

“Changement climatique, mobilités urbaines et *Cleantech*”

POUR CONTRIBUER AUTREMENT AU DÉBAT sur
les enjeux de la mobilité et de l'énergie
dans le contexte du changement climatique,
À L'HEURE OÙ LES BILANS IMPUTENT À LA MOBILITÉ
UN TIERS DES ÉMISSIONS À EFFET DE SERRE.

Climate change and mobility in the USA: who makes the Law?

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Answers to the Questions for the session

Background

In the United States, the country of small government and the free market, many observers and decision makers nevertheless consider that climate change and energy issues are a matter for the public authorities. In fact, the promoters of the market in general and of Cleantech firms in particular expect government to make political commitments and issue ambitious laws and strict regulations in these areas, including transportation and mobility. Is climate change in the process of overturning American values with regard to mobility, not through the markets but through a transformation of public action, of its role in society and of its legal resources?

Albert Bressand: As any observer of the US scene will note, it would be misleading to describe the country as undergoing an ‘overturning of values’. While there exists a strong environmental movement, and while part—not all—of that movement is now tuned to global preoccupations, first among which climate change, the intellectual and political climate does not resemble the European one. Two wars, one major financial crisis and a highly divisive debate on health care

¹ The views presented here reflect ongoing work within the CEMTPP ‘Urban Energy’ program. Special gratitude is owed to Michael Hyams and Adam Hinge. Questions concerned exclusively with California have been left out.

reform—which the passing of the Obama landmark legislation has certainly not brought to a close—leave a relatively limited room for the debate on climate change. While providing strong arguments in favor of energy efficiency and alternative energy sources, the massive oil spill in the Gulf of Mexico is also likely to make a bipartisan coalition even more difficult². A significant part of the environmental agenda tends to be expressed in local rather than in global terms. In addition, the notion that US legislation should be based on international consensus, let alone that it should be subordinated to international treaties, remains foreign to the US political culture. As for the ‘car culture’, it is embedded both in the country’s geography, infrastructures—or lack thereof, as for high speed trains—and in the still present notion that mobility is essential for a country still perceived as a frontier rather than as a fully settled space. Before we consider the role of legislation in addressing climate change from a US perspective, let us remember therefore that, even though both can work together, technology rather than the law is what Americans will instinctively turn to in their search for solutions. No surprise therefore that, while climate change and associated policies may eventually force Americans’ views regarding mobility to evolve, the current policy debate does not suggest a major legislative assault on the country’s value of mobility afoot.

This said, in a more technical, economic perspective, climate change is regarded as a symptom of market failure (i.e., the failure to price carbon emissions and the scarce value of nature’s carbon sinks). Advocates of carbon legislation—whether they are a political minority or not—quite naturally regard government action as required to guide markets and economic development toward pathways that will reduce the amount of carbon lock-in. In addition, as could be seen through the creation of the Chicago Climate Exchange and other similar initiatives, the financial services sector and key exchanges stands ready to provide market solutions and to develop what could be a multi-trillion dollar carbon instrument industry. They understand that the full development of these new markets will require a host of legislative instruments, and they would prefer a national framework, properly connected to other international markets, to a patchwork of private and sub-national initiatives. Mobility has not been a central consideration in these projects but could easily provide important avenues for carbon-credit and emission-rights markets to take into account (e.g. through the development of low-carbon public or private transport alternatives).

What about the laws discussed in the Senate or the much media touted Californian laws? Are they really exempt from the influences and competition of the businesses involved in transportation and fuel? Are they opening up new possibilities for action for citizens or NGOs? What real effects can we expect from them?

² “Just as the oil will continue to wash up on the Gulf coast long after the leak has been plugged, the political ramifications will ripple outwards for months and probably years. Up until the explosion, Mr Obama had been fashioning a delicate bipartisan way ahead to push a climate change bill through the Senate. That compromise was built on Mr Obama’s new found enthusiasm for offshore oil drilling, which was an essential precondition to winning the support of a necessary quota of Republican senators. It was only a month before the disaster that Mr Obama announced his road to Damascus on offshore drilling”. Edward Luce, “Spill risks turning into Obama’s Katrina”, Financial Times, May 28, 2010.

