



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3934

Introduced 4/29/2024, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

20 ILCS 2705/2705-204 new
415 ILCS 5/9.15

Amends the Department of Transportation Law of the Civil Administrative Code of Illinois. Provides that the amendatory Act may be referred to as the Transportation Choices Act. Requires, by January 1, 2026, the Environmental Protection Agency, after consultation with the Department of Transportation and Metropolitan Planning Organizations (MPOs), to establish a schedule of greenhouse gas targets for greenhouse gas emissions from the transportation sector in the State. Requires the Department and MPOs to conduct a greenhouse gas emissions analysis and determine if their applicable planning document will result in meeting their greenhouse gas targets. Requires the Department and MPOs to perform a greenhouse gas emissions analysis prior to including a roadway capacity expansion project in an applicable planning document. Requires, by January 1, 2028 and every 3 years thereafter, the Department to prepare a comprehensive report on statewide transportation greenhouse gas reduction accomplishments and challenges and to make recommendations for any legislative action that would assist the Department and MPOs in meeting their greenhouse gas targets. Requires the Department and MPOs to calculate a climate equity accessibility score prior to including any project that has an anticipated cost of \$30,000,000 or more in an applicable planning document or as a greenhouse gas mitigation measure. Requires the Department and MPOs to provide early and continuous opportunities for public participation in the transportation planning process. Requires, beginning June 30, 2025, the Department and MPOs to establish a social cost of carbon and use the social cost of carbon in their planning documents and planning activities. Establishes the Greenhouse Gas in Transportation Working Group. Provides that the specified requirements of the provisions shall commence with projects included in applicable planning documents filed on or after January 1, 2027. Makes other changes. Amends the Environmental Protection Act. Directs the Environmental Protection Agency to calculate a social cost of carbon and makes other changes.

LRB103 40300 LNS 72375 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. References to Act. This Act may be referred to
5 as the Transportation Choices Act.

6 Section 5. The Department of Transportation Law of the
7 Civil Administrative Code of Illinois is amended by adding
8 Section 2705-204 as follows:

9 (20 ILCS 2705/2705-204 new)

10 Sec. 2705-204. Transportation planning and greenhouse gas
11 reduction.

12 (a) The General Assembly finds that:

13 (1) Article XI of the Illinois Constitution provides
14 that the public policy of the State and the duty of each
15 person is to provide and maintain a healthful environment
16 for the benefit of this and future generations.

17 (2) The transportation sector is now the largest
18 source of greenhouse gas emissions in the State.

19 (3) The State has previously set a goal to have an
20 electric power sector that is free of greenhouse gas
21 emissions by 2045.

22 (4) Greenhouse gas pollution resulting from the

1 production, distribution, and use of motor vehicle fuels
2 produces many social costs, including, but not limited to,
3 adverse public health impacts, increased heat waves,
4 droughts, water supply shortages, flooding, biodiversity
5 loss, and forest health issues, such as forest fires.

6 (5) The Illinois State Climatologist is projecting
7 that, by the end of the 21st Century, average daily
8 temperatures in the State will increase between 4 and 9
9 degrees Fahrenheit under a lower emissions scenario and
10 between 8 and 14 degrees Fahrenheit under a higher
11 emissions scenario.

12 (6) Climate change of such speed and magnitude will
13 result in heat stress on animals, plants, and workers;
14 reduced crop yields from short-term and rapid-onset
15 drought; increased pestilence; and other challenges that
16 will adversely affect the State's agriculture sector.

17 (7) Increases in flooding, heat, and other factors
18 associated with climate change will stress the State's
19 transportation infrastructure, such as bridges and
20 roadways in low-lying areas, and will require more
21 resources to maintain roadways and other transportation
22 infrastructure.

23 (8) State investment in a clean transportation economy
24 in the State can expand equitable access to public health,
25 safety, a cleaner environment, quality jobs, and economic
26 opportunity.

1 (9) It is the public policy of the State to ensure that
2 State residents from communities disproportionately
3 impacted by climate change, communities facing automotive
4 plant closures, economically disadvantaged communities,
5 and individuals experiencing barriers to employment have
6 access to State programs and good jobs and career
7 opportunities in growing sectors of the State economy.

8 (10) To minimize any adverse environmental and health
9 impacts of planned transportation projects and to address
10 inequitable distribution of the burdens of those projects,
11 it is necessary, appropriate, and in the best interests of
12 the State and its citizens to require the Department and
13 MPOs, which are the State's primary transportation
14 planning entities with responsibility for selecting and
15 funding transportation projects, to engage in an enhanced
16 level of planning, modeling, and other analysis, community
17 engagement, and monitoring with respect to those projects
18 as required by this Section.

19 (11) Subsection (a) of Section 15 of the Regional
20 Planning Act provides that the Chicago Metropolitan Agency
21 for Planning, whose Policy Committee is the MPO for
22 Northeastern Illinois, shall be responsible for developing
23 and adopting a funding and implementation strategy for an
24 integrated land use and transportation planning process.

25 (12) Section 48 of the Regional Planning Act provides
26 that the Chicago Metropolitan Agency for Planning shall

1 establish an incentive program to enable local governments
2 and developers to create more affordable workforce housing
3 options near jobs and transit, create jobs near existing
4 affordable workforce housing, create transit-oriented
5 development, integrate transportation and land use
6 planning, provide a range of viable transportation choices
7 in addition to the car, encourage compact and mixed-use
8 development, and support neighborhood revitalization.

9 (13) Paragraph (1) of subsection (a) of Section 5303
10 of Title 49 of the United States Code (49 U.S.C.
11 5303(a)(1)) provides, in relevant part, that it is in the
12 national interest to better connect housing and
13 employment, while minimizing transportation-related fuel
14 consumption and air pollution through metropolitan and
15 statewide transportation planning processes.

16 (14) Subparagraph (A) of paragraph (4) of subsection
17 (k) of Section 5303 of Title 49 of the United States Code
18 (49 U.S.C. 5303(k)(4)(A)) provides that MPOs serving
19 transportation management areas may address the
20 integration of housing, transportation, and economic
21 development strategies through a process that provides for
22 effective integration, based on a cooperatively developed
23 and implemented strategy, of new and existing
24 transportation facilities eligible for funding.

25 (15) Subparagraph (C) of paragraph (4) of subsection
26 (k) of Section 5303 of Title 49 of the United States Code

1 (49 U.S.C. 5303(k)(4)(C)) provides that MPOs serving
2 transportation management areas may develop a housing
3 coordination plan that includes projects and strategies
4 that may be considered in the metropolitan transportation
5 plan of the MPO to develop regional goals for the
6 integration of housing, transportation, and economic
7 development strategies.

8 (16) Land use policies and practices that result in
9 shorter distances between where people reside and jobs and
10 other destinations they seek to access and that facilitate
11 multimodal transportation options for the public are one
12 of the most effective tools to reduce greenhouse gas
13 emissions from the transportation sector and provide more
14 affordable transportation options.

15 (17) Transportation is the second-largest expense
16 category for most households and the cost of owning,
17 operating, and maintaining personal vehicles is a
18 significant burden for many households.

19 (18) Reducing vehicle miles traveled per person
20 through more efficient land use and transportation systems
21 will help the State achieve its greenhouse gas reduction
22 goals and reduce the transportation cost burden on State
23 households.

24 (19) To the maximum extent practicable, actions taken
25 to achieve these goals must avoid causing disproportionate
26 adverse impacts to residents of communities that are or

1 have been disproportionately exposed to pollution
2 affecting human health and environmental quality.

3 (b) As used in this Section:

4 "Applicable planning document" means an MPO's Regional
5 Transportation Plan or the Department's Long-Range State
6 Transportation Plan. "Applicable planning document" includes
7 amendments to such plans that add capacity expansion projects
8 or other projects resulting in a net increase in GHG
9 emissions.

10 "Climate equity accessibility score" means a measurement
11 of the impact of certain transportation projects on (i) GHG
12 emissions, (ii) the accessibility of jobs and other
13 destinations to people residing in the project area, and (iii)
14 the affordability of transportation.

15 "CO₂e" means the number of metric tons of carbon dioxide
16 emissions with the same global warming potential as one metric
17 ton of another greenhouse gas, is calculated using Equation
18 A-1 in 40 CFR 98.2, and allows for the comparison of emissions
19 of various different greenhouse gases with different global
20 warming potentials and the calculation of the relative impact
21 of the emissions on the environment over a standard time
22 period.

23 "Disproportionately impacted community" means the
24 residents within a census block group in which, according to
25 the most recent federal decennial census, more than 40% of the
26 households are low-income households, more than 40% of the

1 households identify as minority households, or more than 40%
2 of the households are housing cost-burdened, as defined by the
3 United States Census Bureau.

4 "Greenhouse gas emissions" or "GHG emissions" means
5 emissions of carbon dioxide, methane, nitrous oxide,
6 hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride,
7 and sulfur hexafluoride.

