

Date:

(Filing No. S- )

**TRANSPORTATION**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**132ND LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 469, L.D. 1138, “An Act to Reduce Pollution Associated with Transportation in Alignment with the State's Climate Action Plan”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 23 MRSA §710** is enacted to read:

**§710. Greenhouse gas emissions assessment and mitigation for capacity expansion projects**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Authority" has the same meaning as in section 1964, subsection 2.

B. "Capacity expansion project" or "project" means a transportation project under the jurisdiction of the department or the authority that expands roadway capacity, including, but not limited to, the construction of a new roadway, a roadway widening project or a project that establishes grade separation at an intersection, excluding auxiliary lanes with a length of less than 2,500 feet.

C. "Department" means the Department of Transportation.

D. "Greenhouse gas" has the same meaning as in Title 38, section 574, subsection 1.

E. "Induced demand" means an increase in demand for vehicle travel demonstrated by an increase in vehicle miles traveled due to an increase in roadway supply, including, but not limited to, new or expanded roads, additional vehicle capacity or additional lane miles.

**2. Impact assessment.** Beginning July 1, 2026, prior to inclusion of a capacity expansion project in a transportation improvement program, work plan or long-range transportation plan of the department or the authority, the department or the authority, as

1 applicable, shall complete an impact assessment of the project in accordance with this  
2 subsection.

3 A. The department and the authority shall each establish a process for completing  
4 impact assessments required by this subsection, which must be designed to allow a  
5 determination as to whether the capacity expansion project is consistent with the  
6 transportation-related targets in the climate action plan under Title 38, section 577 and  
7 results in a neutral impact or net reduction impact or net reduction in annual greenhouse  
8 gas emissions and per capita vehicle miles traveled. The impact assessment must, at a  
9 minimum, include projections for:

10 (1) Greenhouse gas emissions associated with the capacity expansion project over  
11 a 20-year period;

12 (2) Net change in vehicle miles traveled for the affected transportation network as  
13 a result of the capacity expansion project, informed by travel demand modeling,  
14 induced demand modeling and, consistent with the United States Environmental  
15 Protection Agency's motor vehicle emission simulator, air quality monitoring; and

16 (3) The direct impacts and induced demand impacts of the capacity expansion  
17 project on vehicle miles traveled for the affected transportation network as a result  
18 of the project.

19 In establishing an impact assessment process under this paragraph, the department and  
20 the authority shall each solicit input from stakeholders. Every 2 years following the  
21 initial establishment of an impact assessment process, the department and the authority  
22 shall each review its established process and, following solicitation of stakeholder  
23 input, implement necessary changes.

24 B. Following completion of an impact assessment for a capacity expansion project in  
25 accordance with the process established pursuant to paragraph A, the department or the  
26 authority, as applicable, shall:

27 (1) Proceed with the project as proposed if, through the impact assessment, the  
28 department or the authority determines that the project does not increase annual  
29 greenhouse gas emissions or per capita vehicle miles traveled; or

30 (2) If, through the impact assessment, the department or authority determines that  
31 the project increases annual greenhouse gas emissions or per capita vehicle miles  
32 traveled:

33 (a) Alter the scope or design of the project to ensure a neutral impact or net  
34 decrease in annual greenhouse gas emissions and per capita vehicle miles  
35 traveled and complete a new impact assessment for the modified project;

36 (b) Incorporate sufficient mitigation measures into the project in accordance  
37 with subsection 3; or

38 (c) Halt project development and ensure that the project is not included in a  
39 transportation improvement program, work plan or long-range transportation  
40 plan of the department or the authority, as applicable.

41 **3. Mitigation measures.** If the department or the authority completes an impact  
42 assessment for a capacity expansion project in accordance with subsection 2 and, through  
43 that assessment, determines that the project increases annual greenhouse gas emissions or

1 per capita vehicle miles traveled as identified in subsection 2, paragraph A, the department  
2 or the authority may proceed with the project through incorporation of sufficient mitigation  
3 measures in accordance with this subsection.