Questions 1: Who decides? Who wants to be involved in the decision?

What do the laws reveal about the new division of powers between the institutions and about their current repositioning around climate change? In New York, how is the competition being resolved between the State, with its responsibility for transportation, and a city that is seeking to take action on climate change and proposing transportation planning?

AB: The policy and planning environment is quite fragmented and is more complex than city versus state as there are also inter-county and inter-state issues. This diffusion of authority obviously spills over to efforts to develop regional transit policies and programs. Responsibility for transportation in the NYC metropolitan area is shared among local, state and federal agencies:

- NYC local government has its own Department of Transportation (NYCDOT), which essentially manages the city's network of roads including 5800 miles of streets, sidewalks, highways and bridges. The NYCDOT is led by a mayor appointed Commissioner and uses its power over the design and management of city streets to improve the state of city infrastructure and reduce traffic congestion in the city's major corridors. Examples of this include the on-going expansion of bike lanes across the city and the closure of several congested areas with high pedestrian traffic to automobiles (e.g., Time Square, Herald Square and Madison Square).
- The Metropolitan Transit Authority is a state authority that manages the metropolitan area's subway and bus system. The State governor appoints its 17 board members with four recommended by the Mayor of NYC and one recommended by each of the executives of the seven regional counties. Funding for the MTA comes from a combination of fares and tolls, federal grants and city appropriations and MTA bond issuances. The MTA's capital plan currently faces an approximately \$14 billion funding gap, clearly a major challenge for supporting NYC's infrastructure improvement goals.
- Other important partners in managing the NYC area transportation infrastructure include the State Department of Transportation (coordinates transit planning with all agencies across the state) and the Port Authority of New York and New Jersey (coordinates NYC/NJ marine terminals and port system, interstate tunnels and airports among other things).

New York City's sustainability plan (known as "PlaNYC") was developed with the overall goal of creating a "greener, greater" city by 2030. The plan focuses on six main areas – land, water, transportation, energy, air and climate change. Within the area of "Climate Change," the plan set a target of reducing citywide GHG emissions by 30% from 2006 levels by 2030 and proposed three related initiatives to protect the city from the worst effects of a changing climate³. All three initiatives are within the City's general authority (i.e., do not require state approval or support). Substantial progress has been made toward achieving two of them:

(1) create an intergovernmental Task Force to protect the city's vital infrastructure. The Task Force has been created in 2008, bringing together 40 City, state and federal agencies as well as private companies in a climate of cooperation. It has already conducted a technical assessment of the potential impacts of climate change on the city's critical infrastructure. In February 2009 the

³ See PlaNYC 2010 Progress Report

Task Force released its assessment, identifying over 100 types of infrastructure that could be affected by climate change.

(2) Work with vulnerable neighborhoods to develop community-specific strategies (i.e., climate resilience and adaptation efforts). The City has adopted a new building code with provisions that are intended to enhance the climate resilience of buildings. City agencies are still working on completing a community planning toolkit to support the development of neighborhood climate change adaptation plans.

(3) Launch a citywide strategic planning process for climate change adaptation.

The Plan also includes a variety of initiatives on notably Energy and Transportation to reduce citywide GHG emissions. Under Transportation, the plan set two overarching goals that are not directly related to carbon reduction:

(1) improve travel times by adding transit capacity; and

(2) reach a full “state of good repair” on NYC roads, subways, and rails for the first time in history.

To achieve these Energy and Transportation goals, the Plan proposes 16 initiatives within 6 categories: (1) build and expand transit infrastructure; (2) improve transit service on existing infrastructure; (3) promote other sustainable modes (e.g., expand ferry service and bicycle lanes); (4) improve traffic flow by reducing congestion (e.g., congestion pricing pilot); (5) achieve a good state of repair on roads and subways; and (6) develop new funding sources. Many of the initiatives proposed would contribute to reducing GHG emissions by improving public transit conditions and encouraging alternatives to driving.

