

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 26-27, 2019

From: SUSAN BRANSEN, Executive Director

Reference Number: 4.15, Action

Prepared By: Garth Hopkins
Deputy Director

Published Date: June 21, 2019

Subject: **Proposed Federal Safer Affordable Fuel-Efficient Vehicles Rule**

Issue:

Should the Commission approve letters expressing concerns with the proposed federal Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for transmittal to the National Highway Traffic Safety Administration (NHTSA), the U.S. Environmental Protection Agency (U.S. EPA) and members of California's Congressional Delegation?

Recommendation:

Staff recommends the Commission approved the letters in Attachments A and B for transmittal to NHTSA, U.S. EPA and members of California's Congressional Delegation.

Background:

NHTSA and U.S. EPA published a SAFE Vehicles Rule that will reduce federal fuel efficiency standards and invalidate the California Air Resources Board's Advanced Clean Car rules and zero-emission vehicle mandates.

At the Commission and California Air Resources Board Joint Workshop held on May 16, 2019, experts presented information that the proposed rule will have significant negative impacts to mobility, safety, the environment, public health, the state and national economies, and more. Specifically, California could experience a delay in the construction of approximately 2,000 transportation projects valued at \$130 billion.

Additionally, this proposed rule, if finalized, will result in wide-ranging and long-term health impacts of the increased carbon dioxide and nitrogen oxide emissions that would arise from less fuel-efficient vehicles.

To communicate the impacts of the proposed rule and request the rule not be finalized, letters addressed to NHTSA, U.S. EPA, and California's congressional delegation were prepared. The letters identify the impacts to both California and the nation if the SAFE Vehicles Rule is finalized.

Letters sent by the California Air Resources Board, a coalition of 15 business and labor organizations and the California Association of Councils of Government (CALCOG) are included as additional information in Attachments C, D and E.

As part of this agenda item, Tanisha Taylor, California Association of Councils of Government Director of Sustainability, will update the Commission on the proposed SAFE Vehicles Rule status.

Attachments:

- **Attachment A:** Draft Commission Letter to NHTSA and U.S. EPA
- **Attachment B:** Example of Draft Letter to Members of California's Congressional Delegation
- **Attachment C:** Letter from the California Air Resources Board
- **Attachment D:** Letter from California business and labor organizations
- **Attachment E:** CALCOG Letter

FRAN INMAN, Chair
PAUL VAN KONYNENBURG, Vice Chair
BOB ALVARADO
YVONNE B. BURKE
LUCETTA DUNN
JAMES C. GHIELMETTI
CARL GUARDINO
CHRISTINE KEHOE
JOSEPH TAVAGLIONE

STATE OF CALIFORNIA

ATTACHMENT A
GAVIN NEWSOM, Governor

SENATOR JIM BEALL, Ex Officio
ASSEMBLY MEMBER JIM FRAZIER, Ex Officio

SUSAN BRANSEN, Executive Director



CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, MS-52
SACRAMENTO, CA 95814
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
(916) 654-4245
FAX (916) 653-2134
<http://www.catc.ca.gov>

June 26, 2019

Mr. Christopher Lieske
U.S. Environmental Protection Agency
EPA Docket Center (EPA/DC)
EPA West, Room B102
1301 Constitution Avenue NW
Washington, D.C. 20460

Mr. James Tamm
National Highway Traffic Safety Administration
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, D.C. 20460

RE: Safer Affordable Fuel-Efficient Vehicles Rule

Attention: NHTSA Docket ID Nos. NHTSA-2018-0067 and NHTSA-2017-0069
U.S. EPA Docket ID No. EPA-HQ-OAR-2018-0283

Dear Mr. Lieske and Mr. Tamm,

The California Transportation Commission (Commission) voted unanimously at its June 26, 2019 meeting to oppose the proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule. If enacted, this rule would have significant negative impacts to mobility, safety, the environment, public health, and the state and national economies.

The Commission is responsible for programming and allocating funds for the construction of highway, passenger rail, transit and active transportation improvements throughout California. As currently written, the Commission is concerned that the rule would place approximately 2,000 transportation projects in California valued at more than \$130 billion at risk of delay and/or loss of funding. As California is a major international freight gateway with three of the nation's major port facilities, these transportation project impacts would impact California's economy as well as the national economy. Tens of thousands of jobs in California and hundreds of thousands of jobs throughout the nation would be impacted should this rule be finalized (based on the Federal Highway

Mr. Lieske and Mr. Tamm
RE: SAFE Vehicles Rule
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Page 2

Administration's calculation that every billion dollars invested in transportation infrastructure supports 13,000 jobs).

