

B-Engrossed Senate Bill 1059

Ordered by the Senate February 22
Including Senate Amendments dated February 12 and February 22

Sponsored by Senator COURTNEY (at the request of the Metropolitan Planning Organization Greenhouse Gas Emissions Task Force) (Presession 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.

Directs Oregon Transportation Commission to adopt statewide transportation strategy on greenhouse gas emissions.

Directs Department of Transportation, Department of Land Conservation and Development and specified local governments to take certain actions relating to reduction of greenhouse gas emissions.

Directs Department of Transportation and Department of Land Conservation and Development to make joint reports to Legislative Assembly.

Increases, for biennium beginning July 1, 2009, limitation on expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Department of Land Conservation and Development for purposes related to reduction of greenhouse gas emissions.

Declares emergency, effective on passage.

A BILL FOR 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**

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 land use and transportation planning;

2 (c) Allow sufficient flexibility for different local governments to meet the needs of their
3 individual communities;

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

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

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

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

10 **SECTION 4.** (1) The Department of Transportation and the Department of Land Conser-
11 vation and Development, after consultation with and in cooperation with metropolitan plan-
12 ning organizations, local governments and other stakeholders, shall establish a toolkit to
13 assist local governments in developing and executing actions and programs to reduce
14 greenhouse gas emissions from motor vehicles with a gross vehicle weight rating of 10,000
15 pounds or less.

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

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

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

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

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

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

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

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

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

34 **SECTION 5.** (1) Except as provided in subsection (3) of this section, on or before June 1,
35 2011, the Land Conservation and Development Commission, after consultation with and in
36 cooperation with the Oregon Transportation Commission, local governments and metropol-
37 itan planning organizations, shall adopt rules identifying a reduction target for greenhouse
38 gas emissions caused by motor vehicles with a gross vehicle weight rating of 10,000 pounds
39 or less to be met by each region served by a metropolitan planning organization. The rules
40 must reflect the greenhouse gas emissions reduction goals set forth in ORS 468A.205 and
41 must take into consideration the reductions in vehicle emissions that are likely to result by
42 2035 from the use of improved vehicle technologies and fuels. The rules must also take into
43 consideration methods of equitably allocating reductions among the metropolitan areas given
44 differences in population growth rates. On or before March 1, 2011, the Department of
45 Transportation, the Department of Environmental Quality and the State Department of En-

1 ergy shall provide the Land Conservation and Development Commission with the information
2 or projections necessary to determine the proposed greenhouse gas emissions reduction
3 target for 2035.

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

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

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

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

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

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

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

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

45 (h) On or before March 1, 2011, the Department of Transportation, the Department of

1 Environmental Quality and the State Department of Energy shall submit the information
2 required by paragraphs (a) to (g) of this subsection to the Land Conservation and Develop-
3 ment Commission, including but not limited to citations to sources relied on and calculations
4 made.

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

7 **SECTION 6.** The Department of Transportation and the Department of Land Conserva-
8 tion and Development, after consultation with and in cooperation with other state agencies
9 and the Oregon University System, shall:

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

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

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

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

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

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

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

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

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

37 (1) The progress made in developing:

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

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

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

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