Congestion pricing received special attention at the beginning, but has seen NYC’s efforts disappointed. Congestion pricing is more of a traffic reduction policy than a carbon mitigation strategy, yet, by discouraging the use of automobiles during peak weekday periods and creating a new source of revenue that can be used to support investment in public transit, it could have provided carbon reduction benefits as well. Implementing the congestion-pricing program, however, required approval from the State legislature for what was in effect a new toll, or tax on driving in certain areas of the city (the proposed congestion areas was Manhattan south of 60th Street). In 2007 the City received a grant of \$350 million from the federal Department of Transportation to implement the congestion-pricing pilot on the condition that the State approved the new City taxing authority. In total, it was estimated that the proposed plan would have reduced vehicle miles traveled in the zone by 6.8 % and raised nearly \$500 million per year for City transit investments. However, politically, the program was interpreted as pitting outer borough and regional commuters against Manhattanites. The Speaker of the State Assembly, Sheldon Silver, represented a southern Manhattan district that supported the congestion tax, but his outer-borough peers—on whom he depends to keep his position as Speaker—were vociferously denouncing a regressive tax against their own constituents. The easiest solution for Silver was to not act at all, and he refused to ask for a vote on the initiative. This led to the

expiration of the federal grant offer in April 2008. The loss of the federal seed funds ended the City's hope of instituting the program in the near term.

There was a level of healthy competition between NY State and City initiatives early on in the PlaNYC launch. Shortly before Mayor Bloomberg was going to announce his PlaNYC initiative on Earth Day in the spring of 2007, newly elected NY State Governor Eliot Spitzer wanted to "beat NYC to the punch" and had a major environmental speech launching the Statewide "15 by 15" initiative, establishing an energy efficiency portfolio standard requiring electric utilities to achieve savings 15% below 2007 baselines by 2015. Before NY Statewide controversies, including Governor Spitzer's resignation as a result of a personal scandal, there had been more healthy "one-upsmanship" between the City and State, though NYC is clearly pushing further than State policy makers are comfortable.

What is the role and what are the strategies of business in the processes entailed in developing these laws? In New York, how do the real estate firms influence the mobility component in legal frameworks on climate change and energy? Are the transportation companies visibly involved in the debate, and if so, how?

AB: In NYC, the real estate community is an extremely powerful lobby in that most elected officials rely heavily on real estate firm contributions to help finance their campaigns. Mayor Bloomberg, a very successful businessperson in his own right, came into office virtually "self-financed" and had much more freedom than most in taking on vested NYC interests. Approving legislation, though, requires City Council (legislative branch) approval, and real estate interests generally have great influence among elected Council Members.

For the most part, business interests focus on potential laws that will affect their industry. The real estate community pays most attention to potential legislation and regulations that directly affect building policies or financial issues, but transport topics are somewhat tangential. The biggest transport issue of interest to real estate firms is expansion of the public transport system, as buildings located close to subway stops have much higher value.

Beyond issues of public transit expansion at reasonable cost, most real estate firms are relatively silent on transport issues. One innovative real estate firm, the Durst Organization (considered a maverick due to their emphasis on environmental issues), has supported closing some streets to make room for light railway lines on certain key thoroughfares where subway lines would be cost-prohibitive (e.g. 42nd Street). Most owners have been relatively silent on other street closing issues, though retail tenants have been vocal.

Transport related firms, including taxi and limousine owners, have been very opposed to proposed measures. They sued the City; the Courts have now overturned some of the proposals for hybrid fuel vehicle regulations (more on this below).

Why are the big environmental NGOs absent from these discussions? What is the role of the unions?

