

Enrolled
Senate Bill 1059

Sponsored by Senator COURTNEY (at the request of the Metropolitan Planning Organization Greenhouse Gas Emissions Task Force) (Pre-session filed.)

CHAPTER

AN ACT

Relating to greenhouse gas emissions; limiting expenditures; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 2 to 8 of this 2010 Act, “metropolitan planning organization” has the meaning given that term in ORS 197.629.

SECTION 2. (1) The Oregon Transportation Commission, after consultation with and in cooperation with metropolitan planning organizations, other state agencies, local governments and stakeholders, as a part of the state transportation policy developed and maintained under ORS 184.618, shall adopt a statewide transportation strategy on greenhouse gas emissions to aid in achieving the greenhouse gas emissions reduction goals set forth in ORS 468A.205. The commission shall focus on reducing greenhouse gas emissions resulting from transportation. In developing the strategy, the commission shall take into account state and federal programs, policies and incentives related to reducing greenhouse gas emissions.

(2) The commission shall actively solicit public review and comment in the development of the strategy.

SECTION 3. (1) The Department of Transportation and the Department of Land Conservation and Development, after consultation with and in cooperation with metropolitan planning organizations, other state agencies, local governments and stakeholders, shall establish guidelines for developing and evaluating alternative land use and transportation scenarios that may reduce greenhouse gas emissions. The guidelines must, at a minimum:

- (a) Establish a process for developing alternative land use and transportation scenarios;
- (b) Take into account the full range of actions local governments may take concerning land use and transportation planning;
- (c) Allow sufficient flexibility for different local governments to meet the needs of their individual communities;
- (d) Provide for coordination between state agencies and local governments;
- (e) Encourage local innovation to reduce greenhouse gas emissions; and
- (f) Provide examples of alternative land use and transportation scenarios.

(2) The Department of Transportation and the Department of Land Conservation and Development shall actively solicit public review and comment in the development of the guidelines.

SECTION 4. (1) The Department of Transportation and the Department of Land Conservation and Development, after consultation with and in cooperation with metropolitan planning organizations, local governments and other stakeholders, shall establish a toolkit to

assist local governments in developing and executing actions and programs to reduce greenhouse gas emissions from motor vehicles with a gross vehicle weight rating of 10,000 pounds or less.

(2) A toolkit shall include, but is not limited to, the following material:

(a) Information about actions and programs local governments can implement on the local and regional level to reduce greenhouse gas emissions;

(b) Information about the potential effectiveness of the actions and programs in reducing greenhouse gas emissions;

(c) Information about the cost-effectiveness of the actions and programs;

(d) Estimates of the time required to implement the actions and programs;

(e) Guidelines for best management practices for analyzing and executing the actions and programs;

(f) Modeling and analysis tools that metropolitan planning organizations and local governments may use to assess greenhouse gas emissions reduction benefits from actions affecting land use and transportation; and

(g) Educational tools that metropolitan planning organizations and local governments may use to inform the public about greenhouse gas emissions reduction targets and strategies.

(3) The Department of Transportation and the Department of Land Conservation and Development shall actively solicit public review and comment in the development of the toolkit.

SECTION 5. (1) Except as provided in subsection (3) of this section, on or before June 1, 2011, the Land Conservation and Development Commission, after consultation with and in cooperation with the Oregon Transportation Commission, local governments and metropolitan planning organizations, shall adopt rules identifying a reduction target for greenhouse gas emissions caused by motor vehicles with a gross vehicle weight rating of 10,000 pounds or less to be met by each region served by a metropolitan planning organization. The rules must reflect the greenhouse gas emissions reduction goals set forth in ORS 468A.205 and must take into consideration the reductions in vehicle emissions that are likely to result by 2035 from the use of improved vehicle technologies and fuels. The rules must also take into consideration methods of equitably allocating reductions among the metropolitan areas given differences in population growth rates. On or before March 1, 2011, the Department of Transportation, the Department of Environmental Quality and the State Department of Energy shall provide the Land Conservation and Development Commission with the information or projections necessary to determine the proposed greenhouse gas emissions reduction target for 2035.

(2) In order for the Land Conservation and Development Commission to adopt rules pursuant to subsection (1) of this section:

(a) The Department of Transportation shall provide the Department of Environmental Quality and the State Department of Energy with an estimate of the vehicle miles traveled within the boundaries of each metropolitan planning organization in 1990 by motor vehicles with a gross vehicle weight rating of 10,000 pounds or less, based on available records.

(b) The Department of Transportation shall provide the Department of Environmental Quality and the State Department of Energy with an estimate of the rate at which new vehicles will replace existing vehicles among the vehicles described in paragraph (a) of this subsection.

(c) The Department of Environmental Quality and the State Department of Energy shall estimate the greenhouse gas emissions for 1990 for each region served by a metropolitan planning organization resulting from the travel by motor vehicles described in paragraph (a) of this subsection, using available records of the average emissions per mile emitted by the motor vehicles in 1990 and the estimates provided by the Department of Transportation under paragraph (a) of this subsection.

