Agenda

October 14, 2014
10:30 am – 12:30 pm

SACOG
1415 L Street, Suite 300
Sacramento, CA 95814

Contact: José Luis Cáceres
(916) 340-6218

Telephone Number: (712) 432-1438
Participant Access Code: 932832#

Meeting called by: Muhaned Aljabiry
Facilitator: Abhijit Bagde
Recorder: Bruce Abanathie

Agenda Topics

Item	Description	Time	Presenter
1	Agenda	10:30	Abhijit Bagde
2	Ground Rules	10:35	Abhijit Bagde
3	Approval of 08/26/2014 Meeting Minutes	10:40	Abhijit Bagde
4	Announcements and Updates: • Staffing Update – CT/FHWA/FTA/MPOs • Active Transportation Program (ATP) statewide project list • List of obligated projects for FY 2013/14	10:45	All
5	**Follow-Up Items from last meeting:** 1. Abhijit Bagde to send ATP list to MPOs in the next two weeks – Item completed (List was sent to MPOs on 09/17/14) 2. Bruce Abanathie, KCAG to form a task force that includes representatives from MPOs, FHWA, ARB and CT – Local Assistance to address PM 2.5 reporting for obligated projects with CMAQ funds – Bruce to provide an update 3. MPOs to send their 2015 FTIP website link to Lima Huy (lima.huy@dot.ca.gov) by 9/15/14 – Item completed 4. MPOs agreed to do CTIPS testing by 09/07/14 – This item will be discussed as part of Item No. 8 5. Abhijit Bagde to distribute the CT Division of Rail and Mass Transportation (DRMT) report to the group - Item completed (Information was sent to the group on 08/26/14) 6. Jack Lord, FHWA will contact FHWA's finance office in CA Division to start discussion about the transfer to FTA process – Item postponed till December 16, 2014 CFPG meeting 7. CT – Local Assistance to revise the "Transfer to FTA" handout - Item postponed till December 16, 2014 CFPG meeting	10:55	Abhijit Bagde

6	1. Amendments to the 2013 FTIP 2. Frequency of processing amendments/administrative modifications	11:05	Muhaned Aljabiry
7	**2015 FSTIP:** 1. Status update – Muhaned Aljabiry 2. FSTIP Public Participation – Lima Huy 3. Financial Summary for amendments – Lilibeth Green	11:15	CT
8	CTIPS Conversion - Update	11:30	Rambabu Bavirisetty
9	Notice of Proposed Rulemaking (NPRM) for CMAQ - Update (See Handout No. 1)	11:45	Muhaned Aljabiry
10	CMAQ and RSTP Apportionments – Estimates for FY 2014/15	11:55	Lilibeth Green
11	CMAQ Annual Report	12:00	Lima Huy
12	• Follow-Up Items • Open Forum • Future Agenda Items	12:05	All
13	**Future meeting dates and locations:** • December 16, 2014 Caltrans Sacramento (10:30 am – 12:30 pm)	12:10	All

California Federal Programming Group (CFPG)

Minutes for: **October 14, 2014**

1. Agenda:

Abhijit Bagde (CT Federal Programming Office) reviewed the agenda and noted that the agenda and handouts for the items were emailed as well.

Abhijit surveyed the phone attendees to see how many Caltrans districts were represented on the call. Districts 3, 5, 10, and 11 were represented.

2. Ground Rules:

- Since there are phone participants, everyone who speaks should state his/her name and agency.
- Keep comments as brief as possible.
- Stick to the current agenda item. Additional items not in the agenda will be added to the end and will be discussed if time permits.
- Turn off cell phones and limit interruptions.
- This is a forum to hear everyone's concerns, comments and suggestions. Please make sure your voice is heard.
- Facilitator to ask before moving on to the next item if anyone on the phone has any additional comments on the item, then pause for a few seconds.
- Respond to follow-up items and meeting notices by the deadlines.
- Except for follow-up items, the minutes will include discussions that take place during the meeting only. If you do not want what you say during the meeting included in the minutes, state "off the record."
- **When not speaking, phone participants to keep their phones on mute if possible.**
- **Do not place conference call on hold. Please hang up and redial if you must take another call.**
- Meeting minutes to be distributed to the group with 10 days after the meeting.

