 (Pg. 7-14)** • MPOs must set goals of reducing GHGs from transportation during 10-year period beginning at enactment of bill by: ○ Increasing mobility options ○ Reducing VMTs (by motor vehicle) ○ Reducing use of petroleum-derived transportation fuel	**"Sec. 831(b) (Pg. 28-59)** • Amends metropolitan transportation planning by incorporating new national interests: ○ Reliance on oil ○ Impacts on the environment ○ Transportation-related GHG emissions.	**"Sec. 803(b) (Pg. 215-236)** • Amends metropolitan transportation planning by incorporating new national interests: ○ Reliance on oil ○ Impacts on the environment ○ Transportation-related GHG emissions.
<u>MPOs Requirements</u> *Transportation planning* **(size 200,000 population or larger)**			
• Amends metropolitan transportation planning by incorporating it with new planning considerations: ○ Sustainability and livability ○ reduce surface transportation–related GHG emissions and reliance on oil ○ adapt to the effects of climate change ○ public health. • Must include a GHG emissions reduction process by incorporating reduction targets and	• MPOs must develop a transportation GHG reduction plan incorporated into metropolitan transportation planning process (TIP) that supports investments in: ○ New transit projects eligible under chapter 53 (or expansion of operations or frequency of existing service) ○ Intercity passenger rail project ○ Sidewalks, crosswalks, bicycle paths, greenways, pedestrian signals, pavement parking, traffic calming techniques, and other	• Amends Title 23 and Title 49 • Amends metropolitan transportation planning by incorporating it with new planning considerations: ○ Sustainability and livability ○ Reduce surface transportation–related GHG emissions and reliance on oil ○ Adapt to the effects of climate change ○ Public health ○ Housing and land use patterns • Must develop GHG emissions reduction targets and	• Amends Title 23 and Title 49 • Amends metropolitan transportation planning by incorporating new planning considerations: ○ Sustainability and livability ○ Reduce surface transportation related GHG emissions ○ Reliance on oil ○ Adapt to the effects of climate change ○ Public health ○ Housing and land use patterns

strategies within the transportation plans – this must occur no later than one year after final rules have been established • If there is more than one MPO within a TMA, they must work cooperatively together to develop GHG reduction targets and strategies. • Minimum requirements: ○ MPOs must demonstrate progress in stabilizing and reducing GHG emissions ○ use models and methodologies as set by EPA and DOT ○ address sources of surface transportation-related GHG emissions and contribute to achieving national GHG emissions reduction goals ○ include efforts to increase public transit ridership ○ include efforts to increase walking, bicycling and other nonmotorized transportation	strategies to encourage pedestrian/bike travel ○ Additional freight capacity ○ Travel or demand management programs, including ▪ Carpool, vanpool or car-share ▪ Congestion pricing measures ▪ Programs to promote telecommuting, flex work schedules, or satellite work centers ▪ ITS systems or other operational improvements certified by EPA to reduce GHGs ○ Updates to zoning, land use and other plans/regulations: ▪ Coordinate with local, regional and state plans ▪ Support infill, TOD or mixed-use development ○ Improvements in: ▪ Travel and land-use data collection ▪ Travel models to measure GHGs and reductions ○ New, local street construction to enhance connectivity, efficiency of network performance and encourage the use of public transportation, pedestrian walkways or bike lanes ○ Programs that reduce GHGs from materials or equipment associated with transportation construction • The GHG plan cannot include projects that add new general purpose vehicle lanes or capacity for single occupant vehicles • Include transportation, economic development, and scenario analysis of plan impact on access to jobs, health care and education, esp. for elderly and economically-disadvantaged communities.	strategies within the transportation plans in consultation with State air agencies – no later than <u>two</u> years after final rules have been established • If there is more than one MPO within a TMA, they must work cooperatively together to develop GHG reduction targets and strategies. • Minimum MPO requirements: ○ Must demonstrate progress in stabilizing and reducing GHG emissions to achieve State targets ○ Use models and methodologies as set by EPA and DOT ○ Inventory all sources of surface transportation-related GHGs ○ Be integrated and consistent with regional transportation plans and transportation improvement programs ○ Be selected through scenario analysis, transportation investment and management strategies that reduce GHG emissions from the transportation sector, such as: ▪ efforts to increase public transportation ridership thru service improvements, capacity expansion, and access enhancement; ▪ efforts to increase walking, bicycling, and other forms of non-motorized transportation; ▪ implementation of zoning and other land use regulations and plans to support infill, Transit Oriented Development, Redevelopment or mixed use development; ▪ travel demand management programs (vanpool, carpool, car-share, etc), transportation pricing measures, parking policies, and programs to promote telecommuting, flexible work schedules, and satellite work centers; ▪ intercity rail and bus improvements; ▪ freight rail improvements; ▪ use of materials or equipment associated with transportation construction or maintenance; ▪ public facilities for electricity to electric plug-in hybrid vehicles; ▪ surface transportation system improvements, including intelligent transportation systems; and	• Must include emissions reduction targets and strategies to meet those targets in the transportation planning process. • Must develop GHG emissions reduction targets and strategies within the transportation plans in consultation with State air agencies and Indian Tribes – no later than <u>two</u> years after final rules have been established • If there is more than one MPO within a TMA, they must work cooperatively together to develop GHG reduction targets and strategies. • Minimum MPO requirements: ○ Must demonstrate progress in stabilizing and reducing GHG emissions to achieve State targets ○ Use models and methodologies as set by EPA and DOT ○ Inventory all sources of surface transportation-related GHGs ○ Apply to surface transportation modes addressed in planning process ○ Be integrated and consistent with regional transportation plans and transportation improvement programs ○ Be selected through scenario analysis, transportation investment and management strategies that reduce GHG emissions from the transportation sector, such as: ▪ efforts to increase public transportation ridership thru service improvements, capacity expansion, and access enhancement; ▪ efforts to increase walking, bicycling, and other forms of non-motorized transportation; ▪ implementation of zoning and other land use regulations and plans to support infill, Transit Oriented Development,