8 "Greenhouse gas emissions analysis" or "GHG emissions
9 analysis" means the analysis of the GHG emissions calculated
10 as being generated by the projects and programs contained in
11 an applicable planning document.

12 "Greenhouse gas mitigation measure" or "GHG mitigation
13 measure" means a project, program, or policy established by
14 the Environmental Protection Agency by rule under subparagraph
15 (G) of paragraph (3) of subsection (c) that can reasonably be
16 expected to result in a quantifiable reduction in GHG
17 emissions and that would not be undertaken absent the need by
18 the Department or an MPO to reduce GHG emissions to meet their
19 greenhouse gas targets. "Greenhouse gas mitigation measure" or
20 "GHG mitigation measure" does not include a roadway capacity
21 expansion project. "Greenhouse gas mitigation measure" or "GHG
22 mitigation measure" includes:

23 (1) the addition of transit and other mobility
24 resources, including, but not limited to, shared bicycle
25 and scooter service, in a manner that will reduce VMT;

26 (2) improving pedestrian and bicycle access,

1 particularly in areas that allow individuals to reduce
2 multiple daily trips and better access transit;

3 (3) transportation demand management to reduce VMT per
4 capita, including, but not limited to, vanpool and shared
5 vehicle programs, remote work and other forms of virtual
6 access, and use of pricing and other incentives for
7 employees and other travelers to use less greenhouse gas
8 intensive travel modes;

9 (4) improving first-and-final mile access to transit
10 stops and stations to make transit safer and more usable;

11 (5) improving the safety, efficiency, and Americans
12 with Disabilities Act compliance of crosswalks and
13 multiuse paths for pedestrians, bicyclists, and other
14 nonmotorized vehicles;

15 (6) changing parking and land use policies and
16 adjusting urban design requirements to encourage more
17 walking, bicycling, and transit trips per capita and
18 reduce VMT per capita;

19 (7) adoption or expansion of school bus, school
20 carpool, or school active transportation programs;

21 (8) electrifying loading docks to allow transportation
22 refrigeration units and auxiliary power units to be
23 plugged into the electric grid at the loading dock instead
24 of running on fossil fuels;

25 (9) accelerating the adoption of ebikes, neighborhood
26 electric carshare vehicles, and other forms of vehicles

1 that emit less greenhouse gas when manufactured and
2 operated; and

3 (10) other measures established or authorized by the
4 Environmental Protection Agency by rule that reduce GHG
5 emissions.

6 "Greenhouse gas target" or "GHG target" means the maximum
7 amount of greenhouse gas expressed as CO₂e at each of the
8 various specified times established by subsection (c) that the
9 Department and MPOs must attain through their transportation
10 planning and project prioritization and funding processes.

11 "Induced demand" means a concept from economics that as
12 supply increases and incurred costs decline, demand will
13 increase. This phenomenon has been widely observed and studied
14 in transportation systems where highways have been expanded to
15 alleviate road congestion problems, resulting in increases in
16 vehicle miles traveled.

17 "MPO" means a metropolitan planning organization
18 designated by agreement among the units of local government
19 and the Governor, charged with developing transportation plans
20 and programs in a metropolitan planning area under Section 134
21 of Title 23 of the United States Code.

22 "Mitigation action plan" means the plan for implementation
23 of GHG mitigation measures prepared by the Department or an
24 MPO.

25 "Other entities" means the entities referenced in
26 subsection (s).

1 "Roadway capacity expansion project" means a project that
2 would be included in the Department's State Transportation
3 Improvement Program as an MPO or significant project and that
4 (i) adds physical highway traffic capacity or provides for
5 grade separation at an intersection or (ii) uses intelligent
6 transportation system technology to increase the traffic
7 capacity of an existing highway by 10% or more. "Roadway
8 capacity expansion project" does not include a project whose
9 primary purpose is enhancing public transportation bus
10 infrastructure or services. "Roadway capacity expansion
11 project" includes all project types, including those described
12 as maintenance or rehabilitation projects.

13 "Social cost of carbon" means the estimates of the social
14 cost of carbon adopted by the United States Environmental
15 Protection Agency, or such higher figure as adopted by the
16 Environmental Protection Agency, Department, or MPO under
17 subsection (o).

18 "STIP" means a State Transportation Improvement Program.

19 "TIP" means a Transportation Improvement Program.

20 "VMT" means vehicle miles traveled.

21 (c) By January 1, 2026, the Environmental Protection
22 Agency, after consultation with the Department and MPOs, must
23 establish, by rule, a schedule of GHG targets for GHG
24 emissions from the transportation sector in the State that:

25 (1) do not allow GHG emissions in the transportation
26 sector to exceed the greenhouse gas performance targets

1 established by the Environmental Protection Agency for the
2 transportation sector under subsection (p) of Section 9.15
3 of the Environmental Protection Act;

4 (2) specify GHG targets on a 5-year or more frequent
5 compliance year basis; and

6 (3) allocate GHG targets across the transportation
7 sector of the State, which:

8 (A) must provide for an allocation to each MPO for
9 their metropolitan region;

10 (B) must provide for an allocation to the
11 Department for areas outside the boundaries of the
12 State's MPOs;

13 (C) must account for the differences in the
14 feasibility and extent of emissions reductions across
15 forms of land use and across regions of the State;

16 (D) must require that the Department and MPOs
17 factor in the impact of induced demand associated with
18 transportation projects and policies in calculating
19 the GHG emissions generated by their respective
20 transportation systems;

21 (E) must be based on the best available data and
22 modeling tools accessible to the Environmental
23 Protection Agency, such as the SHIFT calculator, after
24 consultation with other State agencies, universities,
25 the federal government, and other appropriate expert
26 sources;

1 (F) must include VMT targets necessary for the
2 Department and MPOs to meet their GHG targets;

3 (G) must set out standards and requirements for
4 acceptable GHG mitigation measures; and

5 (H) may include additional performance targets
6 based on Department district, metropolitan area,
7 geographic region, a per capita calculation,
8 transportation mode, or a combination thereof.

9 (d) When adopting or amending an applicable planning
10 document, the Department and an MPO must conduct a GHG
11 emissions analysis that:

12 (1) includes (i) the existing transportation network,
13 (ii) the anticipated changes to that network as a result
14 of the projects contained in the applicable planning
15 document, and (iii) the projects in their STIP or TIP;

16 (2) estimates total CO₂e emissions in millions of
17 metric tons for each applicable GHG target date
18 established under subsection (c);

19 (3) compares estimated total CO₂e emissions against
20 the GHG targets applicable to the Department or MPO;

21 (4) compares the social cost of carbon for total
22 estimated CO₂e emissions against the social cost of carbon
23 associated with each applicable GHG target;

24 (5) certifies whether the Department or MPO is in
25 compliance with its applicable GHG targets; and

26 (6) is published in full on the websites of the

1 Department or MPO.

2 (e) The Department, with assistance from the Environmental
3 Protection Agency, shall:

4 (1) provide technical assistance to MPOs in fulfilling
5 their responsibilities under this Section, including:

6 (A) assembling and sharing greenhouse gas-related
7 resources and transportation sector best practices in
8 managing GHG emissions;

9 (B) hosting peer reviews and exchanges of
10 technical data, information, assistance, and related
11 activities;

12 (C) making Department staff resources accessible
13 to answer questions and provide in-depth assistance to
14 MPOs on specific issues;

15 (D) providing information about grants and other
16 funding opportunities;

17 (E) conducting evaluations of GHG emissions
18 analyses against national best practices;

19 (F) connecting MPOs to resources in public
20 agencies, universities, and elsewhere; and

21 (H) conducting other similar and related
22 activities to assist MPOs in fulfilling their
23 responsibilities;

24 (2) encourage use of consistent GHG emissions data,
25 assumptions, and methodology by the Department and MPOs;

26 (3) ensure that its planning processes under Sections

1 2705-200, 2705-203, and 2705-205 and its guidance to MPOs
2 under this subsection provide that at least the same level
3 of analytical scrutiny is given to greenhouse gas
4 pollutants as is given to other air pollutants of concern
5 in the State, and include consideration of the impact on
6 GHG emissions of induced demand resulting from roadway
7 capacity expansion projects;

8 (4) update its Metropolitan Planning Organization
9 Cooperative Operations Manual, as necessary;

10 (5) review the GHG emissions analysis used by each MPO
11 to determine if the GHG emissions analysis is inclusive of
12 the complete, actual, and planned transportation network
13 in the applicable planning document and uses reasonable
14 GHG emissions forecasting data, assumptions, modeling, and
15 methodology:

16 (A) if the Department rejects the GHG emissions
17 analysis used by an MPO, the Department shall detail
18 the deficiencies and give the MPO an opportunity to
19 take corrective action;

20 (B) until the MPO takes appropriate corrective
21 action, the Department shall not approve the MPO's
22 applicable planning document, include the projects in
23 the MPO's applicable planning document in the
24 Department's STIP, or make a finding or otherwise
25 represent to the federal government or other
26 governmental agencies that the MPO is in compliance

1 with its legal obligations;

2 (C) if, after given an opportunity for corrective
3 action, an MPO does not submit an acceptable GHG
4 emissions analysis, the Department may substitute its
5 own GHG emissions analysis for planning and
6 programming purposes until the MPO produces an
7 acceptable GHG emissions analysis; and

8 (D) the Department shall establish an appropriate
9 process, including deadlines for timely completion of
10 its review of MPO GHG emissions analyses and for
11 corrective action by MPOs where such is necessary;

12 (6) upon request of an MPO, provide the MPO with a GHG
13 emissions analysis that the MPO can use for purposes of
14 this Section in lieu of the MPO conducting its own GHG
15 emissions analysis; and

16 (7) adopt rules applicable to itself, MPOs, and
17 recipients of Department funding so the State can achieve
18 the transportation sector greenhouse gas emissions
19 reduction goals and targets set forth in subsections (c)
20 and (p) of Section 9.15 of the Environmental Protection
21 Act and administer the various processes and requirements
22 set forth in this Section.