Bolded items were emphasized by Abhijit.

3. Minutes of the Last Meeting – Abhijit Bagde

The final minutes of the August 26, 2014 meeting were provided via email prior to the meeting. No comments – approved.

4. Announcements and Updates:

a. Staffing Update – CT/FHWA/FTA/MPOs

Adam Crenshaw (MTC) introduced, Mallory Atkinson, as a new member of the MTC programing team.

Jeff Brubaker (SLOCOG) announced that he is the new FTIP Coordinator with SLOCOG.

b. Active Transportation Program (ATP) statewide project list

The list of the statewide competitive portion of the program was sent to MPOs on September 17,

2014 and is also posted on the Caltrans Programming Office website. Please program projects for the ATP consistent with the list provided.

For the MPO managed portion of the ATP, MPOs can program projects from their selection process as long as the programming is financially constrained.

Michelle Marino (SANDAG) asked about waiting for CTC approval (pending in November). Abhijit stated that the projects can be programmed and if there is a change based on the CTC action, amendments can be done to clean up the programming.

Jose- Luis Caceres (SACOG) stated that the information from the ATP Coordinator is that certain projects that do not require a local match (e.g. safety). Abhijit mentioned guidelines below on use of Toll Credits for ATP projects.

MATCH REQUIREMENT:

- Most of the ATP projects require at least 11.47% in matching funds. Note that Toll Credits may be used for such projects (in lieu of match requirement) using other **eligible** federal funds (e.g. CMAQ, RSTP). In such case, include a note in the project description stating "Toll Credits are used".

- Matching funds are not required for the projects benefiting a disadvantaged community, stand alone non-infrastructure projects, and safe routes to school projects.

Abhijit explained that there is only one fund type in CTIPS for ATP regardless of the actual source of funds (federal vs. state).

c. List of obligated projects for FY 2013/14

The list was sent in early October with revision on October 7, 2014.

5. Follow-up Items from Last Meeting – Abhijit Bagde

a. Abhijit Bagde to send ATP list to MPOs in the next two weeks – Item completed (List was sent to MPOs on 09/17/14)

b. Bruce Abanathie, KCAG to form a task force that includes representatives from MPOs, FHWA, ARB and CT – Local Assistance to address PM 2.5 reporting for obligated projects with CMAQ funds – Bruce to provide an update

Bruce reported that the information was received from DLA and several MPOs and Caltrans Districts were contacted to clarify where the difficulty with reporting CMAQ projects with a PM 2.5 benefit may lie in the process. The committee of MPOs, ARB, Caltrans DLA and Programming, and FHWA met via conference call. As a result of the background information and the conference call, two primary issues were identified.

The first issue is the PM 2.5 conversion factors and their use. There is a table (attached) of PM 2.5 conversion factors on the ARB Website. The discussion of the MPOs was that there was not enough description or direction on how to apply these conversion factors. As an example, there are five factors on the table, but the question posed is how are they applied and are they cumulative for a project that may entail all of the factors or do we just pick one? We were not able to answer the questions raised during the call, so I will have a second call with ARB to discuss these questions.

The second issue identified, is one of a lack of communication and understanding at the Caltrans District level. As John Hoole mentioned previously, they have been finding

some of their internal issues and fixing them as they go, but from conversations with some Districts, there is still work to be done on that issue.

Muhaned noted that there are challenges in getting the calculations done and the projects reported so that the 25% CMAQ apportionment can be met on a statewide basis. The ability to meet the 25% may change from statewide to region-specific with the latest NPRM. Muhaned also met with DLA and looked at the statewide PM 2.5 benefit obligations – it is very imbalanced throughout the state.