The Commission is also concerned with the wide-ranging and long-term health impacts of the increased carbon dioxide and nitrogen oxide emissions that would arise from less fuel-efficient vehicles under the proposed rule. In its "State of the Air 2019" report, the American Lung Association found that ozone and particulate pollution levels are increasing in cities across the United States and approximately 43 percent of all Americans live in counties that have unhealthy levels of ozone and/or particulate pollution. These pollutants can cause serious respiratory and cardiovascular conditions and even lead to premature death.

In closing, the Commission respectfully requests your consideration of our comments on the SAFE Vehicles Rule. Finalizing this rule would jeopardize thousands of transportation projects and hundreds of thousands of jobs and have implications for public health. In addition, the rule would result in decreased mobility of people and goods, impairments to transportation safety, increased harms to the environment, and increased costs to consumers. For these reasons, the Commission strongly requests the Administration not to finalize the SAFE Vehicles Rule.

Sincerely,

FRAN INMAN, Chair
California Transportation Commission

c: Commissioners, California Transportation Commission
Susan Bransen, Executive Director, California Transportation Commission
David Kim, Secretary, California State Transportation Agency
Laurie Berman, Director, California Department of Transportation
Richard Corey, Executive Officer, California Air Resources Board

FRAN INMAN, Chair
PAUL VAN KONYNENBURG, Vice-Chair
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JOSEPH TAVAGLIONE

STATE OF CALIFORNIA

ATTACHMENT B
GAVIN NEWSOM, Governor

SENATOR JIM BEALL, Ex Officio
ASSEMBLY MEMBER JIM FRAZIER, Ex Officio

SUSAN BRANSEN, Executive Director



CALIFORNIA TRANSPORTATION COMMISSION

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<http://www.catc.ca.gov>

June 26, 2019

[insert Congressional Delegation Address]

RE: Safer Affordable Fuel-Efficient Vehicles Rule

Dear Honorable _____,

The California Transportation Commission (Commission) voted unanimously at its June 26, 2019 meeting to oppose the proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule. If enacted, this rule would have significant negative impacts to mobility, safety, the environment, public health, and the state and national economies.

The Commission is responsible for programming and allocating funds for the construction of highway, passenger rail, transit and active transportation improvements throughout California. As currently written, the Commission is concerned that the rule would place approximately 2,000 transportation projects in California valued at more than \$130 billion at risk of delay and/or loss of funding. As California is a major international freight gateway with three of the nation's major port facilities, these transportation project impacts would impact California's economy as well as the national economy. Tens of thousands of jobs in California and hundreds of thousands of jobs throughout the nation would be impacted should this rule be finalized (based on the Federal Highway Administration's calculation that every billion dollars invested in transportation infrastructure supports 13,000 jobs).

The Commission is also concerned with the wide-ranging and long-term health impacts of the increased carbon dioxide and nitrogen oxide emissions that would arise from less fuel-efficient vehicles under the proposed rule. In its "State of the Air 2019" report, the American Lung Association found that ozone and particulate pollution levels are increasing in cities across the United States and approximately 43 percent of all Americans live in counties that have unhealthy

CA Congressional Delegation
RE: SAFE Vehicles Rule
June 26, 2019
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levels of ozone and/or particulate pollution. These pollutants can cause serious respiratory and cardiovascular conditions and even lead to premature death.

In their letter dated June 6, 2019, vehicle manufacturers communicated to President Trump that the best path to preserve good auto jobs and keep new vehicles affordable for more Americans is a final rule supported by all parties – including California. Finalizing this rule would not only jeopardize thousands of transportation projects but also hundreds of thousands of jobs and have serious implications for public health. In addition, the rule would result in decreased mobility of people and goods, impairments to transportation safety, increased harms to the environment, and increased costs to consumers.

We have sent a letter to the National Highway Traffic Safety Administration and the U.S. Environmental Protection Agency urging that they not finalize the SAFE Vehicles Rule. Please contact Susan Bransen, Commission Executive Director, at (916) 654-4245 should you have any questions concerning the transportation related impacts to California as a result of this proposed rule.

Sincerely,

FRAN INMAN, Chair
California Transportation Commission

c: Commissioners, California Transportation Commission
Susan Bransen, Executive Director, California Transportation Commission
David Kim, Secretary, California State Transportation Agency
Laurie Berman, Director, California Department of Transportation
Richard Corey, Executive Officer, California Air Resources Board

June 17, 2019

Mr. Christopher Lieske
U.S. Environmental Protection Agency
EPA Docket Center (EPA/DC)
EPA West, Room B102
1301 Constitution Avenue NW
Washington, D.C. 20460

Mr. James Tamm
National Highway Traffic Safety Administration
U.S. Department of Transportation
West Building, Ground Floor, Room. W12-140
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Attention: NHTSA Docket ID Nos. NHTSA-2018-0067 and NHTSA-2017-0069
U.S. EPA Docket ID No. EPA-HQ-OAR-2018-0283

RE: Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years
2021-2026 Passenger Cars and Light Trucks – Transportation Conformity
Implications