		▪ any other effort demonstrating progress in reducing GHG emissions.	Redevelopment or mixed use development; ▪ travel demand management programs (vanpool, carpool, car-share, etc), transportation pricing measures, parking policies, and programs to promote telecommuting, flexible work schedules, and satellite work centers; ▪ intercity rail and bus improvements; ▪ freight rail improvements; ▪ high-speed rail improvements or programs; ▪ use of materials or equipment associated with transportation construction or maintenance; ▪ public facilities for electricity to electric plug-in hybrid vehicles; ▪ surface transportation system improvements, including intelligent transportation systems; and ▪ any other effort demonstrating progress in reducing GHG emissions.
<u>MPO Requirements</u> ***Public Participation***			
• Amends metropolitan transportation planning by requiring consultation with other agencies and organizations: ○ Air quality ○ public health ○ housing ○ transportation • MPOs must use a public website to give reduction targets, strategies and analysis of anticipated effects	• Shall be developed with: ○ Public involvement, comment periods and charrettes ○ Regional coordination ▪ Between State and eligible regional/local entities ▪ MPOs developing GHG reduction plans ▪ Other transportation and air quality agencies ○ Representatives of: ▪ EPA and DOT ▪ State and local housing, economic development and land use agencies	• Must *coordinate* with the following entities: ○ Transportation ○ Public transportation ○ Air quality ○ Housing • Must *consult* with State and local agencies, including: ○ Public health ○ Conservation • MPOs must use a public website to give reduction targets, strategies and analysis of anticipated effects	• Must *cooperate* with the following entities: ○ Transportation ○ Public transportation ○ Air quality ○ Housing • Must *consult* with State and local agencies and Indian Tribes, responsible for: ○ Public health ○ Conservation • MPOs must use a public website to give reduction targets, strategies and analysis of anticipated effects