AB: In California, if I may speak briefly of this State, the environmental NGOs are anything but absent from these discussions. For example, Senate Bill (SB) 375, the transportation and land use planning initiative, was “sourced” by the Natural Resources Defense Council (NRDC which basically drafted the legislation. It was officially supported at the state legislature by a long list of environmental and other organizations including the American Farmland Trust, Audubon Society, Breathe California, Defenders of Wildlife, Environment California, Environmental Defense Fund and more. Similarly, Assembly Bill (AB) 32, the state’s landmark cap-and-trade bill was also “co-sourced” by NRDC and the Environmental Defense Fund. The list of supporters of AB 32 listed in the California Senate’s Floor Analysis of the bill number at least a hundred and included many federal elected officials representing California, local governments, faith-based organizations, organized labor (all the big ones supported - AFL-CIO, California Nurses, Federation of Teachers, and Firefighters), business organizations, entertainment industry, and environmental NGO’s. Opposition to AB 32 came from some of the usual suspects – Alliance of Automobile Manufacturers, California Business Properties Association, California Business Roundtable, California Chamber of Commerce, Pacific Gas and Electric, etc. (see bill analysis for more detail).

In New York, the New York City Mayor’s Office established a Sustainability Advisory Board to develop broad-based support for PlaNYC initiatives. In many cases, the board contributed analytical and research support and helped the City analyze different policy initiatives. The board included elected officials, representatives from business/real estate community/design, environmental advocacy community, academia, philanthropy and labor⁴. Both the Natural Resources Defense Council (NRDC) and the Environmental Defense Fund (EDF) were very important players in all of the PlaNYC activities, serving on the Sustainability Advisory Board, but more importantly, playing a very active behind the scenes role helping City Council (elected legislative body responsible for passing laws) staff in reaching agreements with organizations that were opposed to certain legislative or other proposals floating as a result of PlaNYC initiatives.

Also, the New York League of Conservation Voters was very much behind congestion pricing and lobbied for the necessary passage at the state level in 2008 (see article [here](#)). Again, the reason congestion pricing required approval by the NY State legislature was because it was a new transit tax, which the City does not have authority to institute unilaterally.

Who are the competent authorities and, in particular, how are they elected or appointed?

State legislators are elected by voters and in the drafting of legislation are often heavily influenced and even advised by key lobbyists. In the case of California’s major environmental/climate bills,

⁴ For more information see report produced by ICLEI [here](#)

environmental lobbyists were very closely involved in the development of the actual legislation. As is the case with both AB 32 and SB 375, the legislation directs state agencies, notably the California Air Resources Board (ARB) to develop a plan for implementing the law. The ARB is led by a group of officials appointed by the governor. Typically these officials are experts in the field of air quality management and either come from academia or are recognized as leading practitioners. Mary Nichols is the current chairperson of the ARB and was formerly the Director of UCLA's Institute of the Environment. In late 2008, the ARB issued a Scoping Plan for implementation of AB 32 (the umbrella climate change bill). The Scoping Plan went through a significant public process and received over 500 comments from advocacy groups and experts on various subjects raised by the Plan.

In NYC, most of the relevant authorities are appointed by the elected Mayor. For example, the head of the Mayor's Office of Long Term Planning & Sustainability, appointed by the Mayor, was extremely effective, and because he was highly respected by virtually all stakeholders to the process, PlaNYC initiatives have moved forward relatively smoothly (with the exception of the Congestion Pricing proposal). Mayor Bloomberg also appointed a Transportation Commissioner extremely friendly to alternative transport issues, which has allowed for closing of streets to autos, and significant expansion of bike lanes throughout the city.

What part do these questions play in the representation of the citizen as voter, taxpayer or user? Has the 2008 crisis altered the priorities?

AB: Yes, the financial crisis has worked against climate action. A good example in New York State is the State Legislature's decision to raid most of the funds raised from the first set of auctions from the Regional Greenhouse Gas Initiative (RGGI). In early 2008, New York state officials finalized a plan to spend the \$220 million in the fund to improve energy efficiency in low-income homes, promote renewable energy technologies and institute other environmental programs. By contrast, in 2009, Governor David Patterson proposed moving about \$100 million of the funds available in New York State to bridge the state's budget gap.