Dear Mr. Lieske and Mr. Tamm:

I am writing to ensure that you are aware of the potentially serious consequences if the “Safer Affordable Fuel-Efficient” (SAFE) rule is finalized, including its provisions purporting to preempt California’s long-standing zero emission vehicle programs. The United States Environmental Protection Agency (U.S. EPA) and the National Highway Traffic Safety Administration (NHTSA) have indicated they may finalize the rule this summer. That would have serious implications for public health and for transportation infrastructure projects. The rule results in dirtier cars, for years to come; this means that transportation projects that increase use of these cars may often result in greater emissions – and so be in conflict with state and federal air quality goals. These conflicts (referred to as “conformity” issues) may disrupt transportation funding, with large negative consequences for jobs and local governments, as well as undermining California’s air quality plans.

Although the California Air Resources Board (CARB) identified many of these issues in its prior comments on the proposed rule,¹ the initial comment period was inadequately short, and many critical analyses were not provided to the public. From continued analysis after the close of the comment period, we have identified additional impacts of the rule and thus are submitting this supplemental comment that is “of central relevance to the rule making” (42 U.S.C. § 7607(d)(4)(B)(i)) to supplement the record. These issues relate to how SAFE finalization will destabilize key transportation and public health planning activities.

Transportation emissions are the lion’s share of air pollution in California. This means that transportation *projects* can have substantial effects on air pollution because they can change how much people drive. In general, the dirtier cars are, the more air pollution certain transportation projects can emit over time. Because these projects last for decades, estimating these project-related emissions is important to ensuring air quality plans stay on track.

Accordingly, the federal Clean Air Act links transportation planning and public health through the transportation conformity program, which is intended to ensure that federally funded transportation projects conform to state implementation plans to attain air quality standards. (See 42 U.S.C. § 7506). As you know, these determinations must be based upon “the latest emission estimation model available” (40 C.F.R. § 93.111(a)) and reflect the “most recent planning assumptions in force at the time the conformity analysis begins” (40 C.F.R. § 93.110(a)).

Transportation conformity and state implementation plan (SIP) development in California depend upon a growing share of zero emission vehicles (ZEVs) in the vehicle fleet. This is because, as CARB discussed in its initial comments at length, ZEVs provide meaningful reductions in criteria pollutants, beyond Low Emission Vehicle (LEV) standards, which should be accounted for in emissions and transportation planning. These benefits grow over time as the ZEV regulation (including likely future amendments to that regulation) supports greater ZEV penetration and commercialization in the California fleet; indeed, accelerating commercialization of ZEV technology in both light- and heavy-duty sectors is critical to meeting federal and state air quality mandates and climate goals.

Transportation conformity analyses also are rooted in the growing share of ZEVs within the fleet; without increased ZEV penetration, transportation projects may have greater

¹ See California Air Resources Board, Analysis in Support of Comments of the California Air Resources Board on the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks, pp. 282-293, docket no. EPA-HQ-OAR-2018-0283-5054.

air pollution impacts than currently modeled. Therefore, the California Emissions FACTor (EMFAC) model reflects CARB's Advanced Clean Car (ACC) regulation including the Zero-Emission Vehicle (ZEV) mandate.

U.S. EPA and NHTSA's proposal to preempt CARB's GHG and ZEV regulations jeopardizes attainment of the SIP and conformity for critical transportation projects. This proposal would call into question whether projects and plans set to be implemented can remain in conformity going forward.² Certainly, SAFE finalization would call into question how projects may demonstrate conformity because conformity determinations may no longer reflect the latest planning assumptions with regard to ZEV vehicles.

Emissions from transportation dominate California's air pollution mix, so addressing these emissions without the current ZEV rules will raise long-lasting challenges to conformity and SIP planning. Because transportation projects can last decades, marked changes in ZEV penetration rates resulting from SAFE may result in very different emissions impacts from these projects than forecasted earlier in the planning process, especially in later years when ZEV penetration was projected to further increase. Put simply, a highway project that increases vehicle use might be consistent with air quality needs if cars are getting commensurately cleaner; but if cars are no longer moving towards zero emissions, the project will be substantially dirtier, and potentially inconsistent with the air quality plan.

Necessary model updates and SIP revisions alone are complex, and may take years to complete, and transportation projects and air quality planning will be disrupted in the interim. In the longer term, the substantive challenge of addressing increased emissions will be hard to meet. These major consequences threaten to imperil critical infrastructure planning and air quality planning efforts.

