

Senate Bill 1059

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates process for adoption and implementation of plans for reducing greenhouse gas emissions caused by motor vehicles with gross vehicle weight rating of 10,000 pounds or less.

Directs Department of Transportation and Department of Land Conservation and Development to report progress and recommendations for future actions to Seventy-seventh Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to greenhouse gas emissions; and declaring an emergency.

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

4 **SECTION 1. As used in sections 2 to 7 of this 2010 Act, "metropolitan planning organ-**
5 **ization" has the meaning given that term in ORS 197.629.**

6 **SECTION 2. (1) The Department of Transportation, in consultation with metropolitan**
7 **planning organizations, other state agencies and stakeholders, shall adopt rules establishing**
8 **a statewide strategy on greenhouse gas emissions to achieve the greenhouse gas emissions**
9 **reduction goals set forth in ORS 468A.205. The department shall focus on reducing**
10 **greenhouse gas emissions from motor vehicles with a gross vehicle weight rating of 10,000**
11 **pounds or less. In developing the strategy, the department shall take into account state and**
12 **federal programs, policies and incentives related to reducing greenhouse gas emissions.**

13 **(2) The department shall actively solicit public review and comment in the development**
14 **of the strategy.**

15 **SECTION 3. (1) The Department of Transportation and the Department of Land Conser-**
16 **vation and Development, in consultation with metropolitan planning organizations, other**
17 **state agencies and stakeholders, shall adopt rules establishing guidelines for developing and**
18 **evaluating alternative land use and transportation scenarios that may reduce greenhouse gas**
19 **emissions. The guidelines must:**

20 **(a) Establish a process for developing alternative land use and transportation scenarios;**

21 **(b) Take into account the full range of actions local governments may take concerning**
22 **land use and transportation planning;**

23 **(c) Allow sufficient flexibility for different local governments to meet the needs of their**
24 **individual communities;**

25 **(d) Provide for coordination between state agencies and local governments;**

26 **(e) Encourage local innovation to reduce greenhouse gas emissions; and**

27 **(f) Provide examples of alternative land use and transportation scenarios.**

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 guidelines.

2 **SECTION 4.** (1) The Department of Transportation and the Department of Land Conser-
3 vation and Development, in cooperation with metropolitan planning organizations and other
4 stakeholders, shall adopt rules establishing a toolkit to assist local governments in develop-
5 ing and executing actions and programs to reduce greenhouse gas emissions from motor
6 vehicles with a gross vehicle weight rating of 10,000 pounds or less.

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

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

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

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

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

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

16 (f) Modeling and analysis tools that metropolitan planning organizations and local gov-
17 ernments may use to assess greenhouse gas emissions reduction benefits from actions af-
18 fecting land use and transportation; and

19 (g) Educational tools that metropolitan planning organizations and local governments
20 may use to inform the public about greenhouse gas emissions reduction targets and strate-
21 gies.

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

25 **SECTION 5.** (1) On or before June 1, 2011, the Land Conservation and Development
26 Commission, in consultation with the Oregon Transportation Commission and metropolitan
27 planning organizations, shall adopt rules for local governments within the boundaries of a
28 metropolitan planning organization. The rules must specify, for each local government within
29 the boundaries of a metropolitan planning organization, a reduction target to be met by 2035
30 in greenhouse gas emissions caused by motor vehicles with a gross vehicle weight rating of
31 10,000 pounds or less. The rules must reflect the greenhouse gas emissions reduction goals
32 set forth in ORS 468A.205 and must take into consideration the reductions in vehicle emis-
33 sions that are likely to result by 2035 from the use of improved vehicle technologies and fu-
34 els. On or before March 1, 2011, the Department of Transportation, the Department of
35 Environmental Quality and the State Department of Energy shall provide the Land Conser-
36 vation and Development Commission with the information or projections necessary to de-
37 termine the proposed greenhouse gas emissions reduction target for 2035.

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

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

44 (b) The Department of Transportation shall provide the Department of Environmental
45 Quality and the State Department of Energy with an estimate of the rate at which new ve-

1 hicles will replace existing vehicles among the vehicles described in paragraph (a) of this
2 subsection.

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

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

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

22 (f) The Department of Environmental Quality and the State Department of Energy shall
23 calculate the estimated miles of travel by motor vehicles described in paragraph (a) of this
24 subsection that may be accommodated in 2035 by each local government within the bounda-
25 ries of a metropolitan planning organization based on the estimates performed under para-
26 graphs (a) to (d) of this subsection and the recommendation required by paragraph (e) of this
27 subsection.