23 (f) The Department and each MPO must use a GHG emissions
24 analysis to determine if their applicable planning document
25 will result in the Department or MPO meeting its GHG targets.
26 If a GHG emissions analysis determines that the Department or

1 MPO is more likely than not to fail to meet one or more of its
2 GHG targets, then the Department or MPO shall identify GHG
3 mitigation measures that are needed for the Department or MPO
4 to meet its GHG targets as follows:

5 (1) The Department or MPO shall submit a mitigation
6 action plan that identifies GHG mitigation measures needed
7 to meet the GHG targets and that includes:

8 (A) the anticipated start and completion date of
9 each GHG mitigation measure;

10 (B) an estimate of the annual CO₂e emissions
11 reductions achieved per year by the GHG mitigation
12 measure;

13 (C) an estimate of the impact of the GHG
14 mitigation measure on VMT;

15 (D) quantification of the specific co-benefits
16 from each GHG mitigation measure, including reduction
17 of copollutants, such as PM_{2.5} and NO_x, as well as
18 travel impacts, such as changes to VMT, pedestrian or
19 bike use, and transit ridership;

20 (E) a description of any benefits to
21 disproportionately impacted communities from the GHG
22 mitigation measure, including an estimate of the total
23 amount spent on GHG mitigation measures in or designed
24 to serve disproportionately impacted communities; and

25 (F) a status report submitted annually and
26 published on its website for each GHG mitigation

1 measure that contains the following information
2 concerning each GHG mitigation measure:

3 (i) availability and timing of funding;

4 (ii) implementation timeline;

5 (iii) current status;

6 (iv) for GHG mitigation measures that are in
7 progress or completed, quantification of the
8 greenhouse gas impact of such GHG mitigation
9 measures and any co-benefits or detriments; and

10 (v) for GHG mitigation measures that are
11 delayed, canceled, or substituted, an explanation
12 of why that decision was made and how these GHG
13 mitigation measures or the equivalent will be
14 achieved.

15 (2) GHG mitigation measures are sufficient if the
16 total GHG emissions reduction from the GHG mitigation
17 measures, after accounting for the GHG emissions otherwise
18 resulting from existing and planned projects in the
19 applicable planning document, results in the Department or
20 MPO meeting its GHG targets. Each comparison of GHG
21 emissions reductions and GHG targets under this subsection
22 must be performed over equal comparison periods.

23 (3) In the annual GHG mitigation measures status
24 report under subparagraph (F) of paragraph (1), the
25 Department or MPO shall certify whether its GHG mitigation
26 measures will be sufficient for the Department or MPO to

1 meet its GHG targets.

2 (g) If an applicable planning document does not meet the
3 GHG targets for each compliance year even after consideration
4 of any GHG mitigation measures, the Department may deem the
5 applicable planning document in compliance with this Section
6 and approved only if the noncompliant Department or MPO
7 allocates funding to advance the achievement of the applicable
8 GHG targets as follows:

9 (1) in non-MPO areas, the Department (i) shall not
10 advance a roadway capacity expansion project from its
11 applicable planning document to a STIP or TIP, (ii) shall
12 not otherwise add a roadway capacity expansion project to
13 a STIP or TIP, (iii) shall reprogram funds allocated or
14 anticipated to be expended on roadway capacity expansion
15 projects awaiting inclusion in a STIP or TIP project to
16 GHG mitigation measures that reduce GHG emissions
17 sufficiently to achieve the GHG targets for each
18 compliance year, and (iv) shall amend its applicable
19 planning documents to reflect these changes;

20 (2) in MPO areas that are not in receipt of federal
21 suballocations under the Congestion Mitigation and Air
22 Quality Improvement Program or Surface Transportation
23 Board programs, the Department and MPO (i) shall not
24 advance a roadway capacity expansion project from its
25 applicable planning document to a STIP or TIP, (ii) shall
26 not otherwise add a roadway capacity expansion project to

1 a STIP or TIP, (iii) shall reprogram funds allocated or
2 anticipated to be expended on roadway capacity expansion
3 projects awaiting inclusion in a STIP or TIP project to
4 GHG mitigation measures that reduce GHG emissions
5 sufficiently to achieve the GHG targets for each
6 compliance year, and (iv) shall amend its applicable
7 planning documents to reflect these changes;

8 (3) in MPO areas that are in receipt of federal
9 suballocations under the Congestion Mitigation and Air
10 Quality Improve Program or Surface Transportation Board
11 programs, the Department and MPO (i) shall not advance a
12 roadway capacity expansion project from its applicable
13 planning document to a STIP or TIP, (ii) shall not
14 otherwise add a roadway capacity expansion project to a
15 STIP or TIP, (iii) shall reprogram funds allocated or
16 anticipated to be expended on roadway capacity expansion
17 projects awaiting inclusion in a STIP or TIP project to
18 GHG mitigation measures that reduce GHG emissions
19 sufficiently to achieve the GHG targets for each
20 compliance year, and (iv) shall amend its applicable
21 planning documents to reflect these changes; and

22 (4) the Department and MPOs shall administer
23 paragraphs (1) through (3) as a limitation on their
24 authority to advance roadway capacity expansion projects
25 or other projects that will materially increase GHG
26 emissions under paragraph (5) of subsection (k) of Section

1 5303 of Title 49 of the United States Code (49 U.S.C.
2 5303(k)(5)).

3 (h) Before including a roadway capacity expansion project
4 in an applicable planning document, the Department or MPO must
5 perform a GHG emissions analysis of the roadway capacity
6 expansion project. Following the GHG emissions analysis, the
7 Department or MPO must determine if, after consideration of
8 all relevant factors, including VMT and social cost of carbon
9 increases in the transportation network resulting from induced
10 demand, the project conforms with (i) the applicable GHG
11 targets and (ii) VMT targets established under subsection (c).

12 (1) If the Department or MPO determines that the
13 roadway capacity expansion project is not in conformance
14 with items (i) and (ii), the Department or MPO must:

15 (A) alter the scope or design of the roadway
16 capacity expansion project and perform a GHG emissions
17 analysis that shows that the roadway capacity
18 expansion project meets the requirements of items (i)
19 and (ii);

20 (B) incorporate sufficient GHG mitigation measures
21 to bring the Department or MPO into compliance with
22 its GHG targets, however, in order to be effective,
23 such GHG mitigation measures must be implemented no
24 later than contemporaneously with the implementation
25 of the roadway expansion project or, if not
26 implemented contemporaneously, a GHG mitigation

1 measure must provide a valid GHG emissions reduction
2 after the date it is implemented; or

3 (C) halt development of the roadway capacity
4 expansion project and remove the roadway capacity
5 expansion project from all applicable planning
6 documents.

7 (2) The Department and MPOs must establish a process
8 for performing roadway capacity expansion project GHG
9 emissions analysis. A GHG emissions analysis for a roadway
10 capacity expansion project must include, but shall not be
11 limited to, estimates resulting from the project for the
12 following:

13 (A) GHG emissions over a period of 20 years or the
14 last GHG target year, whichever is later;

15 (B) a net change in VMT and social cost of carbon
16 for the transportation network after factoring in the
17 effects of induced demand; and

18 (C) consideration of additional VMT in the
19 transportation network from additional capacity
20 resulting from roadway traffic capacity expansion,
21 intelligent transportation systems, or both.

22 (3) The Department or MPO must connect any GHG
23 mitigation measures associated with the roadway capacity
24 expansion project as follows:

25 (A) within or associated with at least one of the
26 communities impacted by the roadway capacity expansion

1 project;

2 (B) if there is not a reasonably feasible location
3 under subparagraph (A), in areas of persistent poverty
4 or historically disadvantaged communities, as measured
5 and defined by federal law, guidance and notices of
6 funding opportunity;

7 (C) if there is not a reasonably feasible location
8 under subparagraphs (A) and (B), in the region of the
9 roadway capacity expansion project; and

10 (D) if there is not a reasonably feasible location
11 under subparagraphs (A) through (C), on a statewide
12 basis.