This problem will potentially undermine transportation planning as well, including many billions of dollars of projects now in the pipeline, because they may not be able to demonstrate conformity. Projects intended to move freight, improve connectivity, and get people to work may well be disrupted if they can no longer demonstrate they

² We note that the conformity model used elsewhere in the country, MOVES, may face similar issues. Unlike EMFAC, which models emissions based on aggregated emissions over drive cycles, MOVES uses Vehicle Specific Power (power per unit mass, or vehicle specific power - VSP) to model criteria emissions where VSP is a function of vehicle aerodynamics, road grade and road load. For example, under MOVES assumptions, higher VSP results in higher emissions. The SAFE rule, which would eliminate the gradual increase in fuel efficiency requirements, will result in vehicles requiring more power to operate which in turn will contribute to higher GHG and possibly criteria emissions. As a result, it might be necessary for U.S. EPA to revisit the MOVES model if the SAFE rule is adopted.

are consistent with air quality needs. This rule will therefore also put substantial pressure on attainment of air quality standards, and likely require revisions to the California SIP, including new measures, if ZEV-related reductions are not assured.³

Placing this burden upon the states is in conflict with the Clean Air Act's cooperative federalism framework (see 42 U.S.C. § 7401) and further demonstrates the irrationality of the SAFE proposal. The Regulatory Impact Analysis for SAFE did not consider these impacts; nor did the National Environmental Policy Act (NEPA) documents despite the environmental impacts of changes to major transportation projects; and the agencies did not conduct a federalism consultation with the states per Executive Order 13132 to consider the impacts of affecting critical state/federal transportation projects. All these matters were required to be addressed; instead, the agencies failed to incorporate these issues into their proposal or to seek comment upon them.

SAFE should, therefore, not be finalized. It is arbitrary and inappropriate for the federal agencies to, on the one hand, mandate that the states work hard to attain air quality goals, and to model transportation impacts on those goals based on the latest planning assumptions and, with the other hand, undermine the tools necessary to make progress towards those goals by weakening critical public health protections.⁴ You may contact Mr. Kurt Karperos, Deputy Executive Officer, California Air Resources Board, at (916) 322-2739 or kurt.karperos@arb.ca.gov to discuss any of these issues.

Sincerely,



Richard W. Corey
Executive Officer
California Air Resources Board

³ Accurate modelling is critical to the adequacy of Clean Air Act plans and conformity determinations (See, e.g., *Association of Irrigated Residents v. U.S. E.P.A.* (9th Cir. 2012) 686 F.3d 668, 677).

⁴ U.S. EPA is proposing many rulemakings which are collectively undermining air quality planning and attainment. CARB has opposed these ill-founded efforts, but their collective impacts, if finalized, will further amplify the damage done by SAFE to the conformity and SIP processes. See, e.g., Comments of the California Air Resources Board on the Advance Notice of Proposed Rulemaking, "Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process"; Docket No. EPA—HQ—OA-2018-0107; Comments of the California Air Resources Board Responding to The United States Environmental Protection Agency Request for Comment on Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces: Proposed Amendments, Docket No. EPA-HQ-OAR-2018-0195.

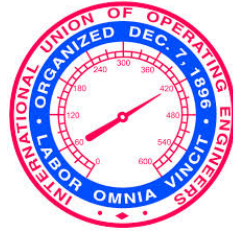


LiUNA!

Southern California District Council of Laborers

SCCA

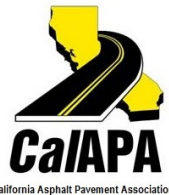
SOUTHERN CALIFORNIA CONTRACTORS ASSOCIATION



Transportation
CALIFORNIA

CALCIMA

California Construction and
Industrial Materials Association



California Asphalt Pavement Association



**UNITED
CONTRACTORS**



PACIFIC
SOUTHWEST
REGION

LiUNA!



ACEC
AMERICAN COUNCIL OF ENGINEERING COMPANIES
California

June 12, 2019

Honorable Members
California Congressional Delegation
Washington, D.C. 90510

Re: Significant Negative Impacts to Transportation Funding and Projects from the Proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks

Dear Honorable Members,

The undersigned businesses and organizations, representing the transportation industry and workforce that builds, repairs and maintains California's statewide transportation system, write to convey our significant concerns with the proposed rulemaking which would rollback national fuel-efficiency standards and result in a wide variety of disastrous impacts in California and across the nation. **The proposed rulemaking would put nearly 2,000 transportation infrastructure improvement projects, totaling over \$130 billion at risk of project delivery delays, or loss of funding in California and would have severe impacts on tens of thousands of well-paying construction jobs and the overall economy. If the rule were finalized in 2019, approximately \$28 billion would be at risk in the first year alone.** These impacts are in addition to the more obvious impacts such as increases in carbon dioxide and nitrogen oxides emissions from less fuel-efficient vehicles (15 million metric tons by 2030 and 763 million more tons per year by 2030, respectively) making our air dirtier and reducing quality of life in the Golden State.

