This document has been prepared as part of the implementation project of Legal Pathways to Deep Decarbonization (Michael B. Gerrard and John C. Dernbach, eds. Environmental Law Institute [2019]) (LPDD). For background information on the project, see https://lpdd.org

Consideration of GHG Emission Reductions by Metropolitan Planning Organizations (Legal Pathways to Deep Decarbonization in the United States, Chapter 13, Recommendation 2 – p. 335)

MODEL LEGISLATION

SECTION 1. SHORT TITLE.

This Act may be cited as the “Climate Change Prevention and Transportation Planning Act.”

SEC. 2. ADDING GREENHOUSE GAS EMISSIONS MINIMIZATION TO NATIONAL POLICY INTERESTS UNDER SECTION 134 OF TITLE 23.

Section 134(a)(1) of title 23, United States Code, is amended by inserting “, greenhouse gas emissions,” after “transportation-related fuel consumption” and before “and air pollution”.

SEC. 3. DEFINITIONS IN SECTION 134(b) OF TITLE 23.

Section 134(b) of title 23, United States Code, is amended –

(a) by re-designating paragraphs (1) through (7) as paragraphs (3) through (9), and

(b) by inserting before paragraph (3), as re-designated by subsection (a), the following:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the United States Environmental Protection Agency.

(2) GREENHOUSE GAS.—The term ‘greenhouse gas’ means carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), perfluorocarbon (PFCs), and, as defined by rule of the Administrator, other greenhouse gases.”.

SEC. 4. REQUIRING CONSULTATION WITH OFFICIALS RESPONSIBLE FOR CLIMATE ACTION PLANNING UNDER SECTION 134 OF TITLE 23.

Section 134(g)(3)(A) of title 23, United States Code, is amended by inserting “greenhouse gas emissions reductions or climate action planning,” after “environmental protection,” and before “airport operations”.

SEC. 5. REDUCING GREENHOUSE GASES THROUGH METROPOLITAN TRANSPORTATION PLANNING UNDER SECTION 134 OF TITLE 23.
Section 134(h)(1) of title 23, United States Code, is amended –

(a) by inserting “to the extent that its preservation contributes to the reduction of greenhouse gas emissions” in subparagraph (H) after “existing transportation system” and before “;,”,
(b) by striking “and” at the end of subsection (I),

(c) by striking the period at the end of subsection (J) and inserting “; and”, and

(d) by adding at the end the following:

“(K) reduce the amount of greenhouse gases produced or emitted by the transportation system or by users of the transportation system.”.

SEC. 6. REQUIRING DISCUSSION OF GREENHOUSE GAS MITIGATION ACTIVITIES UNDER SECTION 134 OF TITLE 23.

Section 134(i)(2) of title 23, United States Code, is amended –

(a) by inserting “and greenhouse gas” after “potential environmental” and before “mitigation activities” in subparagraph (D)(i); and

(b) by inserting “greenhouse gas emissions,” after “congestion, pollution,” and before “and energy consumption” in subparagraph (H).

SEC. 7. REQUIRING CONSULTATION WITH AGENCIES RESPONSIBLE FOR GREENHOUSE GAS EMISSIONS REDUCTIONS UNDER SECTION 134 OF TITLE 23.

Section 134(i)(5)(A) of title 23, United States Code, is amended by inserting “the reduction of greenhouse gas emissions,” after “environmental protection, conservation,” and before “and historic preservation”.

SEC. 8. REDUCING GREENHOUSE GASES THROUGH STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING UNDER SECTION 135 OF TITLE 23.

Section 135(d)(1) of title 23, United States Code, is amended –

(a) by inserting “to the extent that its preservation contributes to the reduction of greenhouse gas emissions” in subparagraph (H) after “existing transportation system” and before “;”,

(b) by striking “and” at the end of subsection (I),

(c) by striking the period at the end of subsection (J) and inserting “; and”, and

(d) by adding at the end the following:

“(K) reduce the amount of greenhouse gases produced or emitted by the transportation system or by users of the transportation system.”.

SEC. 9. REQUIRING CONSULTATION WITH AGENCIES RESPONSIBLE FOR GREENHOUSE GAS EMISSIONS REDUCTIONS UNDER SECTION 135 OF TITLE 23.
Section 135(f)(2)(D)(i) of title 23, United States Code, is amended by inserting “the reduction of greenhouse gas emissions,” after “environmental protection, conservation,” and before “and historic preservation”.