13 (4) The Department or MPO must develop and use a
14 process for community consultation consistent with the
15 requirements of subsection (m) in the development of GHG
16 mitigation measures that the Department or MPO uses to
17 achieve compliance with its GHG targets.

18 (5) The Department or MPO must publish an explanation
19 regarding the feasibility and rationale for each GHG
20 mitigation measure under subparagraphs (B) through (D) of
21 paragraph (3).

22 (6) GHG mitigation measures connected to a roadway
23 expansion project are sufficient if the total greenhouse
24 gas reduction from the GHG mitigation measures is at least
25 equal to the total GHG emissions resulting from the
26 roadway capacity expansion project and consistent with the

1 Department or MPO meeting its GHG targets.

2 (A) Each comparison under this paragraph must be
3 performed over equal comparison periods.

4 (B) To avoid double counting, once a GHG
5 mitigation measure is connected to a roadway capacity
6 expansion project, that GHG mitigation measure shall
7 not be used to offset greenhouse gases associated with
8 other roadway capacity expansion projects or other
9 projects included in an applicable planning document.

10 (7) The Department and MPOs must publish information
11 regarding roadway capacity expansion project GHG emissions
12 analyses on their websites. The information must include:

13 (A) an identification of each roadway capacity
14 expansion project; and

15 (B) for each roadway capacity expansion project, a
16 summary that includes an overview of and link to the
17 roadway capacity expansion project GHG emissions
18 analysis, the greenhouse gas impact determination by
19 the Department or MPO, the social cost of carbon added
20 by the roadway capacity expansion project, and project
21 disposition, including a review of any GHG mitigation
22 measures.

23 (i) The Department and MPOs may use a GHG mitigation
24 measure as an offset against GHG emissions only after the date
25 the GHG mitigation measure has been implemented.

26 (j) By January 1, 2028, and every 3 years thereafter, the

1 Department shall prepare a comprehensive, publicly released
2 report on statewide transportation greenhouse gas reduction
3 accomplishments and challenges and make recommendations for
4 any legislative action or State agency rulemaking that would
5 assist the Department and MPOs in meeting their GHG targets.

6 The report, at a minimum, shall include:

7 (1) a description of whether the Department and MPOs
8 are on track to meet their GHG targets and VMT targets;

9 (2) an assessment of State and local laws,
10 regulations, rules, and practices and recommendations for
11 modifications that would help ensure that the Department
12 and MPOs meet their GHG targets and VMT targets;

13 (3) a description of the benefits from reductions in
14 GHG emissions and copollutants in the transportation
15 sector, diversification of energy sources used for
16 transportation, and substitution of other motorized and
17 nonmotorized modes of travel for VMT currently being
18 handled by vehicles powered by internal combustion
19 engines, and other economic, environmental, and public
20 health benefits;

21 (4) a description of the compliance costs borne by the
22 Department and MPOs in meeting their GHG targets and VMT
23 targets;

24 (5) a description of the social cost of carbon
25 associated with the transportation systems for which the
26 Department and each MPO is responsible and the social cost

1 of carbon reductions that result from GHG mitigation
2 measures and other steps being taken by the Department and
3 each MPO to reduce GHG emissions;

4 (6) a description of whether measures taken by the
5 Department and MPOs to meet GHG targets are equitable,
6 minimize costs, and maximize the total benefits to the
7 State and its citizens; and

8 (7) a description of whether activities undertaken to
9 meet GHG targets by the Department and MPOs have unduly
10 burdened disproportionately impacted communities.

11 (k) Before including any project that has an anticipated
12 cost of \$30,000,000 or more (i) in an applicable planning
13 document or (ii) as a GHG mitigation measure, the Department
14 or MPO shall calculate a climate equity accessibility score
15 for the project. The climate equity accessibility score shall
16 be based on a GHG emissions analysis of the project and a
17 measurement of (i) the current levels of access to jobs,
18 hospitals, schools, and food by available modes of
19 transportation and (ii) the current level of affordability of
20 transportation in the project area. The Department and MPO
21 shall then calculate a climate equity accessibility score
22 based on the projected change in GHG emissions, accessibility,
23 and affordability from the proposed project. Projects that
24 result in relatively high reductions of GHG emissions while
25 increasing access to jobs and other destinations and providing
26 more affordable transportation options will receive a higher

1 climate equity accessibility score than projects that fail to
2 deliver such benefits. To advance the goals of this Section
3 and optimize the use of public funds, the Department and MPOs
4 shall give priority to projects with high climate equity
5 accessibility scores, considering which project delivers the
6 most climate equity accessibility score benefit per dollar
7 invested. The Department, with the assistance of the
8 Environmental Protection Agency, shall provide technical
9 assistance to MPOs in fulfilling their responsibilities under
10 this subsection.

11 (1) To the full extent allowed by paragraph (4) of
12 subsection (k) of Section 5303 of Title 49 of the United States
13 Code and other applicable laws, and to extend the existing
14 authority under State law vested in the Chicago Metropolitan
15 Agency for Planning to MPOs throughout the State, MPOs, with
16 the full support of the Department, shall conduct housing
17 coordination planning to help the Department and MPOs meet
18 their GHG targets.

19 (1) MPOs shall develop housing coordination plans
20 consistent with subparagraph (C) of paragraph (4) of
21 subsection (k) of Section 5303 of Title 49 of the United
22 States Code (49 U.S.C. 5303(k)(4)(C)) to better integrate
23 housing, transportation, and economic development
24 strategies and to, among other things:

25 (A) better connect housing and employment while
26 mitigating commuting times;

1 (B) align transportation improvements with housing
2 needs, such as housing supply shortages, and proposed
3 housing development;

4 (C) align planning for housing and transportation
5 to address needs in relationship to household incomes
6 within the metropolitan planning area;

7 (D) expand housing and economic development within
8 the catchment areas of existing transportation
9 facilities and public transportation services when
10 appropriate, including higher-density development, as
11 locally determined;

12 (E) manage effects of VMT growth in the
13 metropolitan planning area related to housing
14 development and economic development; and

15 (F) increase the share of households with
16 sufficient and affordable access to the transportation
17 networks of the metropolitan planning area.

18 (2) MPOs shall identify the location of existing and
19 planned housing and employment and transportation options
20 that connect housing and employment.

21 (3) MPOs shall include a comparison of State,
22 regional, and local transportation plans in the region to
23 land use management plans, including zoning plans, that
24 may affect road use, public transportation ridership, and
25 housing development.

26 (4) In their housing coordination planning, MPOs shall

1 focus on the effect that land use policies and practices,
2 such as minimum parking requirements and exclusionary
3 zoning requirements, contribute to increases in VMT and
4 GHG emissions and consider how such policies affect
5 housing and transportation affordability.

6 (5) MPOs shall outline recommendations for land use
7 policies and best practices that have the effect of
8 increasing the affordability of housing and transportation
9 and reducing GHG emissions.

10 (6) The Department shall assist MPOs in their housing
11 coordination planning and make best efforts to align the
12 Department's planning and project programming with MPO
13 efforts to encourage land use policies and best practices
14 that have the effect of increasing the affordability of
15 housing and transportation, improving accessibility to
16 destinations, and reducing GHG emissions.

17 (7) The Department shall not advance to the STIP a
18 project in a metropolitan planning area that the MPO has
19 determined would conflict with its housing coordination
20 plan prepared under paragraph (1) or would have the effect
21 of decreasing the affordability of transportation or the
22 accessibility of destinations or of increasing GHG
23 emissions.

24 (8) In furtherance of Section 48 of the Regional
25 Planning Act, the Department and MPOs shall adopt
26 performance-based methods for allocating discretionary

1 funds that reward jurisdictions that have adopted land use
2 policies and practices associated with increasing the
3 affordability of housing and transportation, improving
4 accessibility to destinations, and reducing GHG emissions.

5 (A) The Department and MPOs may build on the
6 climate equity accessibility scoring tool developed
7 under subsection (k) or develop a separate tool for
8 identifying jurisdictions that have adopted land use
9 policies and practices associated with increasing the
10 affordability of housing and transportation, improving
11 accessibility to destinations, and reducing GHG
12 emissions.

13 (B) The Department and MPOs shall publicly
14 describe the methodology they use in allocating
15 discretionary funding under this paragraph.

16 (C) When allocating discretionary funding, the
17 Department and MPOs shall give at least equal weight
18 to land use policies and practices that facilitate
19 reductions in GHG emissions that they give to existing
20 factors, such as congestion relief, safety, and
21 traffic operations.

22 (D) The Department and MPOs shall consider land
23 use policies and practices as provided in this
24 subsection when allocating discretionary funding from
25 every source.

26 (9) When evaluating all projects for possible

1 inclusion in applicable planning documents or in a STIP or
2 TIP, the Department and MPOs shall adopt performance-based
3 project selection methods that give priority to projects
4 located in jurisdictions that have adopted land use
5 policies and practices associated with increasing the
6 affordability of housing and transportation, improving
7 accessibility to destinations, and reducing GHG emissions.

8 (10) This subsection shall not diminish or restrict
9 the existing authority of jurisdictions over their land
10 use policies and practices.