Specifically, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) have proposed the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks to amend existing Corporate Average Fuel Economy (CAFE) standards and establish new standards for model years 2021 through 2026. If finalized, by changing the fundamental assumptions of vehicle fuel-efficiency, the SAFE Rule would invalidate California's air quality emissions model (known as EMFAC) which is used by the State to meet the Federal Highway Administration's (FHWA) transportation planning requirements. Without a valid air quality conformity model, the State and regional transportation planning agencies in non-attainment areas would be unable to obtain federal approval or make modifications to specified transportation projects in the pipeline (see attached map for information on potentially impacted areas). While the State would endeavor to update the EMFAC model, the California process would take up to 12 months, and regions would also need another 1 to 2 years to complete air quality planning work necessary to obtain EPA approval before transportation projects could resume.

While we understand the proposed rule is purported to save Americans \$500 billion a year in societal costs, we are very troubled that EPA and NHTSA failed to include an analysis of the impacts the proposed rule would have on transportation projects, on well-paying construction jobs, and on small and disadvantaged businesses. Our analysis shows that it would put \$130 billion in transportation funding at-risk in California alone. FHWA reports that every billion invested in transportation infrastructure supports 13,000 jobs. Should the rule become final, tens of thousands of jobs will be impacted in California. Moreover, should fuel-efficiency of our passenger vehicles and light-duty trucks decrease, construction workers and the businesses that employ them will experience increased costs due to paying more at the pump. We are also very concerned that the SAFE Rule would also add increased pressure on California businesses to reduce GHG emissions and address climate change from other sources if vehicles become less fuel-efficient.

As you know, California recently evaluated various options for increasing state transportation funding in recognition of an identified \$130 billion state and local funding shortfall just to repair and maintain our existing transportation infrastructure, let alone our capital needs to expand the existing multi-modal transportation network to accommodate mobility demands and economic and population growth. The dismal condition of our highways, roads, bridges, transit systems, and other essential components such as sidewalks and bike lanes that support a range of mobility options in the state was stifling the economy, costing nearly 40 million Americans to sit in traffic to get to and from school, work, shopping, medical care, recreational activities, and put the traveling public's safety at-risk. The condition of our transportation infrastructure hampers national security, public safety, and the movement of goods, particularly from California's ports of entry which serve the rest of the country. The result of that policy making effort – Senate Bill 1: The Road Repair and Accountability Act of 2017 – invests over \$5 billion in state revenues annually to rebuild and make safer California's transportation network and deliver more reliable mobility options. California voters went to the polls in November 2018 and confirmed that they support transportation tax increases when those funds are protected and dedicated to transportation and invested in every single community in the state. After years of sustained debate and negotiation, the proposed SAFE Rule puts all of this at-risk and runs counter to the will of California voters.

The Trump Administration and leaders of both parties in Congress have indicated that increased funding for infrastructure is a priority. Action to finalize the SAFE Rule as proposed in August 2018 would be entirely

inconsistent with statements of support for investing in the nation's vital infrastructure. Therefore, the undersigned organizations and businesses are strongly opposed to the proposed rulemaking as currently drafted and implore the California Congressional Delegation to work together with the Trump Administration so that the impacts are fully understood and mitigated in the rulemaking. No further action should be taken until a solution that allows vital transportation infrastructure projects to move forward (a grace period of at minimum 24 months to allow states to update models prior to taking effect and/or support for the House Transportation Housing and Urban Development Appropriations bill) has been incorporated into any rulemaking.

Respectfully,

/s/

Jon P. Preciado
Southern California District Council of Laborers

Jose Mejia
California State Council of Laborers

Augie Beltran
Northern California Carpenters Regional Council

Wes May
Southern California Contractors Association

Emily Cohen
United Contractors

Chad Wright
Laborers-Employers Cooperation and Education Trust

Michael Quigley
California Alliance for Jobs

John Hake
Southern California Partnership for Jobs

Tim Cremins
International Union of Operating Engineers

Gary Hambly
California Construction and Industrial Materials
Association

Russell Snyder
California Asphalt Pavement Association

Brad Diede
American Council of Engineering Companies

Peter Teteishi
Associated General Contractors

Kiana Valentine
Transportation California

Richard Lambros
Engineering Contractors' Association



California Association of
Councils of Governments
Effective Regions Through Partnership

June 14, 2019

The Honorable Elaine L. Chao
United States Secretary of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

The Honorable Andrew Wheeler
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RE: Significant concern regarding potential transportation impacts resulting from the Proposed NHTSA/U.S. EPA's Safer Affordable Fuel Efficient (SAFE) Vehicles Rule for Model Years 2021-2026

Dear Secretary Chao and Administrator Wheeler:

CALCOG is an association of Councils of Governments (COGs), Congestion Management Agencies (CMAs) and Regional Transportation Planning Agencies (RTPAs) and includes all eighteen Metropolitan Planning Organizations (MPOs) that are responsible for the development and implementation of the regional transportation plan and transportation conformity. The California Air Resources Board previously provided comments on the environmental, public health, and equity concerns raised by the rule. This letter highlights potential transportation impacts identified since the close of the rulemaking comment period.