Bruce will call ARB for further follow-up.

c. MPOs to send their 2015 FTIP website link to Lima Huy (lima.huy@dot.ca.gov) by 9/15/14 – Item completed

d. MPOs agreed to do CTIPS testing by 09/07/14 – This item will be discussed as part of Item No. 8

e. Abhijit Bagde to distribute the CT Division of Rail and Mass Transportation (DRMT) report to the group - Item completed (Information was sent to the group on 08/26/14)

f. Jack Lord, FHWA will contact FHWA's finance office in CA Division to start discussion about the FHWA Flex Fund transfer to FTA process – Item postponed till December 16, 2014 CFPG meeting

g. CT – Local Assistance to revise the "Transfer to FTA" handout - Item postponed till December 16, 2014 CFPG meeting

6. FTIP Amendments – Muhaned Aljabiry (CT Federal Programming Office)

a. Amendments to the 2013 FTIP:

Muhaned Aljabiry reported that his office is still receiving amendments to the 2013 FTIPs. Many of the projects do not seem to be a priority to amend at this time. We have about one and one-half months remaining with the 2013 FSTIP, and then the changes will have to be made to the 2015 FTIP. Please look closely at amendment requests and make sure that the amendment is really necessary at this time.

There was discussion about the source of the projects included in the amendments and the necessity of the changes prior to the end of the life of the 2013 FTIP.

b. Frequency of processing amendments/administrative modifications:

Muhaned suggested implementing a schedule to reduce the number/frequency of amendments/modifications. An excessive number of amendments indicates that it is the result of a poorly written FTIP. The lowest number of MPO amendments to the 2013 FTIP is 11 and the highest is 34. (NOTE: At the same time there have been over 150 amendments to the SHOPP)

7. 2015 FSTIP - CT Federal Programming Office

a. Status Update – Muhaned Aljabiry

Muhaned stated that all of the MPO FTIPs were submitted on time. The process has been smooth thus far. FHWA and FTA have estimated that their approval will be available on December 17, 2014.

b. FSTIP Public Participation – Lima Huy

The draft 2015 FSTIP was released for public review on October 7, 2014. Copies of FSTIP were sent to the State Library, State clearing House. Also it is posted on Caltrans and Programming Office websites, as well as posted at the MPO websites. Public review ends October 28, 2014. If comments are received that pertain to a specific FTIP, the comment will be forwarded to the MPO, and MPO's response will be included in the Caltrans response to comments to the FSTIP.
Jack Lord (FHWA) asked if there would be public meetings or workshops. Muhaned replied that there would be no public meetings, but that the public comment period is being carried out according to the state's public participation plan. The plan is posted on the Caltrans website:
http://www.dot.ca.gov/hq/tpp/offices/osp/ppp.html

c. Financial Summary for amendments – Lilibeth Green

Lilibeth stated that the financial summary for amendments to the 2015 FTIP is available on the Programming Office website. Please use this version for the FTIP amendments to the 2015 FTIP. Lilibeth also noted that although the MPOs can start an amendment to the 2015 FTIP at any time, but the state cannot process the amendment until the 2015 FSTIP is approved by FHWA and FTA. The amendment will also be posted on the Caltrans website for 14 days (after 2015 FSTIP is approved) before being forwarded to FHWA/FTA for approval. Administrative modifications received from MPOs without Caltrans delegation (to approve administrative modification for the FSTIP) will be processed after 2015 FSTIP is approved.

MPOs with Caltrans delegation (to approve administrative modification for the FSTIP) cannot approve administrative modifications until 2015 FSTIP is approved.

Jeff Brubaker (SLOCOG) asked should MPOs not have amendment approvals scheduled for their December Board Meetings that occur before the FHWA/FTA approval. Muhaned stated that the MPO could go forward, but the amendment will be held at Caltrans until the FSTIP approval. The FSTIP public participation will also have to occur as stated above.