**SEC. 10. REQUIRING DISCUSSION OF GREENHOUSE GAS MITIGATION ACTIVITIES UNDER SECTION 135 OF TITLE 23.**

Section 135(f) of title 23, United States Code, is amended –

(a) by inserting “and greenhouse gas” after “potential environmental” and before “mitigation activities” in subparagraph (4)(A); and

(b) by inserting “greenhouse gas emissions,” after “congestion, pollution,” and before “and energy consumption” in subparagraph (8).

**SEC. 11. DESIGNATING GREENHOUSE GAS EMISSIONS REDUCTIONS AS A NATIONAL GOAL.**

Section 150 of title 23, United States Code, is amended –

(a) by inserting after subparagraph (b)(7) the following:

“(8) Reduced greenhouse gas emissions. – To reduce the amount of greenhouse gases produced or emitted by the transportation system or by users of the transportation system.

(b) By inserting “and, with respect to subsection (b)(8), not later than 18 months after the date of the enactment of the Climate Change Prevention and Transportation Planning Act” after “the enactment of the MAP-21,” and before “the Secretary” in subparagraph (c)(1).

**SEC. 12. ADDING GREENHOUSE GAS EMISSIONS MINIMIZATION TO NATIONAL POLICY INTERESTS UNDER SECTION 5303 OF TITLE 49.**

Section 5303(a)(1) of title 49, United States Code, is amended by inserting “, greenhouse gas emissions,” after “transportation-related fuel consumption” and before “and air pollution”.

**SEC. 13. DEFINITIONS IN SECTION 5303(b) OF TITLE 49.**

Section 5303(b) of title 49, United States Code, is amended –

(a) by re-designating paragraphs (1) through (7) as paragraphs (3) through (9), and

(b) by inserting before paragraph (3), as re-designated by subsection (a), the following:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the United States Environmental Protection Agency.
(2) **GREENHOUSE GAS.**—The term ‘greenhouse gas’ means carbon dioxide (CO\(_2\)), methane (CH\(_4\)), nitrous oxide (N\(_2\)O), sulfur hexafluoride (SF\(_6\)), hydrofluorocarbons (HFCs), perfluorocarbon (PFCs), and, as defined by rule of the Administrator, other greenhouse gases.”.

**SEC. 14. REQUIRING CONSULTATION WITH OFFICIALS RESPONSIBLE FOR CLIMATE ACTION PLANNING UNDER SECTION 5303 OF TITLE 49.**

Section 5303(g)(3)(A) of title 49, United States Code, is amended by inserting “greenhouse gas emissions reductions or climate action planning,” after “environmental protection,” and before “airport operations”.

**SEC. 15. REDUCING GREENHOUSE GASES THROUGH METROPOLITAN TRANSPORTATION PLANNING UNDER SECTION 5303 OF TITLE 49.**

Section 5303(h)(1) of title 49, United States Code, is amended –

(a) by inserting “to the extent that its preservation contributes to the reduction of greenhouse gas emissions” in subparagraph (H) after “existing transportation system” and before “;”;

(b) by striking “and” at the end of subparagraph (H);

(c) by striking the period at the end of subparagraph (I) and inserting “; and”; and

(d) by adding at the end the following:

“(J) reduce the amount of greenhouse gases produced or emitted by the transportation system or by users of the transportation system.”.

**SEC. 16. REQUIRING DISCUSSION OF GREENHOUSE GAS MITIGATION ACTIVITIES UNDER SECTION 5303 OF TITLE 49.**

Section 5303(i)(2) of title 49, United States Code, is amended –

(a) by inserting “and greenhouse gas” after “potential environmental” and before “mitigation activities” in subparagraph (D)(i); and

(b) by inserting “greenhouse gas emissions,” after “congestion, pollution,” and before “and energy consumption” in subparagraph (H).

**SEC. 17. REQUIRING CONSULTATION WITH AGENCIES RESPONSIBLE FOR GREENHOUSE GAS EMISSIONS REDUCTIONS UNDER SECTION 5303 OF TITLE 49.**

Section 5303(i)(5)(A) of title 49, United States Code, is amended by inserting “the reduction of greenhouse gas emissions,” after “environmental protection, conservation,” and before “and historic preservation”.

**SEC. 18. REDUCING GREENHOUSE GASES THROUGH STATEWIDE AND NONMETROPOLITAN**
TRANSPORTATION PLANNING UNDER SECTION 5304 OF TITLE 49.