MPO Plan Submission			

• If MPO fails to meet these requirements, the DOT Secretary will not certify that the MPO has met the transportation planning requirements.	• Plans must be submitted to DOT no later than 2 years after enactment
	  ○ Must be updated and resubmitted with TIP if TIP is amended in anyway to show progress in achieving the goals of the plan
	• Plans must be approved by DOT in conjunction with EPA within 180 days of submittal if:
	  ○ Plan is likely to achieve the goal established
	  ○ Development of plan, targets and projects comply with requirements
	• Nothing may be used to infringe on existing authority of local governments and land use
		• Plans must be submitted and reviewed by DOT and EPA within 180 days of submittal
		• DOT will approve plans if it is likely to achieve the targets established and complies with minimum requirements
		• Nothing in these new requirements will impact certification
			• Plans must be submitted and reviewed by DOT and EPA within 180 days of submittal
			• DOT will approve plans if it is likely to achieve the targets established and complies with minimum requirements (review done in consultation with EPA)
			• Nothing in these new requirements will impact certification
			• Only MPOs meeting the requirements will be eligible to receive performance grants

MPO Voluntary (for population less than 200,000)			
N/A HOWEVER, if there is more than one MPO creating a TMA, they must work cooperatively together to develop GHG reduction targets and strategies.	"§6304 "(d) (Pg. 10) May develop a transportation GHG reduction plan and prioritized list of projects similar to MPOs population 200,000+ and if submitted plan is in accordance with DOT and EPA approval may receive financial assistance.	**"Sec. 831(b)"(6)"(ii) (Pg. 31)** Non-TMA MPOs can develop transportation GHG reduction targets and strategies, but will be subject to TMA requirements.	**"Sec. 803(b)"(7)"(B)"(ii) (Pg. 220)** Non-TMA MPOs can develop transportation GHG reduction targets and strategies, but will be subject to TMA requirements.
State Requirements			
"Sec. 841(c) (Pg. 477-480) – Have similar requirements as MPOs	Have same requirements as MPOs	Generally same as MPOs; States are required to develop their plans in *coordination* with MPOs.	Generally same as MPOs; States are required to develop their plans in *coordination* with MPOs.
Performance Measures			
DOT will establish appropriate performance measures to ensure transportation plans meet the requirements and achieve progress towards national transportation-related GHG reduction goals. "Sec. 841(d) (Pg. 480)	None specified.	None specified.	