8. CTIPS Conversion Update – Rambabu Bavirisetty

Rambabu reported that the testing of the new CTISP platform has been completed, all of the comments have been gathered, and the fix requests have been sent to the vendor. Particular problems have been seen in the Project Programming Request (PPR) and reporting segments of the new platform. Rambabu will update their website with a progress on the proposed system changes.

Muhaned noted that on December 17th the Programming Office will move 2015 FTIP from the "DRAFT FTIP" section of CTIPS to the current data portion of CTIPS. Rambabu stated that the transfer should be a smooth change without disruption.

9. Notice of Proposed Rulemaking (NPRM) for CMAQ - Update (See Handouts No. 1 and 2)

Muhaned reported that on October 3rd comments were due for the NPRM. Caltrans received comments, some MPOs submitted independent comments, and some MPOs also added their comments and support to the Caltrans comments. The primary comments were the

need for a higher level of PM 2.5 obligation and obligation on a statewide basis rather than a regional basis.

10. CMAQ and RSTP Apportionments – Estimates for FY 2014/15 – Lilibeth Green

Lilibeth stated that the most recent apportionment levels posted on the Programming Office website (November 2013) are still valid for programming purposes. The recent release of the partial year apportionment amounts for the continuing resolution of MAP-21 are consistent with the Caltrans posted apportionments calculated to an annual level. When annual apportionments are released they will be posted.

11. CMAQ Annual Report – Lima Huy

Lima advised the group that the CMAQ Annual Report will be due to FHWA soon and that Caltrans will be sending out the prepopulated report within a couple of weeks with a due date prior to Thanksgiving in-November.

12a. Follow up Items

1. *Bruce Abanathie, KCAG will contact ARB for further follow-up on AQ Benefit calculations for CMAQ projects.*
2. *Jack Lord, FHWA will talk with the finance office in CA Div. to start the conversation about the transfer process.*
3. *CT Local Assistance will revise the handout on "Transfer to FTA" and will be distributed to the group when available*
4. *Abhijit will talk to Teresa McWilliam about ATP transfers to FTA*
5. *Abhijit will circulate the letter and the FTA Circular to the group on the return of unsued flex funds transferred to FTA.*

12b. Open Forum

Jose-Luis talked about flex fund transfers to FTA that are not used by the transit operator. According to FTA Circular 9030.1D, funds not included in an FTA grant after three full federal fiscal years, revert to a new reimbursement code and are credited to the state governor's balance. The state, through the DRMT, can then distribute the funds back to the MPO with a letter of authorization.

Muhaned asked if the funds are returned to the state as FTA funds or with their original fund source. J-L stated that from his research, the funds are returned as their original fund stream identification. J-L also noted that the Circular also includes a process by which the state is notified that the funds are being returned. Jeanette asked if the MPO involved is also notified in the process.

Ted Matley (FTA) noted that flex funds lapse in the same manner as FTA funds and are returned to the state. The state has to reaffirm where they want the funds to go. Ted noted that the flex funds administered by FTA are administered through the 5307 program, but do not take on the characteristics of the 5307 funds in the process.

Muhaned noted that once this issue was addressed to Caltrans the development of a state process was implemented and the notification and transfer of the returning funds should be

more efficient.

Wade Hobbs (FHWA) thanked and congratulated Caltrans and the MPOs in the timely development of the FSTIP. Wade then addressed expedited amendment approvals. The normal time frame for FHWA approvals is 30 days. However, the option for an expedited approval is available. The best approach is to have a pre-action request teleconference with FHWA, FTA, Caltrans, EPA, and the MPO to discuss the amendment, time frames, and its related effects (financial constraint, air quality conformity, etc.). Muhaned asked who would actually initiate the conference call. Wade FHWA and the MPO will coordinate the initiation of the call.

12c. Future Agenda Items

Abhijit informed the group that the HBP Program Manager would be at the December meeting to talk about the program. Abhijit asked that questions be submitted by October 31, to help the manager prepare the presentation.