Section 5304(d)(1) of title 49, United States Code, is amended —
(a) by inserting “to the extent that its preservation contributes to the reduction of greenhouse gas emissions” in subparagraph (H) after “existing transportation system” and before “;”,
(b) by striking “and” at the end of subsection (H),
(c) by striking the period at the end of subsection (I) and inserting “; and”, and
(d) by adding at the end the following:
“(J) reduce the amount of greenhouse gases produced or emitted by the transportation system or by users of the transportation system.”,

SEC. 19. REQUIRING CONSULTATION WITH AGENCIES RESPONSIBLE FOR GREENHOUSE GAS EMISSIONS REDUCTIONS UNDER SECTION 5304 OF TITLE 49.

Section 5304(f)(2)(D)(i) of title 49, United States Code, is amended by inserting “the reduction of greenhouse gas emissions,” after “environmental protection, conservation,” and before “and historic preservation”.

SEC. 20. REQUIRING DISCUSSION OF GREENHOUSE GAS MITIGATION ACTIVITIES UNDER SECTION 5304 OF TITLE 49.

Section 5304(f) of title 49, United States Code, is amended by inserting “and greenhouse gas” after “potential environmental” and before “mitigation activities” in subparagraph (4)(A).

OPTIONAL LANGUAGE/ALTERNATE VERSION

SECTION 1. SHORT TITLE.

This Act may be cited as the “Climate Change Prevention and Transportation Planning Act.”

SEC. 2. ADDING MINIMIZATION OF GREENHOUSE GAS EMISSIONS AND BLACK CARBON PRODUCTION TO NATIONAL POLICY INTERESTS UNDER SECTION 134 OF TITLE 23.

Section 134(a)(1) of title 23, United States Code, is amended by inserting “, greenhouse gas emissions, black carbon production,” after “transportation-related fuel consumption” and before “and air pollution”.

SEC. 3. DEFINITIONS IN SECTION 134(b) OF TITLE 23.

Section 134(b) of title 23, United States Code, is amended —
(a) by re-designating paragraphs (1) through (7) as paragraphs (4) through (10), and
(b) by inserting before paragraph (4), as re-designated by subsection (a), the following:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the United States Environmental Protection Agency.

(2) BLACK CARBON.—The term ‘black carbon’ means the carbonaceous component of airborne particulate matter that is the product of incomplete combustion of carbon-based fuels and that absorbs all wavelengths of solar radiation.

(3) GREENHOUSE GAS.—The term ‘greenhouse gas’ means carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), perfluorocarbon (PFCs), and, as defined by rule of the Administrator, other greenhouse gases.”.

SEC. 4. REQUIRING CONSULTATION WITH OFFICIALS RESPONSIBLE FOR CLIMATE ACTION PLANNING UNDER SECTION 134 OF TITLE 23.

Section 134(g)(3)(A) of title 23, United States Code, is amended by inserting “greenhouse gas emissions reductions or climate action planning,” after “environmental protection,” and before “airport operations”.

SEC. 5. REDUCING GREENHOUSE GASES AND BLACK CARBON THROUGH METROPOLITAN TRANSPORTATION PLANNING UNDER SECTION 134 OF TITLE 23.

Section 134(h) of title 23, United States Code, is amended –

(a) in paragraph (1) –

(1) by inserting “to the extent that its preservation contributes to the reduction of greenhouse gas emissions and black carbon production” in subparagraph (H) after “existing transportation system” and before “;”,

(2) by striking “and” at the end of subsection (I),

(3) by striking the period at the end of subsection (J) and inserting “; and”, and

(4) by adding at the end the following:

“(K) reduce the amount of greenhouse gases and black carbon produced by the transportation system.”,

(b) by re-designating paragraphs (2) and (3) as paragraphs (3) and (4),

(c) by inserting before paragraph (3), as re-designated by subsection (b) hereto, the following:

“(2) PRIORITIZING THE REDUCTION OF GREENHOUSE GASES AND BLACK CARBON.—The transportation planning process described in this section shall prioritize the reduction of the
amount of greenhouse gases and black carbon produced or emitted by the transportation system or by users of the transportation system over other factors listed in paragraph (1).”,

(d) by inserting “; EXCEPTION FOR GREENHOUSE GAS AND BLACK CARBON FACTORS” after “FACTORS” in the heading of paragraph (4), as re-designated by subsection (b), and

(e) by striking “in paragraphs (1) and (2)” in paragraph (4), as re-designated by subsection (b), and inserting “in subparagraphs (A) through (J) of paragraph (1) or in paragraph (3)”.