The proposed SAFE Vehicles Rule, which would roll back national fuel-efficiency standards, hampers the ability of California's transportation agencies to deliver approximately 2,000 projects totaling more than \$130 billion. These projects support a robust state economy and create important middle-class jobs. In addition, the proposed rule would interfere with California's ability to deliver improved goods movement infrastructure that serves the entire nation. Other important goals—such as congestion relief, transportation system reliability, public health, housing, environmental sustainability, and equity—also would be significantly compromised for as much as 93 percent of the state's population.

A list of potential projects affected by the Rule by Metropolitan Planning Organizations (MPOs) and rural non-attainment region is attached to this letter.

To prevent these impacts, we request U.S. DOT in coordination with U.S. EPA reconsider the proposed rule to account for impacts it would have on critical infrastructure project delivery. In particular, we ask that appropriate measures be taken to ensure that, consistent with the federal transportation conformity rule, current planning and programming documents and those under development using EMFAC2014 (California's air quality emissions model), remain valid irrespective of the final rule.

How does the proposed rule impact non-attainment MPO and non-attainment rural areas' ability to complete conformity determinations?

Finalization of the proposed rule invalidates California's air quality emissions model (EMFAC2014), which is used to make transportation conformity determinations. As a result, non-attainment MPOs and rural areas would be required to wait for a new, federally-approved model before completing the required transportation conformity determination. This puts strict limitations on the completion of transportation projects throughout the state. We anticipate updating the air quality emissions model and associated air quality planning work may take three years to complete. In the meantime, it is important that existing programming and planning documents continue to be considered valid.

We estimate a minimum three-year transition period would be needed in order to avoid any project delays. If the final rule does not include a sufficient transition period, projects subject to transportation conformity, like the State Route (SR) 49 Widening project in Nevada county, SR 55 Congestion Relief Project from I-5 to SR 91 in Orange County, I-5/SR 91 Express Lanes Connector in Riverside County, San Bernardino's West Valley Connector, and three projects in San Diego County, (1) Carlsbad Village Double Track in San Diego County, (2) Del Mar Bluffs Design and Installation of Bluff Stabilization Measures, and (3) Palomar Grade Separation (all currently in project delivery), will be unable to complete the NEPA process until a new emissions model is approved by U.S. EPA. For these projects, project delivery delays may occur immediately. In addition, without a transition period, adoption of regional transportation plans in the following areas would be at risk: San Diego Association of Governments (2020), Sacramento Area Council of Governments (2020), Southern California Association of Governments (2020), Butte County Association of Governments (2020), and the Metropolitan Transportation Commission (2021). For these MPO regions, the absence of a three-year transition period may force them to enter the 12-month lapse grace-period, putting strict limitations on the delivery of transportation projects within these regions.

What types of action does the Rule affect?

The proposed rule threatens the ability of 14¹ of the state's 18 MPOs and eight² rural non-attainment counties' to obtain federal approval for any of the following actions: (1) adoption of a new Regional Transportation Plan (RTP), (2) adoption of a new Federal State Transportation Improvement Program (FSTIP); (3) amendments to projects listed in the RTP or FSTIP not exempt from transportation conformity; and, (4) NEPA approval for projects not exempt from transportation conformity. California's rural non-attainment areas may also face project delivery delays. Under federal law, each federal approval for the actions listed above requires a new transportation conformity determination.

A map of the impacted regions is included with this letter.

To prevent delays in the delivery of California's transportation system that will be felt nationwide, we request U.S. DOT coordinate with U.S. EPA and the California Air Resources Board to reconsider the proposed rule. Should you have any questions please contact Tanisha Taylor. She can be reached by email at taylor@calcog.org.

