California Transportation Conformity Working Group

Wednesday, December 6, 2006
10:30 am - 3:30 pm

Metropolitan Transportation Commission (MTC)
101 Eighth Street, Oakland, CA 94607

MEETING NOTES

10:30 Welcome; introductions; housekeeping; agenda review

10:40 Public Comment on matters not otherwise on the agenda

None

10:50 Upcoming Changes to Conformity Rule

EPA comments:

- Overall schedule
  - OTAQ still hopes to publish Proposed Rule by the end of 2006. Final rule in Summer 2007.
  - Will include all changes to address SAFETEA-LU and Court Case.
  - Use 2/06 Interim Guidance for now.
  - Is EPA still recommending waiting on Conformity SIP updates? EPA & FHWA: No; start working on revisions; need to look at consultation procedures and make sure they're approvable under current rules. Some procedures now >10yr old. Distinguish the form of the rule vs. consultation process – make sure PROCESS meets 40 CFR 93.105 & SAFETEA-LU requirements.
  - Proposed Rule will be discussed at the next meeting. Current procedures and rules will be collected by ARB & Caltrans and circulated or made available at Conformity Working Group web site.
- Court Case
  - 40 CFR 93.109(e)(2)(v) vacated in October – ability to avoid 1-hour ozone budget use in certain situations. Only affects San Diego in California; affects next conformity finding not existing one.
  - Question: which 1-hour budget – 1999 attainment SIP or 2001 Maintenance SIP? EPA statements suggest attainment budgets, which are based on old EMFAC. EPA: use latest approved budgets.

11:00 CMAQ Guidance

- October draft interim guidance is current; incorporates previous guidance & SAFETEA-LU. SAFETEA-LU changes not large – largely related to diesel retrofit & priorities.
- Question: Do we need to revisit programming already done? FHWA: no. Most changes increase flexibility. The only cut is an FTA issue – can't use CMAQ to ***operate*** New Start projects.
- FHWA Calif. Div. Prepared a summary & sent to MPOs – call/contact Jean Mazur for copies.
- Federal Register notice will be for comment on the guidance soon (no specific schedule mentioned).
- EPA is doing Cost-Effectiveness guidance.
- FHWA will be doing state-level review meetings in coordination with the CFPG.
- Comment/Question: eligibility issues will be programming nightmares – especially regarding construction equipment retrofits through projects.

11:10 PM Hot Spot Analysis

- Alternative Methodologies
    - FHWA wants to pursue a screening method similar to one drafted for PA; reviewing EVERY project burdensome for consultation partners
    - PA draft protocol will be placed on Conformity Working Group web site.
    - PA screens require no individual project consultation unless on a list of project types that don't screen out. Consultation used to develop screening process so additional local consultation not needed
- Draft Statewide Procedures
    - Will provide a procedural framework and basic screening criteria for state. Local procedures and criteria still can be used.
    - Suggestion: display a matrix of projects reviewed in current (SCAG and SJV) processes – what and how treated & why. Also evaluate what has changed over time in the process and what we have learned.
    - EPA: statewide procedures will need more coordination; process may be similar to CO Protocol approval. Will need MPO Board adoption.
    - Old (pre-2006) PM10 process and procedures replaced by March 2006. Screening procedure should move maybe halfway back to what we had.
- Question: what's the status of legal challenge to PM hot spot process? EPA: not prepared to discuss today – will send information to CT for circulation to the Conformity Working Group.

11:40 SIP Issues

- Land Use (Jean Mazur – FHWA)
    - Issues have been coming up regarding inclusion of smart growth in SIPs and the conformity process.

- EPA 2001 guidance re land use activities applies – Improving AQ through Land-use activities
  - Chapter 6 covers land use activities, Chapter 8 conformity.
  - Alternative land use scenarios in RTP/conformity and smart growth policies need an enforcement mechanism, such as inclusion of modified land uses in the General Plan for affected jurisdictions, or some timetable for doing that and monitoring.
- Various areas use an array of different "smart" land use assumptions/approaches. Be careful with commitments to land use changes especially with SIPs – no frequent updates – not clear what's going on with SIPs especially.
  - Merced: PIP
  - SANDAG: conformity modeling done with and without policies – different population distributions. Developed a monitoring plan. Changes were outside SIP timeframe.
  - MTC: redistributed and increased population. Had a monitoring plan. Changes also were outside SIP timeframe.
  - SCAG: asked to model 2004 RTP with/without COMPASS. Didn't affect population distribution but increased transit usage. Not sure about local agency commitments/documentation. Some redistribution around transit notes where consistent with existing General Plans. SCAG proposing to use these assumptions in the 2007 SIP, based in the 2005 RTIP.
  - SACOG: extensive Blueprint effort.
  - Discussion:
    - STANCOG: There is some danger if SIP emission budgets use revised land use then locals back out.
    - SCAG/South Coast: SIP needs tremendous reductions – TCMs minimal – bulk of mobile source reductions on the tech side (ARB) – transportation planning contribution continues to drop. Land Use measures give very small #s, but need everything for conformity. Remember, RTPs are mobility plans #1 – incidental benefits for air quality.
    - EPA: may be true for South Coast but Sacramento finding that land use measures do make a contribution – EPA wants consistency in documentation. FHWA: that's the point of this group – is a consistent approach possible for the state given the timeframe of the SIPs and different assumptions.
    - Summary: monitoring plan needed in most areas. Area SIP commitments also good to have. Be aware that use of non-standard land use assumptions needs Interagency Consultation.
- RACM (handout). Be aware of procedures. EPA hasn't seen many draft analyses (for ozone SIPs) yet.

