

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1138

S.P. 469

In Senate, March 18, 2025

**An Act to Reduce Pollution Associated with Transportation in
Alignment with the State's Climate Action Plan**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRENNER of Cumberland.
Cosponsored by Representative CRAFTS of Newcastle and
Senators: President DAUGHTRY of Cumberland, TEPLER of Sagadahoc, Representatives:
ANKELES of Brunswick, DODGE of Belfast, DOUDERA of Camden, MURPHY of
Scarborough, SACHS of Freeport, STOVER of Boothbay.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §12004-I, sub-§84-B** is enacted to read:

3 **84-B.**

4 Transportation: Transportation Climate Not Authorized 23 MRSA §4209-B
5 Emissions Technical Committee

6 **Sec. 2. 23 MRSA §710** is enacted to read:

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

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

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

12 B. "Capacity expansion project" or "project" means a transportation project under the
13 jurisdiction of the department or the authority that results in modifications or other
14 changes to a transportation facility, including a roadway, transit service or parking
15 facility, and that is designed to improve vehicle travel time or increase maximum
16 throughput.

17 C. "Department" means the Department of Transportation.

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

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

23 **2. Impact assessment.** Beginning July 1, 2026, prior to inclusion of a capacity
24 expansion project in a transportation improvement program, work plan or long-range
25 transportation plan of the department or the authority, the department or the authority, as
26 applicable, shall complete an impact assessment of the project in accordance with this
27 subsection.

28 A. The department and the authority shall each establish a process for completing
29 impact assessments required by this subsection, which must be designed to allow a
30 determination as to whether the capacity expansion project is consistent with the
31 transportation greenhouse gas emissions reductions plan under section 4209-C, the
32 transportation-related targets in the climate action plan under Title 38, section 577 and
33 the transportation sector greenhouse gas emissions limits under Title 38, section 576-A,
34 subsection 4-A. The impact assessment must, at a minimum, include projections for:

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

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

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

4 In establishing an impact assessment process under this paragraph, the department and
5 the authority shall each solicit input from stakeholders. Every 2 years following the
6 initial establishment of an impact assessment process, the department and the authority
7 shall each review its established process and, following solicitation of stakeholder
8 input, implement necessary changes.

9 By January 1, 2027, and annually thereafter, the department and the authority shall
10 publish on their respective publicly accessible websites a report outlining the travel
11 demand modeling and induced demand modeling used for the purposes of projecting
12 net change in vehicle miles traveled. The report must include a calibration and
13 validation report for the models used, documentation of the model components and key
14 parameters and a description of how the models used account for induced travel
15 demand associated with transportation system changes.

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

19 (1) Proceed with the project as proposed if, through the impact assessment, the
20 department or the authority determines that the project is consistent with the plan,
21 targets and limits identified in paragraph A; or

22 (2) If, through the impact assessment, the department or authority determines that
23 the project is not consistent with the plan, targets and limits identified in paragraph
24 A:

25 (a) Alter the scope or design of the project to ensure greater consistency with
26 the plan, target or limits and complete a new impact assessment for the
27 modified project;

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

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

33 **3. Mitigation measures.** If the department or the authority completes an impact
34 assessment for a capacity expansion project in accordance with subsection 2 and, through
35 that assessment, determines that the project is not consistent with the plan, targets and limits
36 identified in subsection 2, paragraph A, the department or the authority may proceed with
37 the project through incorporation of sufficient mitigation measures in accordance with this
38 subsection.

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

- 1 (1) Transit expansion, including, but not limited to, expansion of regular route bus
2 transit, arterial or highway bus rapid transit, rail transit or intercity passenger rail
3 transit;
- 4 (2) Transit service improvements, including, but not limited to, increased service
5 level, transit fare reduction or transit priority treatment;
- 6 (3) Expansion of active transportation infrastructure;
- 7 (4) Expansion of micromobility infrastructure and service, including, but not
8 limited to, shared vehicle services;
- 9 (5) Expansion of transportation demand management measures, including, but not
10 limited to, vanpool or shared vehicle programs;
- 11 (6) Parking management measures, including, but not limited to, parking cost
12 adjustments or reduction or elimination of parking requirements;
- 13 (7) Land use measures, including, but not limited to, increases in residential
14 housing or other housing density, mixed use development or transit-oriented
15 development;
- 16 (8) Infrastructure improvements relating to traffic operations, including, but not
17 limited to, roundabouts or reduced-conflict intersections; and
- 18 (9) Congestion pricing or tolling measures.

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

- 22 (1) The measure is specifically incorporated into the capacity expansion project
23 and the funding sources necessary for the implementation of the measure are
24 specifically identified in and committed to the project;
- 25 (2) The total greenhouse gas emissions associated with the project and net change
26 in vehicle miles traveled for the affected transportation network as a result of the
27 project, after accounting for emissions and vehicle miles traveled reductions
28 achieved through the incorporated mitigation measures, as determined by the
29 department or the authority, as applicable, is consistent with the transportation
30 greenhouse gas emissions reductions plan under section 4209-C, the
31 transportation-related targets in the climate action plan under Title 38, section 577
32 and the transportation sector greenhouse gas emissions limits under Title 38,
33 section 576-A, subsection 4-A;
- 34 (3) The incorporated measure is localized in accordance with paragraph C; and
- 35 (4) The project includes provisions to ensure that the measures are implemented
36 in substantially the same form as incorporated or in a revised form that still allows
37 the project to satisfy the requirements of subparagraph (2).