SEC. 6. REQUIRING DISCUSSION OF GREENHOUSE GAS AND BLACK CARBON MITIGATION ACTIVITIES UNDER SECTION 134 OF TITLE 23.

Section 134(i)(2) of title 23, United States Code, is amended –

(a) by inserting “, greenhouse gas, and black carbon” after “potential environmental” and before “mitigation activities” in subparagraph (D)(i); and

(b) by inserting “greenhouse gas emissions, black carbon production,” after “congestion, pollution,” and before “and energy consumption” in subparagraph (H).

SEC. 7. REQUIRING CONSULTATION WITH AGENCIES RESPONSIBLE FOR REDUCTIONS IN GREENHOUSE GAS EMISSIONS AND BLACK CARBON PRODUCTION UNDER SECTION 134 OF TITLE 23.

Section 134(i)(5)(A) of Title 23, United States Code, is amended by inserting “the reduction of greenhouse gas emissions and black carbon production,” after “environmental protection, conservation,” and before “and historic preservation”.

SEC. 8. REFLECTING CORRECT SECTION NUMBERS IN SECTION 134 OF TITLE 23.

Section 134 of Title 23, United States Code, is amended –

(a) in subsection (i) –

(1) by striking “subsection (h)(2)” at the end of paragraph (2)(B) and inserting “subsection (h)(3)”;

(2) by striking “subsection (h)(2)” at the end of paragraph (2)(C) and inserting “subsection (h)(3)”;

(3) by striking “subsection (h)(2)” at the end of paragraph (4)(B)(iii) and inserting “subsection (h)(3)”; and

(4) by striking “subsection (h)(2)” at the end of paragraph (4)(B)(iv) and inserting “subsection (h)(3)”;

(b) by striking “subsection (h)(2)” at the end of paragraph (1)(A)(iii) and inserting
“subsection (h)(3)”.

SEC. 9. REDUCING GREENHOUSE GASES AND BLACK CARBON THROUGH STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING UNDER SECTION 135 OF TITLE 23.

Section 135(d) of title 23, United States Code, is amended—

(a) in paragraph (1)—

(1) by inserting “to the extent that its preservation contributes to the reduction of greenhouse gas emissions and black carbon production” in subparagraph (H) after “existing transportation system” and before “;”,

(2) by striking “and” at the end of subsection (I),

(3) by striking the period at the end of subsection (J) and inserting “; and”, and

(4) by adding at the end the following:

“(K) reduce the amount of greenhouse gases and black carbon produced or emitted by the transportation system or by users of the transportation system.”,

(b) by re-designating paragraphs (2) and (3) as paragraphs (3) and (4),

(c) by inserting before paragraph (3), as re-designated by subsection (b), the following:

“(2) PRIORITIZING THE REDUCTION OF GREENHOUSE GASES AND BLACK CARBON.—The transportation planning process described in this section shall prioritize the reduction of the amount of greenhouse gases and black carbon produced by the transportation system over other factors listed in paragraph (1).”,

(d) by inserting “; EXCEPTION FOR GREENHOUSE GAS AND BLACK CARBON” after “FACTORS” in the heading of paragraph (4), as re-designated by subsection (b), and

(e) by striking “in paragraphs (1) and (2)” in paragraph (4), as re-designated by subsection (b), and inserting “in subparagraphs (A) through (J) of paragraph (1) or in paragraph (3)”.

SEC. 10. REQUIRING CONSULTATION WITH AGENCIES RESPONSIBLE FOR REDUCING GREENHOUSE GAS EMISSIONS AND BLACK CARBON PRODUCTION UNDER SECTION 135 OF TITLE 23.

Section 135(f)(2)(D)(i) of title 23, United States Code, is amended by inserting “the reduction of greenhouse gas emissions and black carbon production,” after “environmental protection, conservation,” and before “and historic preservation”.

SEC. 11. REQUIRING DISCUSSION OF GREENHOUSE GAS AND BLACK CARBON MITIGATION ACTIVITIES UNDER SECTION 135 OF TITLE 23.
Section 135(f) of title 23, United States Code, is amended –

(a) by inserting “and greenhouse gas and black carbon” after “potential environmental” and before “mitigation activities” in subparagraph (4)(A); and

(b) by inserting “greenhouse gas emissions, black carbon production,” after “congestion, pollution,” and before “and energy consumption” in paragraph (8).

SEC. 12. REFLECTING CORRECT SECTION NUMBERS IN SECTION 135 OF TITLE 23.