Sincerely,

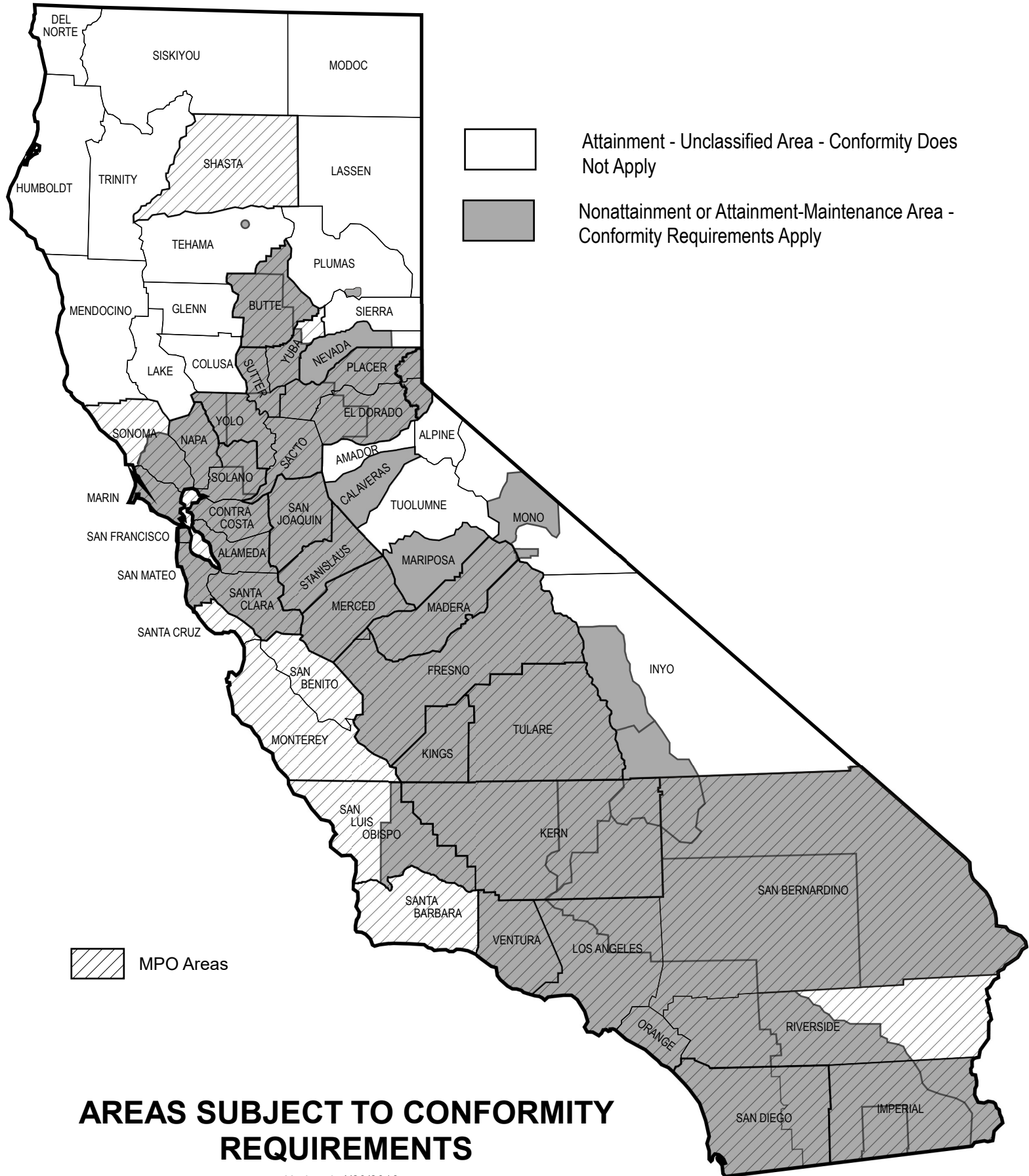


BILL HIGGINS
Executive Director

Attachments (2)

¹ Butte County Association of Governments; Fresno Council of Governments; Kern Council of Governments; Kings County Association of Governments; Madera County Transportation Commission; Merced County Association of Governments; Metropolitan Transportation Commission/Association of Bay Area Governments; Sacramento Area Council of Governments; San Diego Association of Governments; San Luis Obispo Council of Governments; Southern California Association of Governments; Stanislaus Council of Government; San Joaquin Council of Governments; Tulare County Association of Governments

² Amador, Calaveras, Tuolumne, Mariposa, Mono, Tehama, Plumas, and Nevada



Attainment - Unclassified Area - Conformity Does Not Apply
 Nonattainment or Attainment-Maintenance Area - Conformity Requirements Apply