4 A. For the purposes of this section, "mitigation measure" or "measure" means a project,  
5 program or operations modification that involves one or more of the following  
6 measures:

7 (1) Transit expansion, including, but not limited to, expansion of regular route bus  
8 transit, arterial or highway bus rapid transit, rail transit or intercity passenger rail  
9 transit;

10 (2) Transit service improvements, including, but not limited to, increased service  
11 level, transit fare reduction or transit priority treatment;

12 (3) Expansion of active transportation infrastructure;

13 (4) Expansion of micromobility infrastructure and service, including, but not  
14 limited to, shared vehicle services;

15 (5) Expansion of transportation demand management measures, including, but not  
16 limited to, vanpool or shared vehicle programs;

17 (6) Parking management measures, including, but not limited to, parking cost  
18 adjustments or reduction or elimination of parking requirements;

19 (7) Land use measures, including, but not limited to, increases in residential  
20 housing or other housing density, mixed use development or transit-oriented  
21 development;

22 (8) Infrastructure improvements relating to traffic operations, including, but not  
23 limited to, roundabouts or reduced-conflict intersections; and

24 (9) Congestion pricing or tolling measures.

25 B. A mitigation measure implemented with respect to a capacity expansion project by  
26 the department or the authority, as applicable, is sufficient for the purposes of this  
27 subsection if:

28 (1) The measure is specifically incorporated into the capacity expansion project  
29 and the funding sources necessary for the implementation of the measure are  
30 specifically identified in and committed to the project;

31 (2) The total greenhouse gas emissions associated with the project and net change  
32 in vehicle miles traveled for the affected transportation network as a result of the  
33 project, after accounting for emissions and vehicle miles traveled reductions  
34 achieved through the incorporated mitigation measures, as determined by the  
35 department or the authority, as applicable, result in a neutral impact or a net  
36 reduction in total greenhouse gas emissions and per capita vehicle miles traveled;

37 (3) The incorporated measure is localized in accordance with paragraph C; and

38 (4) The project includes provisions to ensure that the measures are implemented  
39 in substantially the same form as incorporated or in a revised form that still allows  
40 the project to satisfy the requirements of subparagraph (2).

1        C. A mitigation measure to be incorporated into a capacity expansion project is  
2        considered localized if implemented based on the following order of priority:

3                (1) The measure must be implemented within or associated with at least one  
4                community affected by the project;

5                (2) If there is no location that satisfies subparagraph (1), the measure must be  
6                implemented within or associated with an underserved community in the State, as  
7                determined by the department or the authority, as applicable, based on available  
8                federal or state data;

9                (3) If there is no location that satisfies subparagraph (1) or (2), the measure must  
10               be implemented within or associated with the metropolitan planning organization  
11               region in which the project is located; and

12               (4) If there is no location that satisfies subparagraph (1), (2) or (3), the measure  
13               may be implemented at any location in the State or on a statewide basis, as  
14               determined by the department or the authority, as applicable. If the department or  
15               the authority localizes a mitigation measure pursuant to this subparagraph, it shall  
16               publish on its publicly accessible website an explanation regarding the feasibility  
17               of and rationale for not incorporating a different mitigation measure described in  
18               paragraph A.

19        **4. Publication of information.** The department and the authority shall publish on  
20        their respective publicly accessible websites all information regarding impact assessments  
21        and mitigation measures conducted by each entity pursuant to this section, including, but  
22        not limited to, information regarding the capacity expansion projects subject to the  
23        requirements of this section, the impact assessments under subsection 2 conducted for those  
24        projects, the mitigation measures under subsection 3 implemented for those projects and  
25        the final disposition of those projects.

26        **5. Applicability.** The requirements of this section do not apply to a capacity expansion  
27        project:

28               A. That, prior to July 1, 2026, was included in a transportation improvement program  
29               or work plan of the department or the authority; or

30               B. For which the geometric layout was submitted to the department or the authority  
31               for approval prior to July 1, 2026.

32        The requirements of this section are in addition to and do not affect the application of any  
33        safety requirements or goals established by the department and the authority that must be  
34        satisfied by the capacity expansion project pursuant to law or rule.

35        **6. Report.** The department and the authority shall jointly report on their deliberations  
36        and any recommendations, including proposed legislation, by January 15, 2027, and  
37        biennially thereafter, to the Governor and to the joint standing committees of the  
38        Legislature having jurisdiction over transportation matters and over environment and  
39        natural resources matters. The report must include, but is not limited to:

40               A. An assessment of the current levels of transportation-related greenhouse gas  
41               emissions and statewide vehicle miles traveled, research and recommendations  
42               regarding strategies to reduce those emissions and vehicle miles traveled consistent  
43               with the climate action plan under Title 38, section 577;

B. All impact assessment and mitigation measures implemented since the last report and an outline of the travel demand modeling and induced demand modeling used for the purpose of projecting net change in vehicle miles traveled; and

C. A calibration and validation report for the model used, documentation of model components and key parameters and description of how the models account for induced travel demand associated with transportation system changes.

