

**SECTION 1. As used in sections 2 to 7 of this 2010 Act, “metropolitan planning organization” has the meaning given that term in ORS 197.629.**

- Add to this definition, “and “regional transportation plan” means the long-range transportation plan prepared and adopted by a metropolitan planning organization for a metropolitan area as provided for in federal law.”

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

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

Regarding State Strategy for Reducing Transportation GHG from the Task Force Report - “Direct ODOT, in consultation with other agencies, MPOs, and stakeholders, to prepare and OTC, in consultation with LCDC, to adopt a statewide strategy for achieving GHG emission reductions for the transportation sector to meet state GHG emission reduction goals. The strategy will establish planning assumptions about state and federal programs, policies, and incentives expected to be in place to reduce transportation related GHG emissions. The strategy also will analyze and provide recommendations for reducing GHG emissions from commuting and travel that extends beyond metropolitan area boundaries.”

- Section 2. Subsection (1) should not require ODOT to adopt rules concerning the statewide strategy. The statewide strategy will be a compilation of planning assumptions that are expected to be in place concerning emission reductions in the transportation sector. ODOT can develop the statewide strategy without adopting rules.
- Section 2. Subsection (1) leaves out a key concept from the Task Force Report, that OTC and LCDC in consultation should adopt the statewide strategy. Such Commission adoption of the strategy implies a public outreach process as part of the approval process.
- The statewide strategy should concern just the transportation sector. As written, Section 2. Subsection (1) implies that ODOT will adopt a statewide strategy for all GHG emissions in the state regardless of origin. Further, the strategy should focus on the entire transportation sector and not just the segment from the light vehicle portion of the sector.
- The Task Force recommended that OTC prepare an interim strategy to help guide LCDC in setting targets required in Section 5. Section 2 does not set a deadline for ODOT adoption of the statewide strategy.

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

- (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.**

Regarding Scenario Planning Guidelines from the Task Force Report - “Direct DLCD and ODOT, in consultation with other agencies, MPOs, and stakeholders, to prepare guidelines for preparation and evaluation of alternative land use and transportation scenarios, including:

- a. Describing common planning assumptions and any assumptions used in preparing the guidelines, including state and federal programs, policies, and incentives expected to be in place to reduce transportation related GHG emissions;
- b. Describing the process for developing scenarios providing:
  - i. consideration of the full range of land use and transportation actions within the control of local governments;
  - ii. flexibility for metropolitan areas to meet goals in their own way and to use tools and practices that fit local needs;
  - iii. coordination between state and local plans; and
  - iv. encouragement of innovation and local incentives and ideas, such as integrating with private sector planning; and
- c. Providing appropriate examples of scenario planning.”

- Section 3. Subsection (1) should not require ODOT and DLCD to adopt rules to establish guidelines for land use and transportation scenarios. The agencies can cooperatively develop the guidelines independently of a rule making process.
- Section 3. Subsection (1) should not limit the range of the guidelines to just those listed. The Task Force final report specifically used the term “including” before the list of guidelines so as not to limit the guidance to what is listed. We may realize there is more guidance that is needed.

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**SECTION 4. (1) The Department of Transportation and the Department of Land Conservation and Development, in cooperation with metropolitan planning organizations and other stakeholders, shall adopt rules establishing 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.**

Regarding GHG Reduction Toolkit from the Task Force Report – “Direct ODOT and DLCD, in cooperation with MPOs and others, to develop a GHG reduction toolkit that includes, among other things...

- Subsection (1) should not require ODOT and DLCD to adopt rules to develop a toolkit for GHG reduction. The agencies can cooperatively develop the toolkit independently of a rule making process.