Legal Matters			
No language included.	No language included.	"Sec. 831"(9)"(D)(d) (Pg.62) Prevents any civil actions (i.e. lawsuits) on the planning provisions and/or process. Upholds local government land use authority.	"Sec. 803(d) and (e) (Pg.251-252) Prevents any civil actions (i.e. lawsuits) on the planning provisions and/or process. Upholds local government land use authority.
Funding			
Subtitle D. Sec. 131 and Sec. 132 (Pg. 129-144) • States will be given the opportunity to create "State Energy and Environment Development Accounts" (SEED) to provide loans, grants or other forms of support for state renewable and energy efficiency programs from the allowances given. • A state may request that EPA establish "subaccounts" for local governments to be given allowances for renewable/energy efficient programs as approved by the federal government. • States must create a plan of intended funding use and allow for public comment and review. These plans will include: ○ A list of projects and programs with descriptions ○ How this will fulfill federal designated purposes ○ The terms of use ○ Criteria and methods for distribution ○ A statement of a state's mid- and long-term goals for use of allowances • States will be required to have fiscal accountability and controls, transparency and submit reports that are made available to the public. • 0.5% of SEED allowances are taken off the top and given to tribes • Each year the allowances are divided among the states: ○ 1/3 divided equally among the states ○ 1/3 distributed based on population (latest Census data) ○ 1/3 distributed based on energy consumption	• Would require EPA to auction 10 percent of emission allowances under cap-and-trade system to transportation. "§6303(a) (Pg. 6) • Previously developed GHG reduction plans are eligible for funding if submitted and approved by DOT & EPA in accordance with requirements set forth "§6304(g)(2) (Pg. 12) "§6308 (Pg. 16-18) • DOT may allocate appropriate funding to States and MPOs for the development and updating of plans • At least 80% of funds used for: ○ Implementation of plans ○ Financial assistance to GHG reduction projects listed • DOT and EPA to establish and update a formula for allocation that: ○ Reflects per capital reduction in GHGs expected as result of the plan ○ At least 60% must be used to implement GHG reduction plans developed by MPOs ○ Emphasizes GHG reduction plans and project lists that increase transportation options and mobility (esp. for low income, minorities, elderly, households without motor vehicles, cost-burdened households and disabled ○ Emphasizes plans regionally developed with land use, economic development and housing agencies ○ Takes into account GHG reductions previously achieved by states and MPOs from approved plans	GRANTS PROGRAMS: "Sec. 832 (Pg 62-68) • DOT to provide grants to States and MPOs to support GHG reduction targets and strategies and to implement plans • 80/20 cost share <u>Planning Grants</u> • DOT shall not allocated more than 5 percent of funds available for a FY to MPOs to develop and update plans, including targets and strategies for GHG reductions <u>Performance Grants</u> • DOT shall use any remaining planning funds to provide grants to States and MPOs • DOT and EPA will establish criteria for providing grants on: ○ quantity of total GHG reductions based on plan implementation ○ quantity of GHG reduction per capita as a result of plan implementation ○ cost-effectiveness of reducing GHGs over life of plan ○ progress towards achieving GHG reduction targets ○ GHG reductions previously achieved by States and MPOs during a 5 year period after enactment ○ Plans that increase transportation options and mobility ○ Other factors, including innovative approaches and cost and other benefits • May only be used to fund strategies that demonstrate a reduction in GHGs over the life of the transportation plan	Sec.1712 (Pg. 252-258) • DOT to provide grants to States and MPOs to support GHG reduction targets and strategies and to implement plans • 80/20 cost share <u>Planning Grants</u> • DOT shall not allocated more than 10 percent of funds available for a FY to MPOs to develop and update plans, including targets and strategies for GHG reductions <u>Performance Grants</u> • DOT shall use any remaining funds to provide grants to States and MPOs • DOT and EPA will establish criteria for providing grants on: ○ quantity of total GHG reductions based on plan implementation ○ quantity of GHG reduction per capita as a result of plan implementation ○ cost-effectiveness of reducing GHGs over life of plan ○ progress towards achieving GHG reduction targets ○ GHG reductions previously achieved by States and MPOs during a 5 year period after enactment ○ Plans that increase transportation options and mobility ○ Other factors, including innovative approaches and cost and other benefits • May only be used to fund strategies that demonstrate a reduction in GHGs over the