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

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

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

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

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

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

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

23 A. That, prior to July 1, 2026, was included in a transportation improvement program,
24 work plan or long-range transportation plan of the department or the authority; or

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

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

30 **Sec. 3. 23 MRSA §4209-B** is enacted to read:

31 **§4209-B. Transportation Climate Technical Committee**

32 **1. Committee established.** The Transportation Climate Technical Committee,
33 referred to in this section as "the committee," is established in accordance with Title 5,
34 section 12004-I, subsection 84-B to assist in the development and review of the
35 transportation greenhouse gas emissions reductions plan under section 4209-C, to assist the
36 department and the Maine Turnpike Authority in the implementation of the requirements
37 and processes for evaluating the greenhouse gas emissions and vehicle miles traveled
38 impacts associated with capacity expansion projects under section 710 and to otherwise
39 advise the department, the authority and the Legislature regarding achievement of the
40 transportation sector targets identified in the transportation greenhouse gas emissions
41 reductions plan under section 4209-C, the climate action plan under Title 38, section 577
42 and the greenhouse gas emissions reductions levels and limits under Title 38, section
43 576-A.

1 **2. Membership.** The committee must include, but is not limited to, the following
2 members:

3 A. The commissioner or the commissioner's designee;

4 B. The executive director of the Maine Turnpike Authority or the executive director's
5 designee; and

6 C. The following individuals appointed by the commissioner:

7 (1) One representative from a federally designated planning organization for the
8 Bangor region;

9 (2) One representative from a federally designated planning organization for the
10 Lewiston-Auburn region;

11 (3) One representative from a federally designated planning organization for the
12 Kittery region;

13 (4) One representative from a federally designated planning organization for the
14 Portland region;

15 (5) One representative of a regional transportation system based in Aroostook
16 County;

17 (6) One member who is a transit planner;

18 (7) One member with expertise in greenhouse gas emissions modeling and induced
19 demand modeling;

20 (8) One member who is an active transportation planner; and

21 (9) One member who is a transportation engineer.

22 **3. Terms; vacancies.** A member of the committee appointed pursuant to subsection
23 2, paragraph C serves for a term of 3 years. Terms must be staggered so that approximately
24 1/3 of the committee is renewed each calendar year. If a member is unable to complete the
25 term, the commissioner shall appoint a member from the same category of members listed
26 in subsection 2, paragraph C as the member who vacated the committee to serve out the
27 unexpired portion of the term.

28 **4. Meetings and deliberations.** The committee shall meet no less than 6 times per
29 year. The committee may form subcommittees and adopt bylaws and other policies to
30 effectively govern the committee's proceedings. The committee shall provide opportunities
31 for public participation and stakeholder feedback.

32 **5. Report.** The committee shall report on its deliberations and any recommendations,
33 including proposed legislation, by January 15, 2027, and biennially thereafter, to the
34 Governor and to the joint standing committees of the Legislature having jurisdiction over
35 transportation matters and over environment and natural resources matters. The report
36 must include, but is not limited to, an assessment of the current levels of transportation-
37 related greenhouse gas emissions and statewide vehicle miles traveled and
38 recommendations for strategies to reduce those emissions and miles consistent with the
39 targets identified in the transportation greenhouse gas emissions reductions plan under
40 section 4209-C, the climate action plan under Title 38, section 577 and the greenhouse gas
41 emissions reductions levels and limits under Title 38, section 576-A. After reviewing the
42 report, each committee may report out legislation relating to the report.

1 **Sec. 4. 23 MRSA §4209-C** is enacted to read:

2 **§4209-C. Transportation greenhouse gas emissions reductions plan**

3 In cooperation with the Maine Turnpike Authority, the Transportation Climate
4 Technical Committee under section 4209-B and metropolitan planning organizations in the
5 State, and in accordance with applicable federal transportation requirements and standards,
6 the department shall develop and, by July 1, 2026, publish a plan that, at a minimum, sets
7 forth strategies for reductions of greenhouse gas emissions from the transportation sector
8 necessary to achieve the greenhouse gas emissions reductions levels and limits under Title
9 38, section 576-A, and strategies for reduction of statewide vehicle miles traveled in
10 accordance with the targets identified in the climate action plan under Title 38, section 577.
11 As applicable, the plan must be incorporated into the long-term planning processes of the
12 department and the Maine Turnpike Authority. The department shall periodically review
13 and, as necessary, publish updates to the plan under this section.