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**SECTION 5. (1) On or before June 1, 2011, the Land Conservation and Development Commission, in consultation with the Oregon Transportation Commission and metropolitan planning organizations, shall adopt rules for local governments within the boundaries of a metropolitan planning organization. The rules must specify, for each local government within the boundaries of a metropolitan planning organization, a reduction target to be met by 2035 in greenhouse gas emissions caused by motor vehicles with a gross vehicle weight rating of 10,000 pounds or less. 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. 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 should 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 local government within the boundaries of 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 local government within the boundaries of 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**

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Regarding GHG Reduction Targets from the Task Force Report – “Direct LCDC, in consultation with OTC and with assistance from state agencies, to adopt administrative rules for MPOs, other than Portland Metro, to identify each MPO’s needed reduction by June 1, 2011, in GHG emissions caused by Light Vehicles, based upon:

- a. the goals stated in ORS 468A.205,
- b. and taking into consideration: the reductions in vehicle emissions that are likely to result by 2035 from:
  - i. the use of improved vehicle technologies and fuels, and
  - ii. other statewide programs, policies and actions that will be put in place to support reducing GHG emissions from the transportation sector.”

- Section 5. Subsection (1) should exclude the MPO for the Portland metro area. The Task Force recommended that the rules affect MPOs other than the Portland MPO in light of the requirements of House Bill 2001 which directs LCDC to adopt targets for Metro. As written, subsection (1) would apply to all MPOs, causing confusion with respect to HB 2001.
- Section 5. Subsection (1) should not require GHG emission targets for individual local governments. Subsection (1) should be worded to require LCDC to set GHG emission reduction targets for the area within an MPO boundary. The Task Force recommendation would require LCDC to set targets for MPOs. The term “local governments” appears to be used rather than the term “metropolitan planning organization” to avoid legislative direction to MPOs. However, GHG emission reduction targets for individual local governments may not be appropriate.
- The MPOGHG Task Force anticipated that GHG reduction targets would be set for each metropolitan area, rather than for individual cities within metropolitan areas. Setting individual targets for the 23 cities and counties included in the 5 MPO areas (other than Metro) would be a complicated task.

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

- (a) 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.**
- (b) Educate the public about the costs and benefits of reducing greenhouse gas emissions.**
- (c) Determine whether any immediate action can be taken to reduce greenhouse gas emissions.**
- (d) Consider how regional transportation plans could be altered to reduce greenhouse gas emissions.**

**(2) Subsection (1) of this section does not apply to the metropolitan planning organization that serves Portland or the local governments within that metropolitan planning organization.**

Regarding Public Involvement from the Task Force Report – “a. Direct state agencies, in consultation with the Oregon University system, to develop a statewide approach for public outreach and education on GHG emission reduction, climate change, and the relationship to land use and transportation planning, including:

- i. Soliciting public comment through appropriate means and forums relating to developing the state strategy, guidelines, and toolkit.
  - ii. Providing information to the public and soliciting public comment through appropriate means and forums relating to modifying initial and final GHG-reducing plans.
- b. Direct the MPOs to provide information to the public and involve the public through appropriate means and forums relating to developing initial and final GHG-reducing plans, and any modifications to those plans.”

- Section 6. Subsection (1) implies a local government by local government approach to the development of public involvement processes. The Task Force Report recommendations on public involvement were explicitly intended to direct a statewide collaborative approach to the development of public outreach and education program and methods. We don't want local governments to do an individual outreach. The intent of the Report was to have a statewide strategy on what outreach would look like and then working through the state agencies and the metropolitan planning organizations and their local governments to implement the public education process. The piecemeal approach suggested in Subsection (1) would likely create confusion and would cost many times (a magnitude of ten times has been suggested) what a statewide development approach would cost.

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

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

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

**(B) Use the following:**

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

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

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

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

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

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

**(2) Subsection (1) of this section does not apply to the metropolitan planning organization that serves Portland or the local governments within that metropolitan planning organization.**

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

Regarding the Scenario Planning Process from the Task Force Report – “Direct the MPOs, other than Portland Metro, in consultation with their constituent local governments to conduct scenario planning for GHG-reduction, to meet adopted targets considering local governments’ unique needs, resources and capacity and using the state strategy, scenario planning guidelines, and GHG reduction toolkit.”