(latest EIA data) • Those allowances must be used as such: ○ Not less than 12.5% to units of local governments to fill energy efficiency and renewable purposes ○ Not less than 20% for energy efficiency ▪ Not less than 1% for low income community energy efficiency programs ▪ Not less than 5% for retrofits for energy and environment performance program (REEP) implementation ▪ Building Codes ▪ Implementation of energy efficient manufactured homes ▪ Implementation of building energy performance labeling program ○ Not less than 20% for capital grants, tax credits, production incentives, loans, loan guarantees, forgivable loans and interest rate buy-downs for re-equipping, expanding or establishing energy efficiency/renewable energy manufacturing facilities ○ Remaining 47.5% for: ▪ Energy efficiency ▪ Renewable energy ▪ Cost-effective energy programs for end-use consumers (can be administered by local governments or other non-state entities) ▪ Smart grid development (both state and local governments) ▪ No more than 10% for non-Federal share of support for surface transportation capital projects: *Sec.132(c)(4)(E)(i) and (ii) (Pg. 143)* – Title 49: Urbanized area formula grants, Non-urbanized area formula grants, Clean fuels grant program, capital investment grants, public transit grants for the elderly and disabled, and public transportation bike facilities – Title 23: Public transportation, car/vanpool projects and CMAQ • States have reporting requirements on the distribution and use of allowances	Funds may be withheld if DOT & EPA determine requirements have not been achieved	<u>General Requirements</u> • Requires labor laws, wages and benefits are to be upheld under any and all of these sections • All projects funded are eligible to receive funds collected through road-use and congestion pricing measures • DOT has approval authority over projects to determine consistency with existing design, procurement and construction guidelines • With DOT's approval, subgrantees are eligible for performance grants such as local governments, air quality agencies, zoning commissions, special districts, and transit agencies if they have statutory responsibility or authority ALLOWANCES: Title II, Sec. 202 (Pg. 783-795) • DOT, EPA and DOE distribute allowances (amounts are undetermined) among States, local governments, MPOs, etc: ○ 62.5 percent of the allowances to the States: ▪ 30 percent divided equally among the States; ▪ 30 percent distributed on a pro rata basis among the States based on State population, ▪ 30 percent distributed on a pro rata basis among the States on energy consumption of each State, ▪ 10 percent provided to the States based on an energy-efficiency formula developed by the EPA ○ 25 percent of the allowances to local governments for energy conservation and efficiency grants – all for Energy Efficiency & Conservation Block Grants (EECBG) ○ **<u>10 percent of the allowances</u> for grants to States and MPOs for transportation GHG reduction programs – used exclusively for "Secs 831 and 832 (see above)** ○ 2.5 percent of the allowances to renewable energy generating companies • Each funding recipient specified (including MPOs)	life of the transportation plan <u>General Requirements</u> • Requires labor laws, wages and benefits are to be upheld under any and all of these sections (particularly for the interests of public transportation employees) • Projects eligibility shall be determined in accordance with federal laws. • DOT has discretion to designate specific modal requirements that apply to a project and be guided by the predominant modal characteristics of a project if it has cross-modal applicability • All projects funded are eligible to receive funds collected through road-use and congestion pricing measures • EPA may not approve any transportation plan for a project that is inconsistent with existing design, procurement and construction guidelines as determined by DOT • With DOT's approval, subgrantees are eligible for performance grants such as local governments, air quality agencies, zoning commissions, special districts, and transit agencies if they have statutory responsibility or authority <u>Highway Trust Fund</u> Subtitle E, Part III, Sec.1721, "Sec.785 (Pg. 258) • Amends the Clean Air Act to include a section that provides the Highway Trust Fund with an annual infusion of $2.5 billion (maximum amount) through emissions allowances that supports the safety, effectiveness and efficiency of transportation through measures consistent with the new transportation

		must submit a report to EPA listing any entity receiving allowances or allowance values
		• If EPA determines any funding recipient is not in compliance, allowances can be withheld
		• Any withheld allowances would be redistributed out among those in compliance
		
		Title II, Sec. 211 (Pg. 799-812)
		• Dept. of Treasury to establish: "State Climate Change Response and Transportation Fund"
		• Remaining proceeds (undetermined) for State and local government programs for GHG reduction and climate adaptation equally divided between:
		  ○ Funding transportation grant programs
		  ○ Funding other State administered programs must be deposited in and administered through "State Climate Change Response Accounts"
		• DOT, in consultation with EPA, will distribute amounts allocated for local transportation grants each fiscal year to public transit agencies and recipients and subrecipients under Urbanized Area Formula Grants (49, Sec.5307) and Formula grants for other than urbanized areas (49, Sec. 5311):
		  ○ 80 percent under Urbanized Area Formula Grants
		  ○ 10 percent under Formula grants for other than urbanized areas
		  ○ 10 percent under Apportionments based on growing States and high density States formula factors
		• These funds are to be used exclusively for development and implementation of projects, programs or measures to address climate change by reducing GHGs or building resilience to the impacts
		• Not less than 12.5 percent of the through "State Climate Change Response Accounts" must be distributed to local governments
		• Projects funded must respond to the needs of vulnerable populations
		• These federal funds will be used to supplement existing funds
			planning requirements
			• 1/3 of transportation allocation
			
			Title II, Subtitle B, Sec.2101, "Sec.781"(f) (Pg.505-507)
			
			<u>TIGER Grant Program</u>
			• Allowances will be made available under the DOT TIGER program to increase the safety, effectiveness and efficiency of transportation infrastructure.
			• Maximum of $1.875B annually for supplemental discretionary TIGER grants
			• 1/3 of transportation allocation
			
			<u>Allocation Planning and Performance Grants</u>
			• Maximum of $1.875B annually
			• 1/3 of transportation allocation
			
			TOTAL MAXIMUM FUNDING POSSIBLE FOR TRANSPORTATION = approx.. $6.25B