



ENVIRONMENTAL DEFENSE FUND

finding the ways that work

Transportation Transition Team: Executive Orders & Regulatory Actions

Transportation economic stimulus spending and future transportation investments should be consistent with adopted transportation plans. Stimulus projects should focus particularly on rebuilding and repairing existing infrastructure, reducing dependence on imported oil and cutting greenhouse gas emissions, and expanding travel choices for Americans who are likely to face higher fuel prices in coming years. The following actions would support those goals:

Issue an Executive Order on climate change and NEPA to ensure that all major federal actions, including those affecting transportation and land use, are taken considering ways to minimize climate change impacts and to consider the impact of global climate change on proposed actions. All federal agencies should assess and disclose the greenhouse gas emissions and global warming vulnerabilities associated with federal actions, exercising authority under the National Environmental Policy Act (NEPA). These assessments should include a quantitative analysis of a federal action's direct and indirect contributions to greenhouse gas emissions, an evaluation of the consequences of changing climatic conditions for a federal action, and consideration of alternative actions and mitigation measures that could reduce greenhouse gas emissions and climatic vulnerability. (Christopher Pyke, *Kit Batten*, *Full Disclosure: An Executive Order to Require Consideration of Global Warming Under the National Environmental Policy Act*, May 2008, Center for American Progress, www.americanprogress.org/issues/2008/05/pdf/nepa.pdf)

Issue an Executive Order on transportation equity, public health, and the environment. This should establish a framework evaluating state and regional transportation plans and programs for their contribution to timely progress ensuring equal access to jobs and public facilities for all, including those without cars, without undue time and cost burdens, exercising authority under Title IV of the Civil Rights Act. It should establish performance standards for regional and state plans and programs to support science-based global warming pollution reduction, public health improvement, air and water quality, and habitat objectives. Plans and programs that comply with these standards should be rewarded with preferential financing and expedited processing of infrastructure projects, consistent with current environmental law.

The DOT Secretary should issue new guidance to ensure transportation plans and programs are consistent with the objectives of the federal planning process, under current SAFETEA-LU authority. This should be followed by an proposed rulemaking for state and metropolitan transportation plans and programs to ensure they are consistent with the objectives of the federal planning process, which are to improve mobility and support economic development, while minimizing fuel use and emissions. The latest DOT regulations are silent on this.

Establish GHG Reduction Requirements Under Existing Authority. The President should set strong, science-based near- and long-term global warming pollution reduction targets and ask the Cabinet to help implement them, under existing authority granted to EPA to regulate GHGs under the Clean Air Act. US DOT and EPA should together assess the GHG performance of national surface transportation legislation and funding, and calculate the aggregate GHG impacts of state and



MPO long range transportation plans. Develop the tools, data and analytical capability to achieve accurate tracking and enforcement of transportation system GHG performance. Provide guidance, planning support and technical assistance to help states and localities to set and meet GHG reduction targets via improved accessibility, increased travel choices and enhanced system efficiency.

Harmonizing Transportation and Environmental Goals. The Administration should take prompt action to:

- Approve a federal waiver for California and a dozen other states to adopt more stringent motor vehicle fuel economy standards to reduce GHGs.
- Issue an Executive Order ensuring US DOT and EPA approvals of transportation projects and plans and state implementation plans account for near-road and near-transportation facility elevated concentrations of PM 2.5 and other mobile source air toxics which harm public health.
- Ensure DOT cooperates with EPA to ensure that new general conformity rules affecting ports, airports, and other large non-stationary sources of pollution are refined to protect public health and ensure timely reduction in GHG pollution.
- Ensure DOT support for actions to use the Clean Air Act's inherent authority to regulate greenhouse gases to encourage cleaner vehicles, fuels, and transportation investments.

Establish Complete Streets Policy. Under existing statutory authority, the FHWA Administrator should issue a Notice of Proposed Rulemaking to ensure that all road projects (new or reconstructed) consider and accommodate the needs of all users, including pedestrians, cyclists, the elderly, and those with disabilities, as well as potential public transportation routes.

Budget Recommendations

Focus Economic Stimulus on Low Carbon Transportation. Focus economic stimulus spending on low carbon infrastructure, such as public and active transportation and maintenance of bridges and roads consistent with a Complete Streets policy. Building new roads in the name of job creation is a short-sighted strategy that could move in the wrong direction on climate and other goals. Active and public transportation and intelligent transportation system projects could provide as many or more jobs per dollar spent, while enhancing America's communities and making transportation more affordable. The stimulus should include funding for expedited planning, review, and engineering of transit investments, especially bus rapid transit, with intent to implement projects quickly to provide expanded travel options. The stimulus should also boost funding for data collection, model development, and state/local institutional capacity building for monitoring and analyzing GHG and vehicle-miles-travel (VMT)-reduction strategies and plans.

Modify Budget to Improve GHG & VMT Data. The US DOT Secretary should propose future budgets that substantially increases federal funding for federal, regional, local and state travel data improvement, travel model improvement, and research to support GHG and VMT tracking and policy evaluation. DOT should strengthen RITA to ensure robust, comparable data collection for all transportation modes. Direct and fund the National Academies/Transportation Research Board to conduct a study and develop recommendations on improving the accuracy of travel data for the purposes of tracking GHG emissions and assessing policy effectiveness.