13. Future Meetings:

- December 16, 2014 Caltrans Sacramento (10:30 am – 12:30 pm)

ADDENDUM TO THE MINUTES for Item 5b:

From Bruce Abanathie

I spoke with Dennis Wade of CA ARB about the PM2.5 conversion factor table and how the conversion factors should be applied. Dennis noted that the various conversion factors apply to specific portions of the calculations for a CMAQ project as outlined in the 2005 Methods for Cost-Effectiveness for CMAQ Projects and the 2013 emission rate tables. The 2005 Methods Guidance provides the calculation methodology and the 2013 emission rate tables provide the most updated emission rates to be used in the calculations.

The table actually allows PM2.5 results to be expressed as PM10 using the conversion factors in the table. Each conversion factor applies to a discrete emission rate or the emissions calculated from that rate. For example, the brake and tire wear conversions apply to the brake and tire wear factors listed in Table 3 of the 2013 emission rate tables (excerpt from p.7 below):

PM2.5				
VMT (g/mile)	0.087	0.087	0.087	0.087
running exhaust only (g/mile)	0.002	0.002	0.002	0.002
tire and brake wear (g/mile)	0.018	0.018	0.018	0.018
road dust (g/mile)	0.022	0.022	0.022	0.022
commute trip ends (g/trip end)	0.006	0.004	0.004	0.004
average trip ends (g/trip end)	0.003	0.003	0.003	0.004

As a project example, a bicycle project that reduces trips/day or AADT will use the factors above in their air quality benefit calculations as well as reductions in running exhaust using one of the engine type conversion factors.

ARB staff is considering ways to improve the usability of the PM conversion factors in the short term through added usage guidance and possibly aggregation of factors to simplify their application. In the longer term ARB staff will work with CalTrans and stakeholders to coordinate updates to the 2005 Methods guide once the new version of EMFAC is released and approved. ARB will update the CFPG when they have a schedule in place to accomplish the updates.

Handout No. 1 for Item No. 9: NPRM for CMAQ

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY 711
www.dot.ca.gov

Serious drought.
Help save water!

October 2, 2014

U.S. Department of Transportation
Dockets Management Facility
1200 New Jersey Avenue SE
Washington, DC 20590

RE: Docket No. FHWA-2013-0037
Federal Register Number: 2014-12155
Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning

To Whom It May Concern:

The California Department of Transportation (Caltrans) respectfully submits the attached comments on the Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning Notice of Proposed Rulemaking issued by the Federal Highway Administration on June 2, 2014.

Thank you for your consideration.

Sincerely,

MALCOLM DOUGHERTY
Director, California Department of Transportation

Enclosure

California Department of Transportation's Comments on the Federal Transit Agency and Federal Highway Administration's Joint Notice of Proposed Rulemaking on Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning
October 2, 2014

1. The California Department of Transportation (Caltrans) would like to express appreciation that the proposed rule supports scenario planning. Metropolitan Planning Organizations in the State of California are already conducting scenario planning activities as required by State law, but it has not been financially supported. Scenario planning in California is a labor intensive and costly effort, and Caltrans appreciate that the proposed rule would allow federal financial support for these efforts.

2. Caltrans commends the U.S. Department of Transportation for including the Regional Transportation Planning Organizations designation for rural counties. California created a similar designation in 1971 for Regional Transportation Planning Agencies (RTPAs). RTPAs have been successfully operating as the regional transportation planning entity for rural communities in California since their inception. Caltrans recommends that the proposed regulations acknowledge States' current rural transportation planning agencies' designations.

3. Caltrans recommends that the proposed regulations ensure that the Metropolitan Planning Organizations have maximum flexibility in determining how their governing boards are constituted.

4. State metropolitan planning agreements are not easily updated, and involve extensive legal and executive review. The list of elements included in this proposed rulemaking is overly prescriptive and beyond what is necessary for such agreements. Caltrans recommends that the regulations ensure that Metropolitan Planning Organizations have maximum flexibility in determining how the agreements are constituted and how they operate.