- Section 7 specifies the scenario planning process and calls for local governments to accomplish the work. The Task Force did not provide recommendations about local government adoption and implementation of scenarios. This raises several questions that need further discussion:
  - whether adoption of an land use and transportation scenario by a local government is a land use decision
  - at what point local comprehensive plans and land use regulations must be amended to implement the adopted strategy
- The MPO Task Force recommended initial adoption of scenarios as part of RTPs starting in 2012 – provided targets, guidelines, toolkit were in place and adequate funding is provided for scenario planning. Section 7 does not specify when initial scenario plans are to be completed, nor does it condition adoption **of** scenarios on these other actions. We may want to consider the process set forth in HB 2001 for completing scenario plans which directs LCDC to adopt a

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- schedule for implementation of scenario plans through plan and land use regulation amendments.
- The timeline is not clear – it appears that section 7 starts in Jan 2012 for local govt. We will need to take care that as we change the local government references to MPO that we pay attention to the timelines in the report.
  - Metropolitan planning organizations and local governments within the jurisdiction of the metropolitan planning organizations should not be required to comply with requirements of this section unless the organization and local governments receive sufficient funds for reimbursement of costs in carrying out those requirements. House Bill 2001 includes language that would be a good model to resolve this issue. See also the discussion about Other Actions recommendations from the Task Force Report.

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**SECTION 8. 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 strategy on greenhouse gas emissions adopted by the Department of Transportation pursuant to section 2 of this 2010 Act;**

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

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

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

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

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

Regarding Incentives, Reporting, and Compliance from the Task Force Report – “a. Direct the state agencies, local governments, and MPOs to coordinate to develop incentives for adopting and implementing plans to reduce GHG emissions from Light Vehicles.  
b. Direct DLCD and ODOT to report, two years from the effective date of a statute adopting the Task Force recommendations, to the legislature on:  
i. The state’s progress on developing the state strategy, scenario planning guidelines and GHG reduction toolkit.  
ii. The MPOs’ progress on scenario planning and adoption and implementation of plans to reduce GHG emissions.  
iii. Whether new or additional incentives are necessary or appropriate.  
iv. Whether compliance measures are necessary or appropriate to implement the scenario planning requirements or meet the targets for reducing GHG emissions from Light Vehicles.  
v. Whether the state should require additional actions or a different framework to carry out the goals of ORS 468A. 205.”

- Section 8. Subsection (1) should refer to the statewide strategy on the reduction of greenhouse gas emissions from the transportation sector and that it would have been adopted by the Oregon Transportation Commission, not ODOT.
- The bill should make it clear that local governments couldn’t achieve compliance with whatever is ultimately required by simply making it the development industry’s problem through permit conditions or exactions. The following is language that might be borrowed from HB 2001 to resolve this.

*Section 37 (8) (d), HB 2001 (2009)*

*(d) Ensure that local standards and criteria for land uses and for land development and*

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*transportation plans that implement the scenarios selected under subsection (2)(b) of this section:*

*(A) Are contained in the amendments to regional framework plans, functional plans, comprehensive plans and land use regulations required by subsections (3) of this section; and*

*(B) Do not have the effect of preventing, discouraging or delaying the implementation of the scenarios, except as necessary to protect the public health and safety.”*

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

Regarding the Schedule from the Task Force Report – “Direct planning to reduce GHG emissions from the transportation sector to be carried out according to the following schedule:

**Phase 1 – Current Biennium**

*- State*

○ Preliminary editions of State Strategy for Reducing Transportation GHG, Scenario Planning Guidelines, GHG Reduction Toolkit

○ Targets

○ Public engagement

*- MPOs*

○ Evaluate RTPs

○ Work with member local governments to reduce GHG emissions from Light Vehicles

○ Public engagement

**Phase 2 – Beginning Next Biennium, After LCDC Adopts Light Vehicle GHG Reduction Targets**

*- State*

- Adopt State Strategy for Reducing Transportation GHG

- Update State Planning Guidelines and GHG Reduction Toolkit

- Public engagement

*- MPOs -- RTPs adopted after December 31, 2011, and contingent upon adequate funding and staffing being provided to MPOs to conduct scenario planning and upon the availability of scenario planning guidelines, toolkit and modeling or analysis tools to conduct scenario planning:*

○ Scenario planning

○ Modeling

○ Public engagement

○ Work with local governments on implementation to reduce GHG

**Phase 3 – Subsequent Updates to RTPs**

*-State*

○ Update State Strategy for Reducing Transportation GHG, Planning Guidelines, and GHG Reduction Toolkit

○ Public engagement

*- MPOs, each time a regional transportation plan is updated*

○ Evaluate performance, apply best management practices, identify changes to reflect changes in the state targets or strategy, new information about best practices or to better address local needs and circumstances