11 (m) The Department and MPOs shall provide early and
12 continuous opportunities for public participation in the
13 transportation planning process. The process shall be
14 proactive and provide timely information, adequate public
15 notice, reasonable public access, and opportunities for public
16 review and comment at key decision points in the process. The
17 objectives of public participation in the transportation
18 planning process include providing a mechanism for public
19 perspectives, needs, and ideas to be considered in the
20 planning process; developing the public's understanding of the
21 problems and opportunities facing the transportation system;
22 demonstrating explicit consideration and response to public
23 input through a variety of tools and techniques; and
24 developing a consensus on plans. The Department shall develop
25 a documented public participation process under 23 CFR 450.

26 (1) Under 23 CFR 450, Subpart B, the Department is

1 responsible, in cooperation with the MPOs, for carrying
2 out public participation for developing, amending, and
3 updating the Long-Range State Transportation Plan, the
4 STIP, and other statewide transportation planning
5 activities.

6 (2) Under 23 CFR 450, Subpart C, the MPOs, in
7 cooperation with the Department, are responsible for
8 carrying out public participation for the development of
9 Regional Transportation Plans, TIPS, and other regional
10 transportation planning activities for their respective
11 metropolitan planning areas.

12 (3) Public participation activities at both the MPO
13 and Department levels shall include, at a minimum:

14 (A) establishing and maintaining for the
15 geographic area of responsibility a list of all known
16 parties interested in transportation planning,
17 including, but not limited to: elected officials;
18 municipal and county planning staffs; affected public
19 agencies; local, State, and federal agencies eligible
20 for federal and State transportation funds; local
21 representatives of public transportation agency
22 employees and users; freight shippers and providers of
23 freight transportation services; public and private
24 transportation providers; representatives of users of
25 transit, bicycling, pedestrian, aviation, and train
26 facilities; private industry; environmental and other

1 interest groups; representatives of persons or groups
2 that may be underserved by existing transportation
3 systems, such as minority persons, low-income seniors,
4 persons with disabilities, and persons with limited
5 English proficiency; and members of the general public
6 expressing interest in the transportation planning
7 process;

8 (B) providing reasonable notice, which for notice
9 to a disproportionately impacted community requires
10 the notice to be translated into the primary language
11 spoken in the disproportionately impacted community,
12 and opportunity to comment through mailing lists and
13 other communication methods on upcoming transportation
14 planning-related activities and meetings;

15 (C) using reasonably available Internet or
16 traditional media opportunities, including minority
17 media and diverse media, to provide timely notices of
18 planning-related activities and meetings to members of
19 the public, including limited English proficiency
20 individuals and others who may require reasonable
21 accommodations. Methods that shall be used to the
22 maximum extent practicable for public participation
23 may include, but shall not be limited to, use of the
24 Internet, social media, news media, such as
25 newspapers, radio, or television, mailings to
26 disproportionately impacted communities by existing

1 transportation systems, including, but not limited to,
2 seniors and persons with disabilities, and notices,
3 including electronic mail and online newsletters;

4 (D) seeking out persons and groups, including
5 minority groups and those with disabilities,
6 low-income, and limited English proficiency, for the
7 purposes of exchanging information, increasing their
8 involvement, and considering their transportation
9 needs in the transportation planning process;

10 (E) consulting, as appropriate, with federal,
11 State, local, and tribal agencies responsible for land
12 use management, natural resources, environmental
13 protection, conservation, cultural resources, and
14 historic preservation concerning the development of
15 long-range transportation plans;

16 (F) providing reasonable public access to, and
17 appropriate opportunities for public review and
18 comment on, criteria, standards, and other
19 planning-related information. Reasonable public access
20 includes, but is not limited to, limited English
21 proficiency services and access to ADA-compliant
22 facilities, as well as to the Internet;

23 (G) where feasible, scheduling the development of
24 regional and statewide plans so that the release of
25 the draft plans may be coordinated to provide for the
26 opportunity for joint public outreach;

1 (H) responses, in writing, from the Department and
2 MPOs to all significant issues raised during the
3 review and comment period on transportation plans,
4 making the responses available to the public; and

5 (I) collaborating periodically with all interested
6 parties and the Department and MPOs to review the
7 effectiveness of the Department's and MPOs' public
8 involvement practices to ensure that they provide full
9 and open access to all members of the public. When
10 necessary, the Department or MPO shall revise their
11 public participation practices in the transportation
12 planning process and allow time for public review and
13 comment per 23 CFR 450.

14 (n) Beginning on January 1, 2025, each applicable planning
15 document from the Department or MPO must include a
16 consolidated and comprehensive list of all project types to be
17 funded using any federal, State, or local funding source,
18 including bicycle, pedestrian, bus, rail, and roadway
19 projects, and shall include a summary of planned expenditures
20 by project type.

21 (o) Beginning September 30, 2025, the Department and MPOs
22 shall establish a social cost of carbon and use the social cost
23 of carbon in their applicable planning documents and other
24 planning activities.

25 (1) The social cost of carbon shall serve as a
26 monetary estimate of the value of not emitting a ton of GHG

1 emissions.

2 (2) In developing the social cost of carbon applicable
3 to the projects and programs in their applicable planning
4 documents and for other planning and project programming
5 activities, the Department and MPOs shall consider the
6 social cost of carbon established by the Environmental
7 Protection Agency under subsection (q) of Section 9.15 of
8 the Environmental Protection Act and may consider prior or
9 existing estimates of the social cost of carbon issued or
10 adopted by the federal government, appropriate
11 international bodies, or other appropriate and reputable
12 scientific organizations.

13 (3) The Department may adopt the social cost of carbon
14 established by the Environmental Protection Agency under
15 subsection (q) of Section 9.15 of the Environmental
16 Protection Act or establish its own social cost of carbon
17 through the process set forth in paragraphs (1) and (2),
18 but the Department shall not adopt a social cost of carbon
19 that is lower than that established by the Environmental
20 Protection Agency.

21 (4) MPOs may adopt the social cost of carbon
22 established by the Environmental Protection Agency under
23 subsection (q) of Section 9.15 of the Environmental
24 Protection Act or by the Department under paragraph (3) or
25 establish their own social cost of carbon through the
26 process set forth in paragraphs (1) and (2), but an MPO

1 shall not adopt a social cost of carbon that is lower than
2 that established by the Environmental Protection Agency or
3 the Department.

4 (5) The Department shall incorporate the social cost
5 of carbon into its assessment of projects for possible
6 inclusion in its applicable planning document or for
7 inclusion in a STIP or TIP, giving priority to projects
8 that have a relatively low social cost of carbon:

9 (A) The Department shall not include any project
10 over \$30,000,000 in an applicable planning document or
11 a STIP or TIP unless it has calculated the social cost
12 of carbon resulting from the project over the useful
13 life of the project.

14 (B) Such calculations shall result in an estimate
15 of the social cost of carbon under a no-build scenario
16 and an estimate of the social cost of carbon if the
17 project is built, factoring in the effects of induced
18 demand and other appropriate factors.

19 (C) The estimate of the social cost of carbon must
20 include total additional GHG emissions attributable to
21 the proposed project and shall not be limited to GHG
22 emissions from within the physical boundaries of the
23 project.

24 (D) The Department shall publish in applicable
25 planning documents and STIPs the no-build and build
26 estimates of the social cost of carbon for each

1 project for which an estimate of the social cost of
2 carbon has been prepared.

3 (E) For purposes of its planning processes under
4 Sections 2705-200, 2705-203, and 2705-205, and after
5 factoring in the effects of induced demand on VMT
6 attributable to a proposed project, the Department
7 shall offset the social cost of carbon and the social
8 cost of crashes attributable to a project against its
9 projections of the value of the time savings from any
10 reduction in congestion attributable to the project
11 and shall publish its calculations and results.

12 (F) The Department may rely upon estimates of the
13 social cost of carbon prepared by MPOs for projects
14 included in a STIP that are located inside the MPO's
15 boundaries only if the Department finds that those
16 estimates of the social cost of carbon are based on
17 reasonable assumptions and methodology.

18 (6) Each MPO shall incorporate the social cost of
19 carbon into its assessment of projects for possible
20 inclusion in its applicable planning document or for
21 inclusion in a TIP, giving priority to projects that have
22 a relatively low social cost of carbon:

23 (A) An MPO shall not include any project over
24 \$30,000,000 in a TIP unless it has calculated the
25 social cost of carbon resulting from the project over
26 the useful life of the project.

1 (B) Such calculations shall result in an estimate
2 of the social cost of carbon under a no-build scenario
3 and an estimate of the social cost of carbon if the
4 project is built, factoring in the effects of induced
5 demand and other appropriate factors.

6 (C) The estimate of the social cost of carbon must
7 include total additional GHG emissions attributable to
8 the proposed project and shall not be limited to GHG
9 emissions from within the physical boundaries of the
10 project.

11 (D) Each MPO shall publish in its applicable
12 planning documents and TIPs the no-build and build
13 estimates of the social cost of carbon for each
14 project for which an estimate of the social cost of
15 carbon has been prepared.

