



South Coast Air Quality Management District

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Comments on the Draft 2012-2035 Regional Transportation Plan, Sustainable Communities Strategy, and Draft Program Environmental Impact Report

The South Coast Air Quality Management (AQMD) staff appreciates the opportunity to comment on the Draft Program Environmental Impact Report (Draft PEIR) and the Draft 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy (Draft RTP/SCS). AQMD staff appreciates the inclusion of strategies in the Draft RTP that will reduce vehicle miles travelled (VMT). These strategies are a fundamental aspect of the plan and are needed to achieve transportation conformity requirements under the federal Clean Air Act. However, additional pollutant reductions beyond transportation conformity requirements must be found for the South Coast Air Basin (SCAB) to achieve National Ambient Air Quality Standards (NAAQS). Pursuant to the Clean Air Act, if the SCAB does not meet NAAQS on time, the region could lose federal transportation funding. This loss of funding could hinder achieving the goals of the Draft RTP/SCS. In addition, new tools and funding sources for SCS implementation will be required to overcome the additional hurdles that local jurisdictions face with the recent loss of redevelopment agencies. Therefore, we look forward to SCAG's continued significant involvement in the development of the 2012 Air Quality Management Plan in order to ensure that the transportation system contributes its fair share of pollutant reductions in our basin.

Transportation and Goods Movement Strategy

The AQMD staff appreciates that the lead agency has worked with our staff and the California Air Resources Board staff to develop an aggressive plan containing transportation policies that promote zero emission technologies. These policies and projects will provide regional and local air quality benefits. For example, as a part of the plan's goods movement strategy, the lead agency has included full deployment of zero emission transport for all container drayage between the ports and near-dock rail yards by 2020 (Goods Movement Appendix to RTP, page 34). Further, the Draft RTP has included zero emission freight corridors that could yield significant regional emission reductions and reduce near roadway emissions exposure in a timely

manner. AQMD staff looks forward to our joint efforts with SCAG staff on future demonstration and deployment of these important technologies, including a zero emission on-road demonstration project within the next one to three years. Further information in the Final EIR and RTP about the following strategies would be helpful to provide clarity in how these aspects of the plan impact air quality.

- Although zero emission technologies are described in the Draft RTP, it is not clear to what extent the emission reductions from these projects have been included in the constrained plan (e.g., RTP Table 2.11). The Final RTP/SCS and PEIR should include specific details about how much of the emission reduction benefits of the I-710 corridor project, East-West freight corridor project, and zero emission deployment from the ports to near dock rail yards are included in the 2035 emission calculations.
- SCAG should work with local transportation agencies, the ports, and other private and public stakeholders to identify funding in the constrained plan for zero-emission technology demonstrations (or initial deployments) in the port to near dock rail yard corridor. These should involve multiple technologies, including technologies with potential for regional application, and should involve major truck manufacturers. Such demonstrations can and should be initiated by no later than 2013 and should include testing and evaluation of wayside power (e.g., catenary trucks), battery electric trucks, and fuel cell trucks. AQMD will partner in supporting this measure (e.g., funding, seeking funding partners, and developing other support).
- The Draft RTP/SCS includes several key port-related projects such as the Southern California International Gateway (SCIG) and Modernization of the Intermodal Container Transfer Facility (ICTF) that are considered critical to the regional goods movement system and will have serious air quality implications for the basin and substantial impact on the heavy duty truck distribution in the region. Specifically, the Draft RTP/SCS indicates these projects are needed to address an overall growth volume at the San Pedro Bay Ports of up to 43 million containers by 2035 - more than tripling current levels. In addition, this significant growth in heavy duty truck traffic calls for the need to develop zero and near-zero emission goods movement technologies.

Freeway Impacts to Sensitive Receptors

The Draft PEIR indicates that the proposed project will place an additional 200,000 people within 500 feet of freeways in the SCAG Region. Areas within 500 feet of a freeway typically experience significantly elevated levels of mobile source pollution compared to areas outside this buffer zone. The AQMD staff recognizes that the placement of concentrated populations next to freeways is in response to the SCS policies that encourage growth adjacent to transit and other transportation facilities, however, it is not clear how SCAG determines that the potential impacts to future residents in these areas are insignificant.

Specifically, page 3.2-31 in the Draft RTP/SCS PEIR states that Mitigation Measure-AQ19 (MM-AQ19) will reduce this impact to a less than significant level. MM-AQ19 describes requirements that lead agencies should implement for conducting Health Risk Assessments, maintaining buffer zones from some pollution sources, and installing particulate filters in building ventilation systems to reduce particulate exposure. However, it is not clear how this

mitigation measure will be implemented. Because the Draft RTP includes substantial growth in population in these freeway proximate areas, SCAG should commit to researching the effectiveness of mitigation to reduce pollutant exposures in these areas and working with other state and local agencies on further policy development to reduce near freeway exposure.

Implementation Monitoring and Tracking

SCS Performance Measures

One of the primary goals of the SCS is to decrease per-capita greenhouse gas emissions from passenger vehicles and light duty trucks. These greenhouse gas reductions will have the co-benefit of reducing emissions of criteria pollutants. Because the SCS is an integral part of the RTP and therefore the AQMP, timely implementation of the SCS goals is relied upon to meet air quality standards. As a result, the AQMD staff requests that the plan be revised to include a periodic tracking and reporting element for the SCS that would occur more frequently than the regular RTP cycle. Specifically, staff requests that the tracking process not be limited to policy review of the SCS, but also include identification of revenue sources (see Funding comments below), and other metrics deemed appropriate by SCAG. These reported metrics should be made available to the public to ensure that our basin remains on track to meet AQMP goals.