Section 135 of Title 23, United States Code, is amended –

(a) by striking “subsection (d)(2)” at the end of subparagraph (f)(7)(A) and inserting “subsection (d)(3)”;

(b) by striking “subsection (d)(2)” in subparagraph (f)(7)(B) and inserting “subsection (d)(3)”;

(c) by striking “subsection (d)(2)” in subparagraph (h)(1)(A) and inserting “subsection (d)(3)”.


Section 150 of title 23, United States Code, is amended –

(a) by inserting after subparagraph (b)(7) the following:

“(8) Reduced greenhouse gas emissions. – To reduce the amount of greenhouse gases and black carbon produced or emitted by the transportation system or by users of the transportation system.

(b) By inserting “and, with respect to subsection (b)(8), not later than 18 months after the date of the enactment of the Climate Change Prevention and Transportation Planning Act” after “the enactment of the MAP-21,” and before “the Secretary” in subparagraph (c)(1).

SEC. 14. ADDING MINIMIZATION OF GREENHOUSE GAS EMISSIONS AND BLACK CARBON PRODUCTION TO NATIONAL POLICY INTERESTS UNDER SECTION 5303 OF TITLE 49.

Section 5303(a)(1) of title 49, United States Code, is amended by inserting “, greenhouse gas emissions, black carbon production,” after “transportation-related fuel consumption” and before “and air pollution”.

SEC. 15. DEFINITIONS IN SECTION 5303(b) OF TITLE 49.

Section 5303(b) of title 49, United States Code, is amended –
(a) by re-designating paragraphs (1) through (7) as paragraphs (4) through (10), and

(b) by inserting before paragraph (4), as re-designated by subsection (a), the following:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the United States Environmental Protection Agency.

(2) BLACK CARBON.—The term ‘black carbon’ means the carbonaceous component of airborne particulate matter that is the product of incomplete combustion of carbon-based fuels and that absorbs all wavelengths of solar radiation.

(3) GREENHOUSE GAS.—The term ‘greenhouse gas’ means carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), perfluorocarbon (PFCs), and, as defined by rule of the Administrator, other greenhouse gases.”.

SEC. 16. REQUIRING CONSULTATION WITH OFFICIALS RESPONSIBLE FOR CLIMATE ACTION PLANNING UNDER SECTION 5303 OF TITLE 49.

Section 5303(g)(3)(A) of title 23, United States Code, is amended by inserting “greenhouse gas emissions reductions or climate action planning,” after “environmental protection,” and before “airport operations”.

SEC. 17. REDUCING GREENHOUSE GASES AND BLACK CARBON THROUGH METROPOLITAN TRANSPORTATION PLANNING UNDER SECTION 5303 OF TITLE 49.

Section 5303(h) of title 23, United States Code, is amended –

(a) in paragraph (1) –

(1) by inserting “to the extent that its preservation contributes to the reduction of greenhouse gas emissions and black carbon production” in subparagraph (H) after “existing transportation system” and before “:”,

(2) by striking “and” at the end of subsection (H),

(3) by striking the period at the end of subsection (l) and inserting “; and”, and

(4) by adding at the end the following:

“(J) reduce the amount of greenhouse gases and black carbon produced or emitted by the transportation system or by users of the transportation system.”,

(b) by re-designating paragraphs (2) and (3) as paragraphs (3) and (4),

(c) by inserting before paragraph (3), as re-designated by subsection (b), the following:
“(2) PRIORITIZING THE REDUCTION OF GREENHOUSE GASES AND BLACK CARBON.—The transportation planning process described in this section shall prioritize the reduction of the amount of greenhouse gases and black carbon produced or emitted by the transportation system or by users of the transportation system over other factors listed in paragraph (1).”,

(d) by inserting “; EXCEPTION FOR GREENHOUSE GAS AND BLACK CARBON FACTORS” after “FACTORS” in the heading of paragraph (4), as re-designated by subsection (b), and

(e) by striking “in paragraphs (1) and (2)” in paragraph (4), as re-designated by subsection (b), and inserting “in subparagraphs (A) through (I) of paragraph (1) or in paragraph (3)”.

SEC. 18. REQUIRING DISCUSSION OF GREENHOUSE GAS AND BLACK CARBON MITIGATION ACTIVITIES UNDER SECTION 5303 OF TITLE 49.

Section 5303(i)(2) of title 49, United States Code, is amended –

(a) by inserting “, greenhouse gas, and black carbon” after “potential environmental” and before “mitigation activities” in subparagraph (D)(i); and

(b) by inserting “greenhouse gas emissions, black carbon production,” after “congestion, pollution,” and before “and energy consumption” in subparagraph (H).