16 (E) For purposes of its planning processes, and
17 after factoring in the effects of induced demand on
18 VMT attributable to a proposed project, an MPO shall
19 offset the social cost of carbon and the social cost of
20 crashes attributable to a project from its projection
21 of the value of the time savings from any reduction in
22 congestion attributable to the project and shall
23 publish its calculations and results.

24 (F) An MPO may rely upon the estimate of the social
25 cost of carbon prepared by the Department for projects
26 included in a TIP only if the MPO finds that the

1 Department's estimates of the social cost of carbon
2 are based on reasonable assumptions and methodologies.

3 (p) By no later than January 1, 2025, the Department shall
4 convene a Greenhouse Gas in Transportation Working Group.

5 (1) The Working Group shall assist the Department and
6 MPOs with:

7 (A) planning and implementing the requirements of
8 this Section;

9 (B) identifying opportunities to reduce GHG
10 emissions in the transportation sector;

11 (C) identifying promising GHG mitigation measures;

12 (D) preparing the Department's triennial report on
13 statewide transportation sector greenhouse gas
14 reduction accomplishments and challenges and make
15 recommendations for any legislative or regulatory
16 action that would assist the Department and MPOs in
17 meeting their GHG targets; and

18 (E) connecting the Department and MPOs with local,
19 regional, and national experts and best practices
20 relating to planning and programming transportation
21 projects to, among other things, reduce GHG emissions
22 from the transportation sector.

23 (2) The membership of the Working Group shall include
24 the following:

25 (A) the Secretary of Transportation or the
26 Secretary's designee;

1 (B) the Director of the Environmental Protection
2 Agency or the Director's designee;

3 (C) the Chair of the Chicago Metropolitan Agency
4 for Planning or the Chair's designee;

5 (D) the chair of another MPO or the chair's
6 designee, appointed by the Governor;

7 (E) a university representative with expertise in
8 GHG emissions in the transportation sector, appointed
9 by the Governor;

10 (F) a representative from an environmental justice
11 organization, appointed by the Governor;

12 (G) a representative from an active transportation
13 organization, appointed by the Governor;

14 (H) a representative from a transportation
15 planning organization, appointed by the Governor;

16 (I) a representative from a land use planning
17 organization, appointed by the Governor;

18 (J) a representative from the freight industry,
19 appointed by the Governor;

20 (K) a representative from a public transportation
21 agency, appointed by the Governor;

22 (L) a representative from a labor organization,
23 appointed by the Governor;

24 (M) a representative from a road building
25 contractor, appointed by the Governor;

26 (N) a representative from a chamber of commerce,

1 appointed by the Governor;

2 (P) a representative from the engineering sector,
3 appointed by the Governor; and

4 (Q) such other representatives, appointed by the
5 Governor, that will ensure that the Working Group will
6 provide the Department and MPOs with a sufficient
7 range and depth of expertise in GHG emissions
8 reduction in the transportation sector to assist the
9 Department and MPOs in carrying out their
10 responsibilities under this Section.

11 (3) The members of the Working Group must select a
12 Chair from its membership.

13 (4) Members of the Working Group shall serve without
14 compensation other than reimbursement for travel and other
15 expenses incurred in the performance of their duties.

16 (5) The Department shall provide sufficient staff
17 support and other resources for the Working Group to
18 perform its duties effectively, including a website
19 accessible to the public that contains an up-to-date
20 record of the activities, research, reports,
21 recommendations, and other materials assembled by the
22 Working Group.

23 (6) The Working Group shall first meet within 90 days
24 of the effective date of this amendatory Act of the 103rd
25 General Assembly. The Working Group shall hold public
26 meetings no less than quarterly, shall actively seek

1 public input, shall publish annual reports, and by June
2 30, 2027, shall publish a report with recommendations for
3 how the Department and MPOs can most effectively reduce
4 GHG emissions from the transportation sector.

5 (7) The Department shall consider and incorporate
6 recommendations from the Working Group in its triennial
7 reports under subsection (j), and both the Department and
8 MPOs shall consider and incorporate such recommendations
9 in their preparation of their applicable planning
10 documents.

11 (8) The Working Group shall operate through January
12 30, 2028, or 30 days after the Department's filing of its
13 first triennial report, whichever is later. The Working
14 Group shall continue in operation after that date to
15 further assist the Department and MPOs in fulfilling their
16 responsibilities under this Section unless abolished by
17 the Governor after receipt of abolition recommendations
18 from both the Environmental Protection Agency and the
19 Department.

20 (q) Except as otherwise provided, the requirements of this
21 Section shall commence with projects included in applicable
22 planning documents filed on or after January 1, 2027.

23 (r) The requirements of this Section are in addition to
24 and shall, to the extent practicable, be executed concurrently
25 with other requirements for transportation planning, project
26 prioritization, public outreach, project implementation, or

1 transparency and accountability established by law, rule, or
2 policy.

3 (s) The requirements of this Section shall extend to the
4 Illinois State Toll Highway Authority and any other builder or
5 operator of a public highway under a public-private
6 partnership agreement or other means authorized by State law.

7 (1) The requirements of this Section that apply to the
8 other entities include, but are not limited to, the
9 following:

10 (A) the Environmental Protection Agency shall
11 assign GHG targets to other entities under subsection
12 (c);

13 (B) other entities shall conduct GHG emissions
14 analysis and be subject to the other requirements set
15 forth in subsections (d), (e), (f), (g), and (h) with
16 respect to their applicable planning documents;

17 (C) other entities shall conduct climate equity
18 accessibility scoring as set forth in subsection (k);

19 (D) other entities shall follow the public
20 participation requirements set forth in subsection
21 (j); and

22 (E) other entities shall use the social cost of
23 carbon in their planning and project programming
24 processes as set forth in subsection (o).

25 (2) Other entities may request assistance in complying
26 with the requirements of this Section from the Department

1 under subsection (e) and from the Greenhouse Gas in
2 Transportation Working Group under subsection (p).

3 (3) With respect to other entities, "applicable
4 planning document" means the other entity's capital plan
5 or other document in which the other entity identifies
6 projects that it anticipates advancing for construction.

7 (4) The Department may adopt rules necessary to extend
8 the requirements of this Section to the other entities.

9 Section 10. The Environmental Protection Act is amended by
10 changing Section 9.15 as follows:

11 (415 ILCS 5/9.15)

12 Sec. 9.15. Greenhouse gases.

13 (a) An air pollution construction permit shall not be
14 required due to emissions of greenhouse gases if the
15 equipment, site, or source is not subject to regulation, as
16 defined by 40 CFR 52.21, as now or hereafter amended, for
17 greenhouse gases or is otherwise not addressed in this Section
18 or by the Board in regulations for greenhouse gases. These
19 exemptions do not relieve an owner or operator from the
20 obligation to comply with other applicable rules or
21 regulations.

22 (b) An air pollution operating permit shall not be
23 required due to emissions of greenhouse gases if the
24 equipment, site, or source is not subject to regulation, as

1 defined by Section 39.5 of this Act, for greenhouse gases or is
2 otherwise not addressed in this Section or by the Board in
3 regulations for greenhouse gases. These exemptions do not
4 relieve an owner or operator from the obligation to comply
5 with other applicable rules or regulations.

6 (c) (Blank).

7 (d) (Blank).

8 (e) (Blank).

9 (f) As used in this Section:

10 "Carbon dioxide emission" means the plant annual CO₂ total
11 output emission as measured by the United States Environmental
12 Protection Agency in its Emissions & Generation Resource
13 Integrated Database (eGrid), or its successor.

14 "Carbon dioxide equivalent emissions" or "CO₂e" means the
15 sum total of the mass amount of emissions in tons per year,
16 calculated by multiplying the mass amount of each of the 6
17 greenhouse gases specified in Section 3.207, in tons per year,
18 by its associated global warming potential as set forth in 40
19 CFR 98, subpart A, table A-1 or its successor, and then adding
20 them all together.

21 "Cogeneration" or "combined heat and power" refers to any
22 system that, either simultaneously or sequentially, produces
23 electricity and useful thermal energy from a single fuel
24 source.

25 "Copollutants" refers to the 6 criteria pollutants that
26 have been identified by the United States Environmental

1 Protection Agency pursuant to the Clean Air Act.

2 "Electric generating unit" or "EGU" means a fossil
3 fuel-fired stationary boiler, combustion turbine, or combined
4 cycle system that serves a generator that has a nameplate
5 capacity greater than 25 MWe and produces electricity for
6 sale.

7 "Environmental justice community" means the definition of
8 that term based on existing methodologies and findings, used
9 and as may be updated by the Illinois Power Agency and its
10 program administrator in the Illinois Solar for All Program.