28 (g) The Department of Transportation, the Department of Environmental Quality and the
29 State Department of Energy shall recommend to the Land Conservation and Development
30 Commission modeling tools or other methods that each local government within the bound-
31 aries of a metropolitan planning organization may use to adjust its recommended number
32 of miles of travel as described in paragraph (f) of this subsection, to account for additional
33 greenhouse gas emissions resulting from increased traffic congestion or reductions in emis-
34 sions resulting from measures that reduce traffic congestion.

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

40 **SECTION 6.** (1) Except as provided in subsection (2) of this section, local governments
41 within the boundaries of a metropolitan planning organization, in cooperation and consulta-
42 tion with the metropolitan planning organization and state agencies, shall:

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

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

1 (c) Determine whether any immediate action can be taken to reduce greenhouse gas
2 emissions.

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

5 (2) Subsection (1) of this section does not apply to the metropolitan planning organization
6 that serves Portland or the local governments within that metropolitan planning organiza-
7 tion.

8 **SECTION 7.** (1) Except as provided in subsection (2) of this section, local governments
9 within the boundaries of a metropolitan planning organization, in cooperation and consulta-
10 tion with the metropolitan planning organization and state agencies, shall:

11 (a) Prepare, adopt and implement alternative land use and transportation scenarios to
12 achieve the greenhouse gas emissions reduction goals set forth in ORS 468A.205. The plan-
13 ning process shall:

14 (A) Include opportunities for public review and comment.

15 (B) Use the following:

16 (i) The statewide strategy on greenhouse gas emissions adopted by the Department of
17 Transportation pursuant to section 2 of this 2010 Act;

18 (ii) The guidelines developed by the Department of Transportation and the Department
19 of Land Conservation and Development pursuant to section 3 of this 2010 Act; and

20 (iii) The greenhouse gas emissions reduction toolkit developed by the Department of
21 Transportation and the Department of Land Conservation and Development pursuant to
22 section 4 of this 2010 Act.

23 (b) Revise the scenarios adopted and implemented in paragraph (a) of this subsection
24 each time a regional transportation plan is updated to reflect changes in the state
25 greenhouse gas emissions reduction goals or best practices or to better address local needs
26 and circumstances.

27 (c) Report to the Legislative Assembly at each regular session on the progress made in
28 planning for, adopting and implementing the scenarios described in paragraph (a) of this
29 subsection.

30 (d) Make recommendations to the Legislative Assembly at each regular session on
31 whether new or additional incentives and actions are needed to meet the greenhouse gas
32 emissions reduction goals set forth in ORS 468A.205.

33 (2) Subsection (1) of this section does not apply to the metropolitan planning organization
34 that serves Portland or the local governments within that metropolitan planning organiza-
35 tion.

36 (3) The Department of Transportation, the Department of Land Conservation and Devel-
37 opment and local governments, in cooperation with metropolitan planning organizations and
38 state agencies, shall establish incentives for adopting and implementing plans for alternative
39 land use and transportation scenarios developed under this section.

40 **SECTION 8.** The Department of Transportation and the Department of Land Conserva-
41 tion and Development shall make a joint report to the Seventy-seventh Legislative Assembly,
42 in the manner provided in ORS 192.245, regarding:

43 (1) The progress made in developing:

44 (a) The statewide strategy on greenhouse gas emissions adopted by the Department of
45 Transportation pursuant to section 2 of this 2010 Act;

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

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

5 **(2) The progress made by local governments, in cooperation with metropolitan planning**
6 **organizations as defined in section 1 of this 2010 Act, to prepare, adopt and implement al-**
7 **ternative land use and transportation scenarios described in section 7 of this 2010 Act.**

8 **(3) Whether additional incentives are necessary or appropriate to prepare, adopt and**
9 **implement alternative land use and transportation scenarios.**

10 **(4) Whether compliance measures are necessary to implement alternative land use and**
11 **transportation scenarios under section 7 of this 2010 Act or to meet the reduction target**
12 **established under section 5 of this 2010 Act.**

13 **(5) Whether additional actions or a different framework are necessary to carry out the**
14 **greenhouse gas emissions reduction goals set forth in ORS 468A.205.**

15 **SECTION 9.** **Section 7 of this 2010 Act becomes operative on January 1, 2012.**

16 **SECTION 10.** **This 2010 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
18 **on its passage.**