Similar issues have arisen in policy discussions regarding cap-and-trade at the national level. In 2009 President Obama first stated his desire that any federal cap-and-trade program auction off a good portion of the offsets and use the funds to support various public needs (support investments in energy R&D as well as help bridge federal budget deficit). However, various interests have succeeded in eliminating the use of auctions for the offsets in most of the bills that have been proposed to reduce the cost of compliance – in most cases current proposed national legislation would give offsets away to industries until about 2030.

In New York, how are the people responsible for community development responding to legal frameworks that place a priority on energy saving in businesses?

AB: City agencies generally “toe the line” after mayoral or legislative directives are imposed. They tend to dampen the intent, recognizing that politics may change after the next election, and implementing regulations set by City planners or other bureaucrats in the agencies are often somewhat less ambitious than the political pronouncements of “game-changing” legislation. For example, the draft guidance now coming from the NYC Department of Building, with Q&A about how the new City Energy Code will apply to modifications and renovations to existing buildings, is relatively conservative compared to rhetoric at the time of the bill’s approval.

Questions 2: What formats and what models are involved?

What are the competing alternatives: tough laws, laws to make legal action easier, private contracts and labels, planning schemes and tools? What is the role and reality of incentives in this legal framework? What form might a mobility standard take in the USA?

Can the law organize the quotas market? What is the scope of the law?

AB: Given the “live free or die”/libertarian philosophy in certain parts of the US, and the disproportionate power given to small states in the US Congress, it is hard to foresee any sort of national, “one size fits all” mobility standard in the USA. Sub-national units will continue to serve as “laboratories of democracy,” where innovative cities and/or states will lead by example by setting new standards, which might at first be viewed as quite controversial, but after being proven to work, might be adopted more broadly.

A US national transportation policy or mobility standard is likely therefore to take multiple forms, including new and stricter automobile fuel efficiency standards (CAFE), possibly a cap-and-trade law that applies to transportation fuels among other, planning schemes that encourage compact development and new inter-regional transportation infrastructure. High-speed rail connecting regional urban areas have benefited from Stimulus funds and seem far closer than ever to being built.

To encourage the development of sustainable transportation modes, federal, state and local policies and programs will use mandates, integrated planning approaches and financial incentives through taxes, subsidies or market-based mechanisms like the cap-and-trade.

An economy-wide national cap-and-trade program or carbon tax is looking politically untenable for at least several years. In the meantime, states are likely to continue to institute regional inter-state programs, but any such efforts will be tempered by regional economic development and economic growth considerations. This is why we are more likely to see focused initiatives to support the development of alternatives through federal grants or tax incentives, such as high-speed rail and fuel efficient and lower-carbon automobiles such as electric or plug-in hybrid vehicles.

The American Recovery and Reinvestment Act (ARRA) of 2008 (the ‘Stimulus package’) provides one example of this approach. It directed the Federal Railroad Administration to

distribute \$8 billion for intercity high-speed rail projects. Demand for the funds exceeded supply by more than ten times – the FRA received over \$100 million in applications. America 2050, a national initiative to help meet the infrastructure, economic development and environmental challenges of the nation in 2050 observes in a white paper on where high-speed rail works best, that the FRA will likely face significant political pressure to spread the ARRA funds around the country. The agency has established screening criteria to judge the funding applications including job recovery potential, project readiness, and other public benefit criteria. However, the screening criteria do not include metrics to compare the scale of the benefits across different metropolitan regions in the US. The America 2050 initiative has encouraged the FRA to examine and compare different corridors to determine where high-speed rail has the greatest chance of success based on the transportation, economic and societal benefits it can provide.

Generally speaking, there is recognition at the highest levels of federal government in the US that effective transportation planning must be closely tied to community development strategies. President Obama's Department of Transportation Secretary Ray LaHood (a Republican), has surprised the sustainable transportation community in the US by his embrace of transit-oriented development. LaHood has advocated before Congress for "compact development, complemented by pricing strategies and support for alternative transportation modes..." LaHood has stated that a planning approach that promotes mixed-use, connected communities could reduce US CO2 emissions by 15% by 2050 or more.