MPO Areas

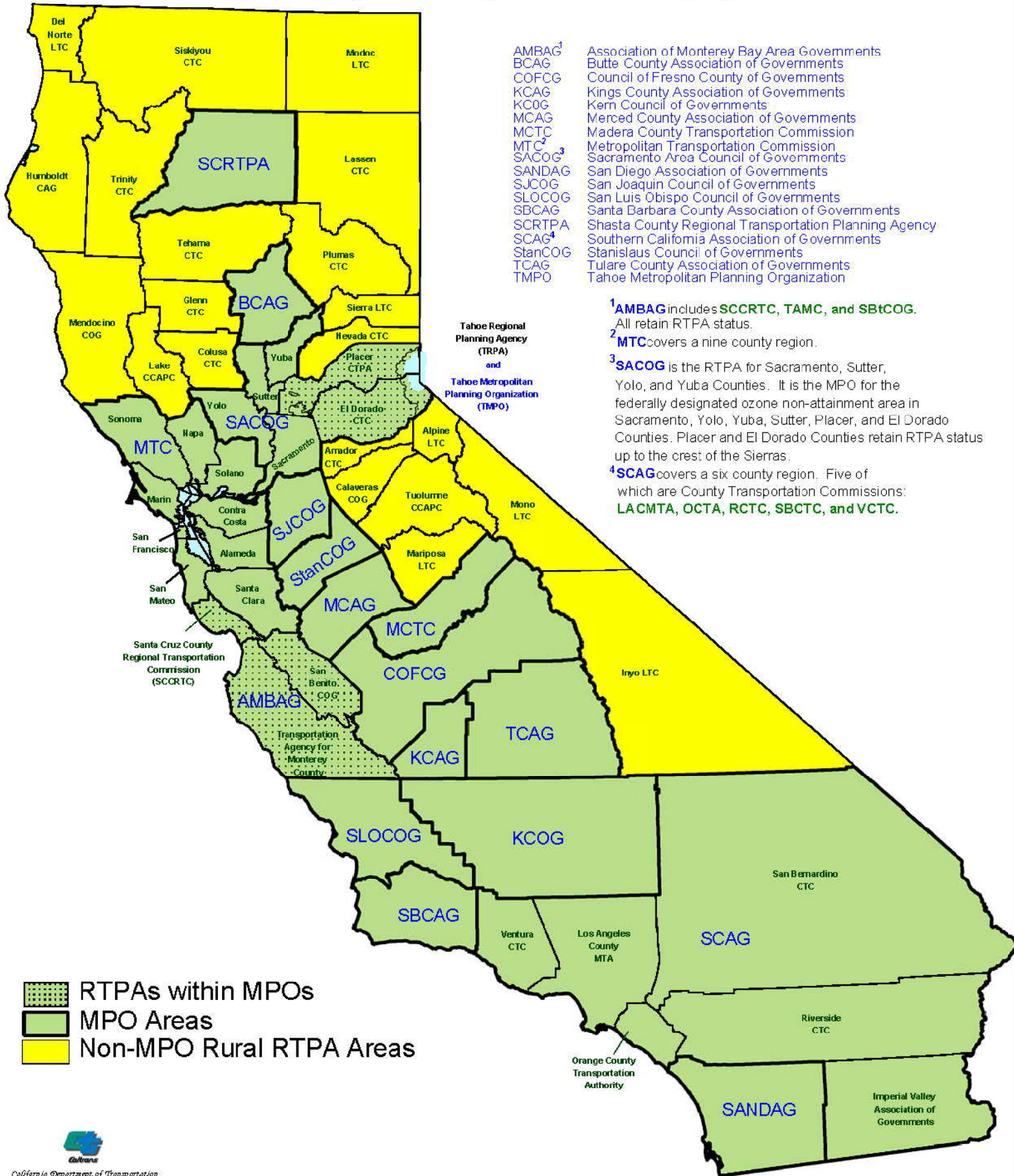
AREAS SUBJECT TO CONFORMITY REQUIREMENTS

Updated: 4/20/2016

DISCLAIMER
 The State of California (State) and the California Department of Transportation (Department) make no representation or warranty regarding the accuracy of the data shown on this map. Neither the State nor the Department shall be liable under any circumstances for any direct, indirect, special, incidental, or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of this map.

CALIFORNIA

Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs)



- AMBAG¹ Association of Monterey Bay Area Governments
- BCAG Butte County Association of Governments
- COFCG Council of Fresno County of Governments
- KCAG Kings County Association of Governments
- KCOG Kern Council of Governments
- MCCAG Merced County Association of Governments
- MCTC Madera County Transportation Commission
- MTC² Metropolitan Transportation Commission
- SACOG³ Sacramento Area Council of Governments
- SANDAG San Diego Association of Governments
- SJCOC San Joaquin Council of Governments
- SLOCOC San Luis Obispo Council of Governments
- SBCAG Santa Barbara County Association of Governments
- SCRTPA Shasta County Regional Transportation Planning Agency
- SCAG⁴ Southern California Association of Governments
- StanCOG Stanislaus Council of Governments
- TCAG Tulare County Association of Governments
- TMPO Tahoe Metropolitan Planning Organization

Tahoe Regional Planning Agency (TRPA)
and
Tahoe Metropolitan Planning Organization (TMPO)

- ¹AMBAG includes SCRTCA, TAMC, and SBTCOG. All retain RTPA status.
- ²MTC covers a nine county region.
- ³SACOG is the RTPA for Sacramento, Sutter, Yolo, and Yuba Counties. It is the MPO for the federally designated ozone non-attainment area in Sacramento, Yolo, Yuba, Sutter, Placer, and El Dorado Counties. Placer and El Dorado Counties retain RTPA status up to the crest of the Sierras.
- ⁴SCAG covers a six county region. Five of which are County Transportation Commissions: LACMTA, OCTA, RCTC, SBCTC, and VCTC.

 RTPAs within MPOs
 MPO Areas
 Non-MPO Rural RTPA Areas