11 "Equity investment eligible community" or "eligible
12 community" means the geographic areas throughout Illinois that
13 would most benefit from equitable investments by the State
14 designed to combat discrimination and foster sustainable
15 economic growth. Specifically, eligible community means the
16 following areas:

17 (1) areas where residents have been historically
18 excluded from economic opportunities, including
19 opportunities in the energy sector, as defined as R3 areas
20 pursuant to Section 10-40 of the Cannabis Regulation and
21 Tax Act; and

22 (2) areas where residents have been historically
23 subject to disproportionate burdens of pollution,
24 including pollution from the energy sector, as established
25 by environmental justice communities as defined by the
26 Illinois Power Agency pursuant to the Illinois Power

1 Agency Act, excluding any racial or ethnic indicators.

2 "Equity investment eligible person" or "eligible person"
3 means the persons who would most benefit from equitable
4 investments by the State designed to combat discrimination and
5 foster sustainable economic growth. Specifically, eligible
6 person means the following people:

7 (1) persons whose primary residence is in an equity
8 investment eligible community;

9 (2) persons whose primary residence is in a
10 municipality, or a county with a population under 100,000,
11 where the closure of an electric generating unit or mine
12 has been publicly announced or the electric generating
13 unit or mine is in the process of closing or closed within
14 the last 5 years;

15 (3) persons who are graduates of or currently enrolled
16 in the foster care system; or

17 (4) persons who were formerly incarcerated.

18 "Existing emissions" means:

19 (1) for CO₂e, the total average tons-per-year of CO₂e
20 emitted by the EGU or large GHG-emitting unit either in
21 the years 2018 through 2020 or, if the unit was not yet in
22 operation by January 1, 2018, in the first 3 full years of
23 that unit's operation; and

24 (2) for any copollutant, the total average
25 tons-per-year of that copollutant emitted by the EGU or
26 large GHG-emitting unit either in the years 2018 through

1 2020 or, if the unit was not yet in operation by January 1,
2 2018, in the first 3 full years of that unit's operation.

3 "Green hydrogen" means a power plant technology in which
4 an EGU creates electric power exclusively from electrolytic
5 hydrogen, in a manner that produces zero carbon and
6 copollutant emissions, using hydrogen fuel that is
7 electrolyzed using a 100% renewable zero carbon emission
8 energy source.

9 "Large greenhouse gas-emitting unit" or "large
10 GHG-emitting unit" means a unit that is an electric generating
11 unit or other fossil fuel-fired unit that itself has a
12 nameplate capacity or serves a generator that has a nameplate
13 capacity greater than 25 MWe and that produces electricity,
14 including, but not limited to, coal-fired, coal-derived,
15 oil-fired, natural gas-fired, and cogeneration units.

16 "NO_x emission rate" means the plant annual NO_x total output
17 emission rate as measured by the United States Environmental
18 Protection Agency in its Emissions & Generation Resource
19 Integrated Database (eGrid), or its successor, in the most
20 recent year for which data is available.

21 "Public greenhouse gas-emitting units" or "public
22 GHG-emitting unit" means large greenhouse gas-emitting units,
23 including EGUs, that are wholly owned, directly or indirectly,
24 by one or more municipalities, municipal corporations, joint
25 municipal electric power agencies, electric cooperatives, or
26 other governmental or nonprofit entities, whether organized

1 and created under the laws of Illinois or another state.

2 "SO₂ emission rate" means the "plant annual SO₂ total
3 output emission rate" as measured by the United States
4 Environmental Protection Agency in its Emissions & Generation
5 Resource Integrated Database (eGrid), or its successor, in the
6 most recent year for which data is available.

7 (g) All EGUs and large greenhouse gas-emitting units that
8 use coal or oil as a fuel and are not public GHG-emitting units
9 shall permanently reduce all CO₂e and copollutant emissions to
10 zero no later than January 1, 2030.

11 (h) All EGUs and large greenhouse gas-emitting units that
12 use coal as a fuel and are public GHG-emitting units shall
13 permanently reduce CO₂e emissions to zero no later than
14 December 31, 2045. Any source or plant with such units must
15 also reduce their CO₂e emissions by 45% from existing
16 emissions by no later than January 1, 2035. If the emissions
17 reduction requirement is not achieved by December 31, 2035,
18 the plant shall retire one or more units or otherwise reduce
19 its CO₂e emissions by 45% from existing emissions by June 30,
20 2038.

21 (i) All EGUs and large greenhouse gas-emitting units that
22 use gas as a fuel and are not public GHG-emitting units shall
23 permanently reduce all CO₂e and copollutant emissions to zero,
24 including through unit retirement or the use of 100% green
25 hydrogen or other similar technology that is commercially
26 proven to achieve zero carbon emissions, according to the

1 following:

2 (1) No later than January 1, 2030: all EGUs and large
3 greenhouse gas-emitting units that have a NO_x emissions
4 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of
5 greater than 0.006 lb/MWh, and are located in or within 3
6 miles of an environmental justice community designated as
7 of January 1, 2021 or an equity investment eligible
8 community.

9 (2) No later than January 1, 2040: all EGUs and large
10 greenhouse gas-emitting units that have a NO_x emission
11 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate
12 greater than 0.006 lb/MWh, and are not located in or
13 within 3 miles of an environmental justice community
14 designated as of January 1, 2021 or an equity investment
15 eligible community. After January 1, 2035, each such EGU
16 and large greenhouse gas-emitting unit shall reduce its
17 CO₂e emissions by at least 50% from its existing emissions
18 for CO₂e, and shall be limited in operation to, on average,
19 6 hours or less per day, measured over a calendar year, and
20 shall not run for more than 24 consecutive hours except in
21 emergency conditions, as designated by a Regional
22 Transmission Organization or Independent System Operator.

23 (3) No later than January 1, 2035: all EGUs and large
24 greenhouse gas-emitting units that began operation prior
25 to the effective date of this amendatory Act of the 102nd
26 General Assembly and have a NO_x emission rate of less than

1 or equal to 0.12 lb/MWh and a SO₂ emission rate less than
2 or equal to 0.006 lb/MWh, and are located in or within 3
3 miles of an environmental justice community designated as
4 of January 1, 2021 or an equity investment eligible
5 community. Each such EGU and large greenhouse gas-emitting
6 unit shall reduce its CO₂e emissions by at least 50% from
7 its existing emissions for CO₂e no later than January 1,
8 2030.

9 (4) No later than January 1, 2040: All remaining EGUs
10 and large greenhouse gas-emitting units that have a heat
11 rate greater than or equal to 7000 BTU/kWh. Each such EGU
12 and Large greenhouse gas-emitting unit shall reduce its
13 CO₂e emissions by at least 50% from its existing emissions
14 for CO₂e no later than January 1, 2035.

15 (5) No later than January 1, 2045: all remaining EGUs
16 and large greenhouse gas-emitting units.

17 (j) All EGUs and large greenhouse gas-emitting units that
18 use gas as a fuel and are public GHG-emitting units shall
19 permanently reduce all CO₂e and copollutant emissions to zero,
20 including through unit retirement or the use of 100% green
21 hydrogen or other similar technology that is commercially
22 proven to achieve zero carbon emissions by January 1, 2045.

23 (k) All EGUs and large greenhouse gas-emitting units that
24 utilize combined heat and power or cogeneration technology
25 shall permanently reduce all CO₂e and copollutant emissions to
26 zero, including through unit retirement or the use of 100%

1 green hydrogen or other similar technology that is
2 commercially proven to achieve zero carbon emissions by
3 January 1, 2045.

4 (k-5) No EGU or large greenhouse gas-emitting unit that
5 uses gas as a fuel and is not a public GHG-emitting unit may
6 emit, in any 12-month period, CO₂e or copollutants in excess of
7 that unit's existing emissions for those pollutants.

8 (l) Notwithstanding subsections (g) through (k-5), large
9 GHG-emitting units including EGUs may temporarily continue
10 emitting CO₂e and copollutants after any applicable deadline
11 specified in any of subsections (g) through (k-5) if it has
12 been determined, as described in paragraphs (1) and (2) of
13 this subsection, that ongoing operation of the EGU is
14 necessary to maintain power grid supply and reliability or
15 ongoing operation of large GHG-emitting unit that is not an
16 EGU is necessary to serve as an emergency backup to
17 operations. Up to and including the occurrence of an emission
18 reduction deadline under subsection (i), all EGUs and large
19 GHG-emitting units must comply with the following terms:

20 (1) if an EGU or large GHG-emitting unit that is a
21 participant in a regional transmission organization
22 intends to retire, it must submit documentation to the
23 appropriate regional transmission organization by the
24 appropriate deadline that meets all applicable regulatory
25 requirements necessary to obtain approval to permanently
26 cease operating the large GHG-emitting unit;

1 (2) if any EGU or large GHG-emitting unit that is a
2 participant in a regional transmission organization
3 receives notice that the regional transmission
4 organization has determined that continued operation of
5 the unit is required, the unit may continue operating
6 until the issue identified by the regional transmission
7 organization is resolved. The owner or operator of the
8 unit must cooperate with the regional transmission
9 organization in resolving the issue and must reduce its
10 emissions to zero, consistent with the requirements under
11 subsection (g), (h), (i), (j), (k), or (k-5), as
12 applicable, as soon as practicable when the issue
13 identified by the regional transmission organization is
14 resolved; and

15 (3) any large GHG-emitting unit that is not a
16 participant in a regional transmission organization shall
17 be allowed to continue emitting CO₂e and copollutants
18 after the zero-emission date specified in subsection (g),
19 (h), (i), (j), (k), or (k-5), as applicable, in the
20 capacity of an emergency backup unit if approved by the
21 Illinois Commerce Commission.