5. The proposed regulations provide an optional avenue for State Departments of Transportation and Metropolitan Planning Organizations to consider the effects of climate change and resilience in the context of the transportation planning process. Executive Order 13653 (Climate Preparedness and Resilience) was identified as the authority to address climate change issues during the planning process.

   Caltrans would suggest that the U.S. Department of Transportation include language in 23 CFR Part 450 and 49 CFR Part 613 that would recommend that State Departments of Transportation and Metropolitan Planning Organizations conduct prudent planning efforts

and start identifying potential areas of the transportation system that may be vulnerable to extreme weather events. As research has indicated, the number of extreme weather events across the country is rising. These events are having an increasing impact on transportation facilities, not to mention the costs involved to deal with the aftermath. Although many State Departments of Transportation, Metropolitan Planning Organizations, and transit agencies around the country have, or are currently conducting, planning efforts to address potential extreme weather impacts to the transportation system, more work needs to be accomplished.

6. Caltrans suggests the proposed regulations require states to consider the impact that Vehicle Miles Traveled has during the development of the statewide and metropolitan transportation plans.

7. Section 1203 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) requires the development and use of performance measures and targets based on the national goals in order to identify the most efficient use of Federal transportation funds within the Federal-Aid Highway Program. Title 23 CFR 450.206 (c) of the proposed rulemaking requires that the statewide transportation process provide for the establishment and use of a performance-based approach to transportation decision-making in support of national goals described in 23 U.S.C. 150(b). Each State must select performance targets in "coordination" with Metropolitan Planning Organizations to ensure consistency "*to the maximum extent practical*" that address all performance areas described in 23 U.S.C. 150(c). In addition the State must consider performance measures and targets when developing policies, programs, and investment priorities reflected in the statewide transportation plan and statewide transportation improvement program. Additional clarification should be provided regarding which party has the ultimate authority if State DOT and MPO performance measures and targets conflict.

8. The target setting process and reporting requirements for measuring performance should be streamlined as much as possible to minimize cost, maximize efficiency, and support consistency between all levels of government. To the extent possible, target setting should take into account the type of data that are readily available and widely used and limit or avoid the need to acquire and process new data sets.

9. During the statewide target setting process there should be sufficient flexibility to recognize the scale and context of the individual Metropolitan Planning Organizations, allowing for realistic target setting and performance measurement at the regional level. Alternatively, the U.S. Department of Transportation could consider establishing minimum targets with a range of acceptability. Metropolitan Planning Organization performance should be measured individually rather than comparatively. Overall, there seems to be an expectation by the U.S. Department of Transportation that performance measurement should be used to incentivize

successful decisions and progress to meet multiple goals, but that it should not result in punitive action for failure to meet established targets.

10. The Federal Highway Administration (FHWA) and the Federal Transit Agency (FTA) should coordinate in the development of any transit-related performance measures to ensure the identified metrics are comparable to performance measures for other transportation modes. This will increase the likelihood that transportation plans and facility improvements address all modes and are geared toward sustainability.

11. While Caltrans understands that measures and obtainable targets will be considered for adoption in the near-term for the two areas of traffic congestion and National Highway System performance, states' more comprehensive goals and multimodal transportation systems should be kept in mind. The FHWA and FTA should identify performance measures that better capture the transportation benefits provided by improved land use, infill development, and active transportation. Performance measures that require additional or improved monitoring, or information from surveys, will require a larger investment. As performance measurement at the national, State, or Metropolitan Planning Organization level become more sophisticated, improvements in data gathering will be necessary. We encourage consideration of additional federal investment to assist in the proposed extensive comprehensive monitoring of performance.

12. In Section 450.210, State Departments of Transportation are now required to cooperate with non-metropolitan local officials on the development of the long-range transportation plan and the State Transportation Improvement Program and to document this process. This means that the parties involved in carrying out the transportation planning and programming processes will work together to achieve common goals or objectives. This shift toward working cooperatively should also take Native American Tribal Governments into consideration. Doing this will lead to more coordinated efforts and will also allow consultation with Indian Tribal governments, also required by this proposed rule, to be more meaningful.