Funding of the RTP

As required by federal regulation, SCAG has included a financial plan to demonstrate how the transportation plan can be implemented [23 C.F.R. §450.322(f)(10)]. The plan includes financial resources that are “reasonably expected to be available” to carry out the plan [§450.322(f)(10)(ii)]. However, about \$219.5 billion out of a total of \$524.7 billion in costs of the proposed 2012 RTP are expected to be funded by “new” sources of funds that are not currently available (“core” funds). This means that over 40% of the total cost of the plan is dependent on future new funding. Federal regulation provides that in the case of new funding sources, “strategies for ensuring their availability shall be included.” [450.322(f)(10)(iii)]. A review of the “new” funding sources indicates that most would require further action by the state legislature, Congress, and/or a vote of the people. Moreover, federal regulations require the financial plan to “address the specific financial strategies required to ensure the implementation of TCMs in the applicable SIP.” [§450.322(f)(1)(vi)]. We are concerned that these strategies are not sufficiently identified and assured of implementation.

State law also requires the RTP to include a financial element, which must summarize “the cost of plan implementation constrained by a realistic projection of available revenues.” [Government Code §65080(b)(4)(A)]. The financial element may recommend the development of specified new sources of revenue. However, in describing the requirement for “financial constraint,” the treatise *California Transportation Law* (Solano Press, 2000; March, Jeremy) provides at page 139 that the plan should:

- “Explain the consequences of living with existing revenues only, including what parts of the plan would not be achievable (without new revenues).”

- Indicate alternative policy directions if proposed revenues are not realized, and the time frame when the change in policy direction should be undertaken if proposed revenues are not forthcoming.”

The RTP does not currently present sufficient information to demonstrate why the “new” funding sources must actually become available. Moreover, it does not identify which measures or projects are to be funded by “core” revenues (those already available or committed) and which are to be funded by “new” sources. In order for the public and policymakers to have a clear understanding of why the “new” funding sources must become available, and thus to implement the needed steps for this to occur, the RTP should clearly identify the consequences if the plan were forced to depend only on “core” funding.

Transportation Control Measures

AQMD staff initially requested that SCAG prepare an analysis in the Final RTP/SCS of what transportation control measures would be needed to offset growth in emissions due to growth in VMT, if the decision in *AIR v. EPA* were to become final [632 F.3d 584 (9th Cir. 2011)]. The conformity section of the Draft RTP acknowledged in a footnote that the RTP would not be sufficient, but did not explain what would be required. On January 27, 2012, the Ninth Circuit Court of Appeals denied EPA’s petition for rehearing in that case. As a result, AQMD staff is now requesting a scenario analysis that includes the incremental emission impact in the SCAB due to VMT growth. This scenario analysis would use the difference between 2035 VMT and the VMT from years 1997, 2008, and 2012, and applicable vehicle emission rates in 2035. The Draft EIR compares today’s emissions with future emissions, and compares emissions with the project compared to emissions without the project. We request that SCAG analyze the emissions impact of growth in VMT. For illustration purposes, staff reiterates its request that the RTP also include an analysis of what additional Transportation Control Measures (TCMs) it would take to comply with this decision.

Public Availability of SCS Details

In order to provide certainty and transparency to the public, the details regarding the planning assumptions in the RTP/SCS (such as housing density, distribution of employment, etc.) should be made publicly available upon approval of the Final RTP/SCS. Because the RTP/SCS will be used to determine whether future projects can utilize new CEQA streamlining procedures, stakeholders need to have a readily available data source that describes what planning assumptions are included in the SCS. This final SCS planning scenario at the local level should be published and available to the public, and any future changes/amendments should also be made available for review so that all stakeholders can evaluate the consistency of future projects with the SCS.

Economic Analysis

The AQMD staff appreciates SCAG’s participation at the February 1, 2012 study session on the economic impact of the Draft RTP/SCS. At that meeting SCAG acknowledged and clarified the limitations of the Draft RTP/SCS economic analysis released in December of 2011 and presented the results from additional analyses. Based on our understanding of the economic analysis from

that meeting, we request that SCAG provide further clarification on its methods in assessing RTP employment impacts. This information is crucial because the AQMP heavily relies upon employment figures generated by the RTP for emission projections. For example, the Draft RTP assumes that employment will be the same with and without the plan (Table 3.10-10 of the Draft EIR). Any additional analysis conducted after the draft document on job impacts should be released prior to approving the Final RTP and should provide more detailed description on the analysis assumptions and proper interpretation of the results. Also, the AQMD staff recommends inclusion of the financing component of operation and maintenance expenditures in the job impact assessment of the RTP/SCS.

Contact Information

The inclusion of these items coupled with a continued emphasis on zero and near zero emission transportation technologies in the region could formulate a plan that provides a path for sustainable communities, achieving regional air quality goals, and reducing public health impacts from future transportation infrastructure. The AQMD staff looks forward to continuing to work with SCAG in pursuit of air quality standards in the region and improve air quality for all residents in the South Coast Air Basin. Please contact me at (909) 396-3186 should you have any questions regarding these comments.

Sincerely, \



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Deputy Executive Officer

Planning, Rule Development & Area Sources

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