14 **Sec. 5. 38 MRSA §576-A, sub-§4**, as enacted by PL 2019, c. 476, §7, is amended
15 by amending the 2nd blocked paragraph to read:

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

18 **Sec. 6. 38 MRSA §576-A, sub-§4-A** is enacted to read:

19 **4-A. Transportation sector greenhouse gas emissions limits.** In accordance with
20 this subsection, by December 31, 2025, the department shall adopt rules establishing limits
21 on greenhouse gas emissions from the transportation sector.

22 A. Rules adopted by the department under this subsection must include greenhouse
23 gas emissions limits specific to different source categories within the transportation
24 sector that are designed to be achieved through biennial targets imposed over a 10-year
25 period and to ensure compliance with the levels established by subsections 1 to 3 and
26 with the transportation-specific greenhouse gas emissions reductions projections
27 established in the climate action plan under section 577, subsection 5-A.

28 B. At least every 4 years following the initial adoption of the transportation sector
29 greenhouse gas emissions limits rules under this subsection, the department shall
30 review those limits and determine whether additional changes are necessary to those
31 limits based on new greenhouse gas emissions reductions data, updates to the climate
32 action plan under section 577 or other information available to the department. If, as
33 a result of that review, the department determines that additional changes to the
34 transportation sector greenhouse gas emissions limits rules are necessary, the
35 department shall initiate rulemaking pursuant to this subsection to amend those rules.

36 C. After consultation with the department, the Department of Transportation shall
37 adopt rules necessary to ensure compliance with the transportation sector greenhouse
38 gas emissions limits established by the department pursuant to this subsection,
39 including, but not limited to, the adoption of rules establishing vehicle miles traveled
40 reduction levels.

41 Rules adopted by the department or the Department of Transportation pursuant to this
42 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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SUMMARY

This bill implements the following provisions designed to limit greenhouse gas emissions from the transportation sector.

1. It amends the law regulating state monitoring of, reporting on and compliance with the requirements for gross and net annual greenhouse gas emissions reductions levels to require the Department of Transportation to adopt rules necessary to ensure compliance with those reductions levels. Under current law, the Department of Transportation is authorized but not required to adopt such rules.

2. It requires the Department of Environmental Protection, by December 31, 2025, to adopt rules establishing greenhouse gas emissions limits specific to different source categories within the transportation sector that are designed to be achieved through biennial targets imposed over a 10-year period and to ensure compliance with established gross and net annual greenhouse gas emissions levels and with the transportation-specific greenhouse gas emissions reductions projections established in the climate action plan under the Maine Revised Statutes, Title 38, section 577, subsection 5-A. The Department of Transportation is required to adopt rules necessary to ensure compliance with those greenhouse gas emissions limits established by the Department of Environmental Protection by rule.

3. It requires the Department of Transportation to develop and, by July 1, 2026, publish a plan that, at a minimum, sets forth strategies for reduction of greenhouse gas emissions from the transportation sector necessary to achieve the greenhouse gas emissions reductions and limits under Title 38, section 576-A and strategies for reduction of statewide vehicle miles traveled in accordance with the targets identified in the climate action plan.

4. It provides that, beginning July 1, 2026, prior to inclusion of a capacity expansion project in a Department of Transportation or Maine Turnpike Authority transportation improvement program, work plan or long-range transportation plan, the department or the authority, as applicable, must complete an impact assessment of the project. The bill defines "capacity expansion project" as a transportation project that results in modifications or other changes to a transportation facility and that is designed to improve vehicle travel time or increase maximum throughput.

The impact assessment process is to be used by the department or the authority to determine whether a capacity expansion project is consistent with the transportation greenhouse gas emissions reductions plan under Title 23, section 4209-C, the transportation-related targets in the climate action plan and the transportation sector greenhouse gas emissions limits. The impact assessment must, at a minimum, include projections for greenhouse gas emissions associated with the capacity expansion project over a 20-year period, net change in vehicle miles traveled for the affected transportation network as a result of the capacity expansion project and the direct impacts and induced demand impacts of the capacity expansion project on vehicle miles traveled for the affected transportation network as a result of the project.

If, through the impact assessment, the department or the authority determines that the project is not consistent with the plan, targets and limits, the department or the authority must alter the scope or design of the project to ensure greater consistency with the plan, target or limits, incorporate sufficient mitigation measures into the project or halt project development. The bill describes the types of mitigation measures that may be incorporated

1 into a capacity expansion project and sets forth the criteria for determining whether such
2 mitigation measures will be considered sufficient to allow the project to proceed.

3 5. It establishes the Transportation Climate Technical Committee to assist in the
4 development and review of the transportation greenhouse gas emissions reductions plan to
5 assist the Department of Transportation and the Maine Turnpike Authority in the
6 implementation of the requirements and processes for evaluating the greenhouse gas
7 emissions associated with capacity expansion projects under Title 23, section 710, and to
8 otherwise advise the Department of Transportation, the Maine Turnpike Authority and the
9 Legislature regarding achievement of the transportation sector targets identified in the
10 transportation greenhouse gas emissions reductions plan, the climate action plan and the
11 greenhouse gas emissions reductions levels and limits.