- STEPS:
  i) complete list of measures considered – make sure the initial list is COMPLETE including public suggestions – can affect timing & reruns.
  ii) Be clear about why measures are rejected – CUMULATIVE effectiveness can prevent rejection. Incomplete analysis could derail budget & SIP approval.
  iii) Document public review/comment.
  iv) Respond to non-traditional measures that may be suggested.

- Diesel Retrofit Guidance and Trading Mechanisms
  - 6/06 handout condensed from Funding Forum presentation)
  - use like other control measures in SIPs. If used in SIP, may be part of emission budget
  - Off-road retrofit can't be used in conformity unless set up in SIP via 1) safety margin (not done in CA); or 2) trading program. Focus needs to be on surplus emission reductions, which are rare in California.
  - Trading can only be of surplus emission reductions.
  - Trading vs. Safety Margin: trade doesn't require determining that emission reductions are surplus up front though they DO have to be surplus when traded, safety margin does require up-front surplus determination.
  - EPA knows of no operating trading programs yet.
  - ARB may want to use CMAQ non-road retrofit projects in conformity. Won't be doing Moyer as a line item in SIP.
- TCM Delegation and Substitution Process (handout)
  - EPA touchy about reference – it's Clean Air Act 176(c) not SAFETEALU. (SAFETEA-LU modified Clean Air Act regarding TCM substitution.) EPA has already done concurrence in SCAG: some in progress.
  - (Powerpoint presentation regarding process.)
  - Key points:
    - Substitution proponent submits concurrence request to ARB & EPA **after MPO Board adoption!**
    - ARB & EPA concurrence changes the SIP, but AQMD has to request CFR change from EPA to clean up.
    - Public review specifics not in guidance but 30 days generally OK.
    - "Equivalent" emission reduction is greater than or equal to original TCM (emissions of replacement are less than or equal to original TCM). "Equivalent" never allows more emissions no matter how small.

- Finish all consultation & public comment before requesting ARB & EPA concurrence. For AQMD "cleanup " request: must have all documentation normally required for SIP amendment.
- ARB: timing – "cleanup" SIP amendment must be done within 90 days after concurrence; no sanctions, but there IS a clock.
- EPA: discussing necessary/allowable precision in determining "equivalence;" possible approach might be to match the precision of the emission budget and regional conformity analysis.

12:00 Lunch Break

1:15 SIP Issues Continued if necessary

- Timeline issues
  - Concern about upcoming conformity analyses, 8hr ozone SIP workload & MPO interactions, and CMIA projects.
    - EMFAC transition period starts in May (NOTE: later changed to August 2007); must use new EMFAC (fleet assumptions) but can't get conformity approval for those analyses until EPA approves EMFAC.
    - Near-term approvals based on EMFAC 2002.
    - CMIA – need to submit TIP prior to SAFETEA-LU compliance date – FHWA action needed by end/June. FHWA will allow CMIA programming to start in March.

1:30 SAFETEA-LU Implementation Update

- July 2007 deadline issues – no new information
- Transportation Planning Regulations Update
  - They are still at OMB.
  - What if the regulations are released after MPOs have already developed their documents?
    - If the rule proposal is different, it won't be applied until the final is released and completed.
    - Important to have good documentation of when modeling is started for both EMFAC and TP Regs applications.

2:00 EMFAC and Related Matters

- Transition period – Latest Planning Assumptions letter
  - There will be a re-release of EMFAC in December. A blip was discovered in the HHD population (isolated to overestimation), the model will be re-released before Christmas.
  - EPA and FHWA are talking about shifting the transition period. Should make a decision soon and release the letters on the transition period.
- Transportation Plan Update Schedules – See FHWA chart (handout).

    - For SJV, the next conformity finding would be after both EMFAC approved and new budgets determined adequate. (NOTE: actually most SJV MPOs did new RTP conformity findings by June.)
- Air Quality Plan Update Schedules – Will any SIPs be delayed?
    - CARB: EMFAC changes not big enough to affect AQ modeling but could affect near-term emission budgets. (NOTE: CARB ended up doing off-model fixes for areas needing 2005 budgets.)
    - CARB adoption schedule?
        - April and May board meetings.
        - San Diego asked if the adoption could be slipped to May? Basic areas and mountain counties will be asking for 5 year extension (2013/4).

3:00 Information sharing

- SACOG-Jason Crow replacing Dave Young.
- CCOS Modeling Needs – Tom: Doing inventory updates, (2010, 2015, 2020), SCAG to Shasta. Two approaches considered using updated land-use data from MPO. ARB needs to spend funds by July 2008. This is for the next phase of SIP development.
- Survey for small and medium sized communities - The Air Quality subcommittee of the Transportation Research Board Committee on Transportation Planning for Small and Medium Sized Communities is trying to determine whether conformity issues confronting small and medium sized communities (those less than 250,000) are any different from those confronting larger communities. OTAQ has been in contact with the chair of this subcommittee and will share information about any survey that is created. It appears that no survey has been developed yet.
- ARB Construction Equipment and other heavy-duty diesel rules and programs happening.
- OFFROAD model release: potential interest to conformity analyses with megaprojects (lasting >5 years) needing construction emission analysis. Only construction emissions otherwise included for conformity (regional & project level) are DUST.
- Workshops and training
  EMFAC workshop in Fresno – 12/15/06
  SCAQMD SIP workshop
    - comment deadline extended to 12/15/06
    - special Board mtg March for 6/07 adoption.
    - Toxics workshop re EMFAC vs MOBILE – 1/9-10 in Sacramento and San Diego. Notice next week – RSVP to Jean Mazur.
- Next Meeting: after 1st Thursday in May, @South Coast AQMD

3:30 Adjournment

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Meeting and Call-In Locations

Main Meeting Location:

Metropolitan Transportation Commission (MTC)
101 Eighth Street
Oakland, CA 94607

Regional Call-in Locations:

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