13. Caltrans suggests that the U.S. Department of Transportation consider adding a statement that reads as follows in Section 450.306: "when an Metropolitan Planning Area (MPA) includes Indian Tribal Lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the performance-driven outcome-based approach to planning for those areas affected or potentially affected."

14. There is seldom data on traffic incidents on Native American lands due to their sovereign status. Where data can be obtained, incidents on tribal lands are grouped together with other

data, affecting analysts' ability to discern whether or not roadway issues are of tribal concern. As a result, a high concentration of incidents on Native American lands will not necessarily lead to funds for improvements of that jurisdiction. A possible solution to this problem is to consider tribal lands intentionally/individually when targets are being set. With more detailed information, State, tribal, and local officials can collaborate to solve significant problems on the reservation that might not be addressed if data is considered on a corridor level.

15. Performance measures and targets need to be designed in a manner that allows the flexibility to fund projects that address issues that are significant, but may not compete on a Statewide basis, such as projects that may need to be completed on reservation or tribal lands.

16. We appreciate Federal support for the development of programmatic mitigation plans. This support, and the eligibility for federal funding, is important to move this program forward. There is some concern, however, about the acceptability of these efforts by state and federal resource and regulatory agencies. As noted, the proposed rule states that "... any federal agency ***may*** use the recommendation in the programmatic mitigation plan when carrying out its responsibilities..." Are there opportunities for corresponding rules governing the regulatory agencies to influence a higher level of commitment to these efforts?

    Subsection (a)(1)(ii) indicates that *"...an MPO may develop a programmatic mitigation plan on a local, regional, ecosystem, watershed, statewide or similar scale."* This implies that an MPO may plan on a scale beyond the MPA boundaries; is this the intent?

17. Caltrans believes that proposed section 450.214 needs to be clarified. It currently states *"...and can normally develop a plan with an aim toward protecting, preserving, rehabilitating, or creating environmental resources, or mitigating possible harm to environmental resources due to future transportation projects."* Inserting the "or" between "protecting, preserving, rehabilitating, or creating environmental resources" and "mitigating possible harm to environmental resources" makes it sound like the former is something other than mitigation. The sentence should state "...and can normally develop a plan with mitigating possible harm to environmental resources due to future transportation projects by protecting, preserving, rehabilitating, or creating environmental resources."

18. Section 450.214 also states: *"The State (or MPO), must make the plan available for review and comment by the public and the applicable environmental resource agencies."* Is this a formal National Environmental Protection Act review, or does any form of public review count? Caltrans needs clarification on what the minimum requirements for this comment process are. For example, are there a minimum number of days for comments?

19. Finally, the phrase *"...through avoidance or mitigation opportunities"*, the language surrounding mitigation in Section 450.214, needs clarification. It is not clear why avoidance is singled out, as distinct from mitigation, or what mitigation is suppose to cover. Minimization should be included in this list as well, in part to identify any recommended engineering solutions that can be included during the scoping process.

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY 711
www.dot.ca.gov

Serious drought.
Help save water!

October 2, 2014

U.S. Department of Transportation
Dockets Management Facility
1200 New Jersey Avenue SE
Washington, DC 20590

RE: Docket No. FHWA-2013-0018
Federal Register Document Number: 2014-17786
Congestion Mitigation and Air Quality Improvement Program

To Whom It May Concern:

The California Department of Transportation respectfully submits the attached comments on the Congestion Mitigation and Air Quality Improvement (CMAQ) Program Notice of Proposed Rulemaking issued by the Federal Highway Administration on August 4, 2014.

Thank you for your consideration.