○ Additional scenario planning and identify additional actions from the toolkit, as needed to meet GHG emission reduction target

○ Public engagement

○ Work with local governments on implementation to reduce GHG”

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- It is not clear what the direction “becomes operative” means. A key element that was in the Task Force Report but is missing from the legislation is the phasing of the recommendation. The report describes 3 phases of activities to conduct scenario planning; each builds on and is dependent upon the other, and is integrated with reporting back to the legislature. It was anticipated by the Task Force that this current legislation would be focused on Phase 1, while describing the road map for Phases 2 and 3.

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Regarding Other Actions from the Task Force Report – “The Task Force also recommends that the 2010 Legislature undertake the following additional actions.

1. *Direct ODOT and DLCD to fund a pilot demonstration project by the Central Lane MPO*  
Direct ODOT and DLCD to provide funding from existing funds to support the Central Lane MPO in conducting a pilot demonstration of scenario planning in consultation with ODOT, DLCD and other metropolitan planning organizations.<sup>8</sup>

2. *Direct Further Work by the Task Force*

Direct the Task Force to continue its work, in advance of the 2011 Legislative Session, as follows:

a. Provide a detailed estimate of funding needed by MPOs and state agencies to complete planning to reduce GHG emissions from the transportation sector as recommended by the Task Force.

b. Consult with the Department of Justice to review the role and authorities of the state, metropolitan planning organizations, and other entities (including Area Commissions on Transportation and the Oregon Metropolitan Planning Organization Consortium) to:

i. conduct scenario planning for GHG emission reduction as called for in the Task Force recommendations; and

ii. adopt and implement plans to reduce GHG emissions once scenario planning is completed.

c. Recommend proposed legislation, as necessary or appropriate, to clarify (i) the state’s authority to require MPOs to adopt and implement plans to reduce GHG emissions, and (ii) the MPO’s authority to adopt and implement plans to reduce GHG emissions, including the relationship between the land use and transportation scenarios developed by an MPO and local government land use plans, regional and local government transportation plans, and other local government infrastructure plans. The proposed legislation should ensure that any inconsistency or conflict with federal law or regulations is addressed with the federal requirements controlling.

d. *Seek Federal Funding*

The Legislature should direct ODOT and DLCD to report to the Legislative Emergency Board no later than October 31, 2010, and seek approval to pursue any available federal funding and grants to support scenario planning work, including development of scenario plans setting targets, developing a state strategy, preparation of guidelines and a toolkit.

e. *Seek Funding for Public Transportation Operations*

The Legislature should consider ways to improve the level of funding for public transportation operations. Improved public transportation service will play a key role in strategies to reduce GHG emissions from transportation. Sustainable funding for transit operations will be fundamental to any significant effort to reduce GHG emissions from transportation.

f. *Seek Funding for Bike Lane, Sidewalk, and Trail Construction*

The Legislature should consider ways to improve the level of funding for bike lane, sidewalk, and trail construction. Improved bicycle and pedestrian facilities will play a key role in strategies to reduce GHG emissions from transportation. Sustainable funding for bicycle and trail projects will be fundamental to any significant effort to reduce GHG emissions from transportation.

g. *Resolution for Congress to Provide Funding*

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The Legislature should adopt a resolution urging Congress to provide increased federal funds to support scenario planning work by the state, metropolitan areas and local governments and to increase federal funding to support transportation and land use actions that will be effective in reducing GHG emissions.”

- This version of Senate Bill 1059 is entirely silent regarding the concepts the Task Force proposed under Other Actions the Recommendations and Legislative Concepts section of its Final Report. Searching for and allocating funding to support GHG reduction planning and implementation activities were the core themes of this section of the report and were of great concern to Task Force members, particularly MPO representatives. With no discussion of this subject, Senate Bill 1059 mandates significant activities without identifying or attempting to seek the necessary funding that could minimize reallocation of funds MPOs and local governments rely upon to accomplish other work.
- This version of Senate Bill 1059 makes no mention of a pilot GHG reduction planning project by Central Lane MPO. This too was a topic of great importance to Task Force members, particularly the MPO representatives.

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