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 14\(^1\) of the state’s 18 MPOs and eight\(^2\) 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)

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\(^1\) 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
MPO Areas

AREAS SUBJECT TO CONFORMITY REQUIREMENTS
Updated: 4/20/2016