Sincerely,

MALCOLM DOUGHERTY
Director, California Department of Transportation

Enclosure

California Department of Transportation's Comments on the Federal Highway Administration's Notice of Proposed Rulemaking on Congestion Mitigation and Air Quality Improvement Program
October 2, 2014

1. The California Department of Transportation (Caltrans) tentatively supports a weighting factor of 5 or less for PM2.5 nonattainment areas, although California does not currently have any maintenance PM2.5 areas in the state. Given the serious health problems associated with PM2.5 emissions, Caltrans agrees that it is reasonable to use a weighting factor for PM2.5 that is higher than the weighting factor for carbon monoxide and ozone. Additionally, by establishing a weighting factor for PM2.5, the Federal Highway Administration is clarifying language in the Moving Ahead for Progress in the 21st Century Act (MAP-21) that refers to a weighted population for PM2.5 that was not addressed in statute.

2. Caltrans recommends that the Federal Highway Administration review historical data of Congestion, Mitigation, and Air Quality Improvement (CMAQ) projects to determine if states are already obligating more than 25 percent of their CMAQ apportionments on PM2.5 reducing projects. This will help determine if a PM2.5 set-aside is truly necessary. Similarly, since nitric oxide and nitrogen dioxide are a significant precursor of secondary-formation PM2.5, projects that target reduction of nitric oxide and nitrogen dioxide will also result in an incremental reduction of PM2.5 emissions, even where PM2.5 is not the targeted pollutant. Therefore, it is our understanding that most CMAQ-eligible projects already reduce PM2.5 emissions.

3. Caltrans supports flexibility in selecting and programming a variety of PM2.5 reducing projects and suggests the proposed rulemaking explicitly state that any project demonstrating a reduction in PM2.5 emissions will count towards the CMAQ PM2.5 set-aside obligation requirement.

4. The Interim CMAQ Guidance states, "**except** for the PM2.5 set-aside, a State is under no statutory obligation to allocate CMAQ funds in the same manner they have been

apportioned at the Federal level.[i]" The proposed rulemaking states that "a State's total apportionment under the CMAQ program will not change; only the amount that the State would be required to set-aside for projects that reduce PM2.5 would change." States should continue to have the discretion in sub-allocating all CMAQ funds in a manner that best addresses their unique air quality challenges and the Federal Highway Administration should revise the Interim CMAQ Guidance to be consistent with the proposed rulemaking.

5. The proposed rulemaking requires States "to spend that set-aside only on PM2.5 projects, as chosen by the States, in nonattainment or maintenance areas for PM2.5." A nonattainment area is defined as "any geographic region of the United States that the Environmental Protection Agency has designated as nonattainment under section 107 of the Clean Air Act for any pollutant for which a national ambient air quality standard exists." Does this definition require States to track obligations by the portion of the county that is nonattainment or maintenance for PM2.5, the entire county, the Metropolitan Planning Organization (MPO) boundary, or the State as a whole? County lines, MPO boundaries, and air basin areas do not follow the same boundary lines. Caltrans requests clarification on the 25 percent requirement for investments in projects that reduce PM2.5. Do CMAQ obligations need to be applied in specific nonattainment or maintenance areas for PM2.5 or can they be applied within an MPO/RTPA boundary or state as a whole? If specific PM2.5 area obligation is required, then this will prove to be a daunting task for states and will be an additional administrative cost not currently budgeted or funded. Therefore, Caltrans suggests language in the proposed rulemaking that requires States to obligate the PM2.5 set-aside dollars on a statewide level in order to minimize administrative costs associated with detailed specific area tracking. Additionally, Caltrans suggests the proposed rulemaking language include "as chosen by the State or MPO," since project selection in California is primarily performed at the regional level.

6. Prior to MAP-21, the Federal Highway Administration published weighted population data at this link: http://www.fhwa.dot.gov/environment/air_quality/cmaq/populations/. To help States better understand the mathematical computation described in the proposed rulemaking, Caltrans requests that the Federal Highway Administration restart publishing weighted population data on their internet website.

[i] Interim CMAQ Guidance, page 9