Questions 3: What is being decided? What aspects of mobility are decided in these legal frameworks? Which parts of the laws on climate change are designed to transform mobility? The federal laws mainly cover energy questions (*Clean Energy and Security Act, Waxman-Markey Bill*). To what extent do they include mobility and how do they influence it?

AB: The Waxman-Markey bill does not include a comprehensive transportation policy. If it were adopted it would impact the US transportation sector primarily by setting a cap on emissions that would include producers and importers of petroleum fuels, among other sectors. The Waxman-Markey bill sets a target of 17% below 2005 levels of national GHG emissions by 2020, increasing to 42% below 2005 by 2030 and 83% below 2005 by 2050. The American Petroleum Institute argues that the distribution of carbon offsets under Waxman-Markey is "inequitable" and would result in \$4/gallon gas at 2009 prices (about a 25% increase), which would certainly impact consumer decisions regarding transportation options, but not radically change the way Americans "get around." The bill also addresses mobility by directing allowances to states to establish State Energy and Environmental Development Accounts to support investment in advanced vehicle technologies.

The Senate's response to the Waxman-Markey bill, the recently proposed Kerry-Lieberman bill, also called the American Power Act, takes a more thoughtful approach toward transportation. The bill proposes the same targets for economy-wide emissions reductions as proposed under Waxman-Markey. Specific reductions requirements would take effect for electricity generators

and transportation fuels in 2013, while regulations covering natural gas distributors and industrial sources of emissions would begin in 2016. Emissions from transportation-related fuels are covered under the overall cap, but are treated separately with allowances set aside and directly purchased by refined product providers from the government at the most recent auction allowance price. Allowance revenues for the transportation section would be used to support the federal Highway Trust Fund (supports interstate highway and local mass transit), a Clean Vehicle Technology Fund, transportation improvement programs similar to those instituted under the ARRA and state and local government efforts to reduce GHG emissions through transportation planning⁵.

In California, after a law on fuel “decarbonization”, laws now cover land use and planning: is this a fundamental change or a reflection of uncertainties about which mobility objects to cover – vehicles, transportation infrastructures, travel destinations and locations ...? In particular, what are the views of the automobile industry?

AB:I’m not sure that the fact that legislation in California has been “piecemeal” reflects anything other than the difficulty of adopting comprehensive legislation in a single effort. Since reducing carbon emissions requires actions across many sectors of the economy, California has addressed these sectors through specific legislation or executive orders (i.e., gubernatorial directives). The fuel de-carbonization policy requires fuel refiners to reduce the carbon intensity of vehicle fuels by 10% by 2020, presumably by blending existing petroleum based fuels with low-carbon biofuels. The state also adopted legislation in 2002 requiring the automobiles sold in the state achieve a GHG emissions standard. AB 1493, or “the Pavley Bill,” used a provision of the Clean Air Act to develop a standard for automobile tailpipe emissions that would be more stringent than federal standards (which at the time did not restrict GHG emissions at all). However, in order to enforce the law California needed a waiver of the federal Clean Air Act from the US EPA. Under President Bush the EPA denied the waiver, but one of President Obama’s first actions was to rescind that decision and establish a federal GHG standard for automobiles.

The automobile industry was very much opposed to California’s efforts to develop GHG emissions standards for automobiles. Automobile manufacturers and dealers associations sued the State for over-stepping its authority in developing regulations that amounted to new fuel efficiency standards, which is an area of regulation under the authority of the federal government. With respect to SB 375, the transportation and land use planning law, the Automobile Club of Southern California opposed the legislation as did a number of county-level transportation authorities, namely because of a diminution of their power over planning. However, several major automakers supported the legislation including Toyota, Ford, GM, and Chrysler.

Questions 4: What is the law doing? What effects are expected? What real effects?
What impact are these laws on energy and climate change expected to have on mobility?