At least 2 public meetings must be held on the report and the opportunity for public comment must be made available. The report must be made available on the department's publicly accessible website. After reviewing the report, each committee may report out legislation relating to the report.

**Sec. 2. 38 MRSA §576-A, sub-§4**, as enacted by PL 2019, c. 476, §7, is amended by amending the 2nd blocked paragraph to read:

The Department of Transportation, after consultation with the department, ~~may~~ shall adopt rules as necessary to ensure compliance with the levels established by subsections 1 to 3.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF**

**Highway and Bridge Capital 0406**

Initiative: Provides funding for 2 Public Service Coordinator II positions and related costs to develop rules to ensure compliance with statutory requirements and to assist with completing the impact statements.

<b>HIGHWAY FUND</b>	<b>2025-26</b>	<b>2026-27</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$339,476	\$342,372
All Other	\$20,000	\$20,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$359,476</b>	<b>\$362,372</b>

**Highway and Bridge Capital 0406**

Initiative: Provides funding for consultants to develop and implement the plan for achieving reductions to emissions and to assist with completing the impact assessments.

<b>HIGHWAY FUND</b>	<b>2025-26</b>	<b>2026-27</b>
All Other	\$750,000	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$750,000</b>	<b>\$0</b>

**TRANSPORTATION, DEPARTMENT OF  
DEPARTMENT TOTALS**

	<b>2025-26</b>	<b>2026-27</b>
<b>HIGHWAY FUND</b>	<b>\$1,109,476</b>	<b>\$362,372</b>

**DEPARTMENT TOTAL - ALL FUNDS** **\$1,109,476** **\$362,372**

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

### SUMMARY

This amendment, which is the majority report of the committee, replaces the bill and does the following:

1. It changes the definition of "capacity expansion project" to mean a transportation project under the jurisdiction of the Department of Transportation or the Maine Turnpike Authority that expands roadway capacity, including, but not limited to, the construction of a new roadway, a roadway widening project or a project that establishes grade separation at an intersection, excluding auxiliary lanes with a length of less than 2,500 feet;

2. It removes references to the transportation greenhouse gas emissions reductions plan under the Maine Revised Statutes, Title 23, section 4209-C and in Title 38, section 576-A, subsection 4-A throughout the bill in the impact assessment requirement;

3. It adds that the impact assessment must determine whether a capacity project results in a neutral impact or net reduction in annual greenhouse gas emissions and per capita vehicle miles traveled;

4. It removes some requirements in accordance with the climate action plan and target requirements to be used in determining if a project may proceed and specifies that the project may proceed if the Department of Transportation or the Maine Turnpike Authority determines that the project does not increase annual greenhouse gas emissions or per capita vehicle miles traveled;

5. It specifies that, if the Department of Transportation and the Maine Turnpike Authority determine that a project increases annual greenhouse gas emissions or per capita vehicle miles traveled, the Department of Transportation or the Maine Turnpike Authority is required to alter the scope or design of the project to ensure a neutral impact or net decrease in annual greenhouse gas emissions and per capita vehicle miles traveled;

6. It specifies that the determination of the Department of Transportation or the Maine Turnpike Authority on whether to complete a new capacity project is based on whether the project increases annual greenhouse gas emissions or per capita vehicle miles traveled, rather than whether the project is consistent with the climate action plan's targets and limits;

7. It specifies that a sufficient mitigation measure is one in which the total greenhouse gas emissions associated with the project result in a neutral impact or net reduction;

8. It removes the Transportation Climate Technical Committee and instead requires the Department of Transportation and the Maine Turnpike Authority, by January 15, 2027 and biennially thereafter, to report to the joint standing committee of the Legislature having jurisdiction over transportation matters and the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters. The amendment also requires at least 2 public meetings to be held on the report;

9. It removes the section that requires the Department of Transportation to develop and, by July 1, 2026, publish a plan that, at a minimum, sets forth strategies for reduction

1 of greenhouse gas emissions from the transportation sector necessary to achieve the  
2 greenhouse gas emissions reductions and limits under Title 38, section 576-A and strategies  
3 for reduction of statewide per capita vehicle miles traveled in accordance with the targets  
4 identified in the climate action plan; and

5 10. It removes the section that requires the Department of Environmental Protection,  
6 by December 31, 2025, to adopt rules establishing limits on greenhouse gas emissions from  
7 the transportation sector.

8 **FISCAL NOTE REQUIRED**

9 **(See attached)**