22 (m) No variance, adjusted standard, or other regulatory
23 relief otherwise available in this Act may be granted to the
24 emissions reduction and elimination obligations in this
25 Section.

26 (n) By June 30 of each year, beginning in 2025, the Agency

1 shall prepare and publish on its website a report setting
2 forth the actual greenhouse gas emissions from individual
3 units and the aggregate statewide emissions from all units for
4 the prior year.

5 (o) Every 5 years beginning in 2025, the Environmental
6 Protection Agency, Illinois Power Agency, and Illinois
7 Commerce Commission shall jointly prepare, and release
8 publicly, a report to the General Assembly that examines the
9 State's current progress toward its renewable energy resource
10 development goals, the status of CO₂e and copollutant
11 emissions reductions, the current status and progress toward
12 developing and implementing green hydrogen technologies, the
13 current and projected status of electric resource adequacy and
14 reliability throughout the State for the period beginning 5
15 years ahead, and proposed solutions for any findings. The
16 Environmental Protection Agency, Illinois Power Agency, and
17 Illinois Commerce Commission shall consult PJM
18 Interconnection, LLC and Midcontinent Independent System
19 Operator, Inc., or their respective successor organizations
20 regarding forecasted resource adequacy and reliability needs,
21 anticipated new generation interconnection, new transmission
22 development or upgrades, and any announced large GHG-emitting
23 unit closure dates and include this information in the report.
24 The report shall be released publicly by no later than
25 December 15 of the year it is prepared. If the Environmental
26 Protection Agency, Illinois Power Agency, and Illinois

1 Commerce Commission jointly conclude in the report that the
2 data from the regional grid operators, the pace of renewable
3 energy development, the pace of development of energy storage
4 and demand response utilization, transmission capacity, and
5 the CO₂e and copollutant emissions reductions required by
6 subsection (i) or (k-5) reasonably demonstrate that a resource
7 adequacy shortfall will occur, including whether there will be
8 sufficient in-state capacity to meet the zonal requirements of
9 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the
10 regional transmission organizations, or that the regional
11 transmission operators determine that a reliability violation
12 will occur during the time frame the study is evaluating, then
13 the Illinois Power Agency, in conjunction with the
14 Environmental Protection Agency shall develop a plan to reduce
15 or delay CO₂e and copollutant emissions reductions
16 requirements only to the extent and for the duration necessary
17 to meet the resource adequacy and reliability needs of the
18 State, including allowing any plants whose emission reduction
19 deadline has been identified in the plan as creating a
20 reliability concern to continue operating, including operating
21 with reduced emissions or as emergency backup where
22 appropriate. The plan shall also consider the use of renewable
23 energy, energy storage, demand response, transmission
24 development, or other strategies to resolve the identified
25 resource adequacy shortfall or reliability violation.

26 (1) In developing the plan, the Environmental

1 Protection Agency and the Illinois Power Agency shall hold
2 at least one workshop open to, and accessible at a time and
3 place convenient to, the public and shall consider any
4 comments made by stakeholders or the public. Upon
5 development of the plan, copies of the plan shall be
6 posted and made publicly available on the Environmental
7 Protection Agency's, the Illinois Power Agency's, and the
8 Illinois Commerce Commission's websites. All interested
9 parties shall have 60 days following the date of posting
10 to provide comment to the Environmental Protection Agency
11 and the Illinois Power Agency on the plan. All comments
12 submitted to the Environmental Protection Agency and the
13 Illinois Power Agency shall be encouraged to be specific,
14 supported by data or other detailed analyses, and, if
15 objecting to all or a portion of the plan, accompanied by
16 specific alternative wording or proposals. All comments
17 shall be posted on the Environmental Protection Agency's,
18 the Illinois Power Agency's, and the Illinois Commerce
19 Commission's websites. Within 30 days following the end of
20 the 60-day review period, the Environmental Protection
21 Agency and the Illinois Power Agency shall revise the plan
22 as necessary based on the comments received and file its
23 revised plan with the Illinois Commerce Commission for
24 approval.

25 (2) Within 60 days after the filing of the revised
26 plan at the Illinois Commerce Commission, any person

1 objecting to the plan shall file an objection with the
2 Illinois Commerce Commission. Within 30 days after the
3 expiration of the comment period, the Illinois Commerce
4 Commission shall determine whether an evidentiary hearing
5 is necessary. The Illinois Commerce Commission shall also
6 host 3 public hearings within 90 days after the plan is
7 filed. Following the evidentiary and public hearings, the
8 Illinois Commerce Commission shall enter its order
9 approving or approving with modifications the reliability
10 mitigation plan within 180 days.

11 (3) The Illinois Commerce Commission shall only
12 approve the plan if the Illinois Commerce Commission
13 determines that it will resolve the resource adequacy or
14 reliability deficiency identified in the reliability
15 mitigation plan at the least amount of CO₂e and copollutant
16 emissions, taking into consideration the emissions impacts
17 on environmental justice communities, and that it will
18 ensure adequate, reliable, affordable, efficient, and
19 environmentally sustainable electric service at the lowest
20 total cost over time, taking into account the impact of
21 increases in emissions.

22 (4) If the resource adequacy or reliability deficiency
23 identified in the reliability mitigation plan is resolved
24 or reduced, the Environmental Protection Agency and the
25 Illinois Power Agency may file an amended plan adjusting
26 the reduction or delay in CO₂e and copollutant emission

1 reduction requirements identified in the plan.

2 (p) The goals of the State are to reduce greenhouse gas
3 emissions from the transportation sector in the State by at
4 least 80% from the 2005 level and achieve a net-zero emissions
5 transportation sector, both by 2050.

6 (1) An incremental goal of at least a 50% reduction in
7 greenhouse gas emissions from the transportation sector
8 below the year 2005 level by the year 2030 is hereby
9 established.

10 (2) By no later than September 30, 2025, the Agency
11 shall establish greenhouse gas emissions reduction targets
12 for the State transportation sector on a 5-year or more
13 frequent basis that will achieve these goals.

14 (3) The Agency shall set the first such emissions
15 reduction target for no later than 2030, shall use 2005
16 emissions as the baseline year, and shall provide that
17 each 5-year target is at least 15 percentage points lower
18 and no more than 25 percentage points lower than the
19 immediately preceding 5-year target.

20 (4) The emissions reduction targets set by the Agency
21 must be by transportation mode, such as aerial transport
22 and highway transport, as the Agency deems appropriate
23 after consultation with the Department of Transportation.

24 (5) The Agency, in coordination with the Department of
25 Transportation, shall adopt rules establishing policies
26 and programs necessary for the State to achieve the

1 transportation sector greenhouse gas emissions reduction
2 goals and targets set forth in this subsection and in
3 subsection (c) of Section 2705-204 of the Department of
4 Transportation Law of the Civil Administrative Code of
5 Illinois. The rules may make changes to how the Department
6 of Transportation and MPOs plan, program, prioritize, and
7 fund transportation projects so that the State can achieve
8 the greenhouse gas emissions reduction goals and targets
9 set forth in this subsection and in subsection (c) of
10 Section 2705-204 of the Department of Transportation Law
11 of the Civil Administrative Code of Illinois.

12 (6) The Department of Transportation and MPOs in the
13 State shall ensure that their greenhouse gas emissions
14 reporting under Title 23, Part 490, of the Code of Federal
15 Regulations conforms to the greenhouse gas emissions
16 reduction goals and targets set forth in this subsection
17 and in subsection (c) of Section 2705-204 of the
18 Department of Transportation Law of the Civil
19 Administrative Code of Illinois.

20 (q) No later than June 30, 2025, the Agency, by rule, shall
21 establish a social cost of carbon, expressed in terms of
22 dollars per ton of CO₂e.

23 (1) The social cost of carbon shall serve as a
24 monetary estimate of the value of not emitting a ton of
25 greenhouse gas emissions.

26 (2) In developing the social cost of carbon, the

1 Agency shall consider estimates of the social cost of
2 carbon issued or adopted by the federal government,
3 appropriate international bodies, or other appropriate and
4 reputable scientific organizations, but the social cost of
5 carbon adopted by the Agency must not be less than the
6 social cost of carbon adopted by the United States
7 Environmental Protection Agency.

8 (3) The Agency shall periodically update its estimate
9 of the social cost of carbon to reflect changes in data,
10 assumptions, and estimates, and it shall do so at least
11 once every 5 years.

12 (4) Except as otherwise provided by law, State
13 agencies shall use the social cost of carbon figure
14 established by the Agency for purposes of estimating the
15 cost associated with carbon-related emissions.

16 (Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22.)