⁵ See analysis from the Pew Center

AB: The answer to this question varies depending on the policy or law one is referring to. A national carbon regime that raises the price of gasoline at the pump could have an impact on driving behavior if it is high enough. However, it is unlikely that a carbon regime will be adopted that has a significant and noticeable affect on the price of gasoline in the near term. Instead, in the near-term it is more likely that policies will be adopted to encourage consumers to find alternatives, possibly to purchase high efficiency vehicles such as compact cars or hybrids, or even possibly electric vehicles. These policies will be coupled with incentives or funds dedicated to local or regional planning initiatives to encourage more compact and multi-use development to reduce vehicle miles traveled or support the expansion of public transportation.

Who is supposed to track and measure these effects: public bodies or neutral institutions, companies through their internal reporting processes, citizens and their organizations?

AB: In the case of PlaNYC-related initiatives in New York City, the city government is tracking measures and their progress both with respect to the actions of municipal government (e.g., reduce the size of the city automobile fleet, increase the fuel economy of newly purchased vehicles, and deploy pilot alternative vehicles) and citywide (e.g., tracking the progress of the taxi fleets toward increasing their number of hybrids). In California, the ARB will be tracking progress with respect to compliance with AB 32 and SB 375.

What do these laws achieve? Some say that the laws are a way to get the Government to intervene in the sacred cow of free movement. Others believe that the laws create the conditions required to establish a climate change market for mobility. Who is right?

AB: Well, after all, perhaps both are right. Certainly many Americans fear that carbon regulation could lead to a significant reduction in freedom of movement. Indeed, a carbon regime would be likely to lead to higher gasoline prices, potentially reducing automobile use. However, a significant amount of attention is being directed toward the development of alternative forms of auto-mobility, including much higher efficiency gasoline vehicles and electric vehicles. Together with the pursuit of new forms of development, particularly more compact communities and with improved public transportation, this would provide Americans with more options to exercise their freedom to move on four wheels...

What are the effects today? Are we seeing changes emerge in the decisions of public institutions and companies in the short term? How did the automakers react to California's tough laws? What was the attitude of New York's transportation firms and taxis to the city plan, and in particular the proposal for a congestion toll to help tackle climate change? Are the NGOs using any legal texts or plans to develop operational projects for "sustainable mobility"? Would these proposed texts affect their ability to take initiatives in this sphere?

AB: We are seeing positive responses from the automakers because they are being forced to comply with new standards. However, they fought against those standards as they were being developed (e.g., California's effort to obtain a waiver for the AB 1493 vehicle emissions standard, but not necessarily SB 375 which followed).

As noted above, NYC transportation and taxi firms challenged the proposed congestion pricing⁶ in Court, though the much more vocal (and successful) opposition came from the public and their statewide elected legislators from parts of NYC and the suburbs who would be most affected by additional costs of congestion pricing. Taxi and limo firms were also very opposed to proposals for alternative fuel vehicles; trucking and transport companies have also been very loud opponents in proposals for closing streets to vehicular traffic.

Two attempts to regulate taxi companies were thrown out by federal courts after the companies challenged. Recently, NYC Mayor Bloomberg has worked with Senator Gillibrand to develop the Green Taxis Act of 2009, which would effectively eliminate the restrictions. However, at this time no substantive action has been taken on this bill. Despite some resistance and absent a mandate, taxi companies are beginning to change over to hybrids in significant numbers on their own. According to the NYC Mayor's Office, almost 25 percent of the city's more than 13,000 cabs have voluntarily converted to hybrids.

The future of new transport laws and regulations in NYC is unclear. Resurrecting the congestion pricing proposal does not seem to be a priority for Mayor Bloomberg's final term. A fair number of activities that can be done without City or Statewide legislation, including closing certain streets completely or partially to vehicular traffic, and adding substantial bike lanes, are being done by City appointed agencies.

⁶ With respect to the congestion-pricing program as presented in PlaNYC, taxis would have been an exempted class as would emergency vehicles, vehicles with handicapped license plates, and for-hire cars. The program would have applied to all other trucks and passenger vehicles driving within the designated zone during weekdays from 6 am to 6 pm.