SEC. 19. REQUIRING CONSULTATION WITH AGENCIES RESPONSIBLE FOR GREENHOUSE GAS EMISSIONS REDUCTIONS UNDER SECTION 5303 OF TITLE 49.

Section 5303(i)(5)(A) of title 49, United States Code, is amended by inserting “the reduction of greenhouse gas emissions and black carbon production,” after “environmental protection, conservation,” and before “and historic preservation”.

SEC. 20. REFLECTING CORRECT SECTION NUMBERS IN SECTION 5303 OF TITLE 49.

Section 5303 of title 49, United States Code, is amended –

(a) in subsection (i) –

(1) by striking “subsection (h)(2)” at the end of paragraph (2)(B) and inserting “subsection (h)(3)”; and

(2) by striking “subsection (h)(2)” at the end of paragraph (2)(C) and inserting “subsection (h)(3)”; and

(3) by striking “subsection (h)(2)” at the end of paragraph (4)(B)(iii) and inserting “subsection (h)(3)”; and

(4) by striking “subsection (h)(2)” at the end of paragraph (4)(B)(iv) and inserting “subsection (h)(3)”; and
(b) by striking “subsection (h)(2)” at the end of subsection (j)(1)(A)(iii) and inserting “subsection (h)(3)”.

SEC. 21. REDUCING GREENHOUSE GASES AND BLACK CARBON THROUGH STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING UNDER SECTION 5304 OF TITLE 49.

Section 5304(d) of title 49, United States Code, is amended –

(a) in paragraph (1) –

(1) by inserting “to the extent that its preservation contributes to the reduction of greenhouse gas emissions and black carbon production” in subparagraph (H) after “existing transportation system” and before “;”,

(2) by striking “and” at the end of subsection (H),

(3) by striking the period at the end of subsection (I) and inserting “; and”, and

(4) by adding at the end the following:

“(J) reduce the amount of greenhouse gases and black carbon produced by the transportation system or by users of the transportation systems.”,

(b) by re-designating paragraphs (2) and (3) as paragraphs (3) and (4),

(c) by inserting before paragraph (3), as re-designated by subsection (b), the following:

“(2) PRIORITIZING THE REDUCTION OF GREENHOUSE GASES AND BLACK CARBON.—The transportation planning process described in this section shall prioritize the reduction of the amount of greenhouse gases and black carbon produced or emitted by the transportation system or by users of the transportation system over other factors listed in paragraph (1).”,

(d) by inserting “; EXCEPTION FOR GREENHOUSE GAS AND BLACK CARBON FACTORS” after “FACTORS” in the heading of paragraph (4), as re-designated by subsection (b), and

(e) by striking “in paragraphs (1) and (2)” in paragraph (4), as re-designated by subsection (b), and inserting “in subparagraphs (A) through (I) of paragraph (1) or in paragraph (3)”.

SEC. 22. REQUIRING CONSULTATION WITH AGENCIES RESPONSIBLE FOR REDUCING GREENHOUSE GAS EMISSIONS AND BLACK CARBON PRODUCTION UNDER SECTION 5304 OF TITLE 49.

Section 5304(f)(2)(D)(i) of Title 23, United States Code, is amended by inserting “the reduction of greenhouse gas emissions and black carbon production,” after “environmental protection, conservation,” and before “and historic preservation”.

SEC. 23. REQUIRING DISCUSSION OF GREENHOUSE GAS AND BLACK CARBON MITIGATION ACTIVITIES UNDER SECTION 5304 OF TITLE 49.
Section 5304(f) of title 23, United States Code, is amended –

(a) by inserting “and greenhouse gas and black carbon” after “potential environmental” and before “mitigation activities” in subparagraph (4)(A); and

(b) by inserting “greenhouse gas emissions, black carbon production,” after “congestion, pollution,” and before “and energy consumption” in paragraph (8)

SEC. 24. REFLECTING CORRECT SECTION NUMBERS IN SECTION 5304 OF TITLE 49.

Section 5304(f) of Title 49, United States Code, is amended –

(a) by striking “subsection (d)(2)” at the end of subparagraph (f)(7)(A) and inserting “subsection (d)(3)”;

(b) by striking “subsection (d)(2)” in subparagraph (f)(7)(B) and inserting “subsection (d)(3)”;

(c) by striking “subsection (d)(2)” in subparagraph (h)(1)(A) and inserting “subsection (d)(3)”