(d) The Department of Environmental Quality and the State Department of Energy shall estimate the average greenhouse gas emissions in 2035 emitted by motor vehicles described in paragraph (a) of this subsection. The estimate must take into account the motor vehicles that the Department of Transportation predicts will have replaced existing vehicles as described in paragraph (b) of this subsection. The estimate must be based on available reasonable data provided by public or private entities concerning the improvements in vehicle technologies that will be available for use by 2035.

(e) The Department of Environmental Quality and the State Department of Energy shall recommend to the Land Conservation and Development Commission a percentage by which the emissions from motor vehicles described in paragraph (a) of this subsection need to be reduced below their 1990 emission levels by 2035 in order to achieve the reduction in emissions from vehicles necessary to achieve the total greenhouse gas emissions reduction goals set for 2050 by ORS 468A.205.

(f) The Department of Environmental Quality and the State Department of Energy shall calculate the estimated miles of travel by motor vehicles described in paragraph (a) of this subsection that may be accommodated in 2035 by each region served by a metropolitan planning organization based on the estimates performed under paragraphs (a) to (d) of this subsection and the recommendation required by paragraph (e) of this subsection.

(g) The Department of Transportation, the Department of Environmental Quality and the State Department of Energy shall recommend to the Land Conservation and Development Commission modeling tools or other methods that each region served by a metropolitan planning organization may use to adjust its recommended number of miles of travel as described in paragraph (f) of this subsection, to account for additional greenhouse gas emissions resulting from increased traffic congestion or reductions in emissions resulting from measures that reduce traffic congestion.

(h) On or before March 1, 2011, the Department of Transportation, the Department of Environmental Quality and the State Department of Energy shall submit the information required by paragraphs (a) to (g) of this subsection to the Land Conservation and Development Commission, including but not limited to citations to sources relied on and calculations made.

(3) Subsection (1) of this section does not apply to the region served by the metropolitan planning organization that serves Portland.

SECTION 6. The Department of Transportation and the Department of Land Conservation and Development, after consultation with and in cooperation with other state agencies and the Oregon University System, shall:

(1) Educate the public about the need to reduce greenhouse gas emissions from motor vehicles with a gross vehicle weight rating of 10,000 pounds or less; and

(2) Educate the public about the costs and benefits of reducing greenhouse gas emissions.

SECTION 7. (1) As used in this section, "regional transportation plan" means a long-range transportation plan prepared and adopted by a metropolitan planning organization for a metropolitan area as provided for in federal law.

(2) Except as provided in subsection (3) of this section, the local governments within the boundaries of a metropolitan planning organization, after consultation with and in cooperation with the metropolitan planning organization and state agencies, shall:

(a) Consider whether any immediate action can be taken to reduce greenhouse gas emissions.

(b) Consider how regional transportation plans could be altered to reduce greenhouse gas emissions.

(3) Subsection (2) of this section does not apply to the metropolitan planning organization that serves Portland or to the local governments within that metropolitan planning organization.

SECTION 8. The Department of Transportation and the Department of Land Conservation and Development, after consultation with and in cooperation with local governments within the boundaries of a metropolitan planning organization, shall make a joint report to the Seventy-sixth Legislative Assembly in the manner provided in ORS 192.245. The report must provide information regarding the amount of financing that is necessary to cover the costs of local governments in preparing and cooperatively selecting land use and transportation scenarios and the potential sources of funding for this preparation and cooperative selection.

SECTION 9. The Department of Transportation and the Department of Land Conservation and Development shall make a joint report to the Seventy-seventh Legislative Assembly, in the manner provided in ORS 192.245, regarding:

(1) The progress made in developing:

(a) The statewide transportation strategy on greenhouse gas emissions adopted by the Oregon Transportation Commission pursuant to section 2 of this 2010 Act;

(b) The guidelines established by the Department of Transportation and the Department of Land Conservation and Development pursuant to section 3 of this 2010 Act; and

(c) The toolkit established by the Department of Transportation and the Department of Land Conservation and Development pursuant to section 4 of this 2010 Act.

(2) Recommendations on how to meet the greenhouse gas emissions reduction targets identified in section 5 of this 2010 Act.

(3) Whether additional actions or a different framework is necessary to carry out the greenhouse gas emissions reduction goals set forth in ORS 468A.205.

SECTION 10. Section 2 of this 2010 Act does not limit the authority of an agency, as defined in ORS 183.310, to regulate air contaminants.

SECTION 11. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter 652, Oregon Laws 2009, for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Land Conservation and Development, is increased by \$482,581 for the purpose of carrying out the provisions of sections 3, 4, 5, 6, 8 and 9 of this 2010 Act.

SECTION 12. This 2010 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect on its passage.

Passed by Senate February 23, 2010

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Secretary of Senate

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President of Senate

Passed by House February 24, 2010

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Speaker of House

Received by Governor:

.....M,....., 2010

Approved:

.....M,....., 2010

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Governor

Filed in Office of Secretary of State:

.....M,....., 2010

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Secretary of State