



Republicans Play Big in 2002 Mid-Term Elections

Leading the charge, President George W. Bush made the 2002 mid-term elections into a national referendum on his policies and himself. Although a gamble, and a gamble that took on traditional voting patterns, it paid off as the Republican

Party increased its margins in the House of Representatives and retook the Senate.

The election results will have a large impact on the policy agenda for many MPOs, particularly regarding TEA-21 reauthorization. These include:

- Republican leadership on the Committee on Environment and Public Works (EPW) – Senator Jim Jeffords (I-VT) will no longer chair the committee. The Chair will go to Senator James Inhofe (R-OK).
- Importance of Administration legislative proposals — With a strengthened Republican position in the House and a recaptured Senate, the Administration's TEA-21 reauthorization proposal now faces a more favorable climate for enactment.
- Weakening of Environment and Labor — With the increased importance of the Administration comes the weakening of the two key transportation constituencies – labor and environmentalists.

- Shift in priorities – Republican assumption of power in the Senate suggests that the Environment and Public Works (EPW) Committee may well shift its priorities in terms of changes to current law. There is likely to be far more emphasis on streamlining decision-making processes by removing or altering government requirements. A key battleground will be over conformity issues where Republican smaller government tendencies will clash with bureaucratic insistence on conformity.

In sum, the traditional Republican belief in giving decision-making authority to the level of government best suited to making decisions should complement the role MPOs play in local and regional issues.

- New Opportunities — The election results can also strengthen the role MPOs play in the decision-making process. Newly elected members will look to their constituents for guidance on how they should consider issues.

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Streamlining Delivery of Surface Transportation Projects: H.R. 5455 EXPEDITE

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Streamlining Delivery of Surface Transportation Projects H.R. 5455 EXPEDITE

During recent hearings of the House Committee on Transportation and Infrastructure, it became apparent that Section 1309 of TEA 21 has not effectively met its goal. Making their way through the National Environmental Policy Act (NEPA) process was not always a smooth process.

To remedy this situation but not change environmental statutes or reduce citizen involvement in developing transportation projects, the ExpEDITE Act has been put forward. In sum, ExpEDITE has six main components:

1. Defines a process to navigate projects through NEPA requirements
2. Sets statutory deadlines for filing lawsuits to stop projects that comply with NEPA
3. Reforms section 4(f) of the 1966 DOT Act
4. Requires DOT to work with other agencies to improve interagency cooperation
5. Requires DOT to analyze causes of, and measure progress towards reducing delays, and
6. Allows delegation of Federal agency responsibilities to the States.

ExpEDITE is built around the DOT as the lead agency for highway and transit projects. As such, DOT is responsible for setting a project schedule and for making transporta-

tion-related determinations that feed into the NEPA process. Other participating agencies are to identify early problems that may cause delays, and must work to resolve such issues. As part of its lead responsibilities, DOT must develop and keep projects on schedule. Congress is even to be notified when deadlines are not met. In addition, there is a 90-day deadline set for filing lawsuits. This is intended to only stop late lawsuits such as after new funds have already been spent.

There are a number of mechanisms for resolving delays and expediting projects. For example, State Governors can initiate a process to resolve delays through high-level meetings and DOT can designate projects with important national or regional benefits for expedited delivery.

Currently Section 4(f) of TEA 21 sets no standards for analyzing the impacts to items such as parks, wildlife or historic sites.

TEA 21 Reauthorization Update

While winter is solidly upon us, we have little to report on actions regarding TEA 21 reauthorization. Right now the progress is anyone's guess, and there has been little agreement on key issues from both sides of the aisle. New committee assignments on the house side should bring more clarity in the next month or so, at least as to when hearings will be held. The gas tax continues to be batted around as a hot button issue and there are even reported rumors of a three-year bill as opposed to the historic six year versions of ISTEA and TEA 21. Stay tuned.

ExPEDITe seeks to set standards for these resources by providing the following requirements:

- Impact significance must be considered,
- Alternatives to routes with significant impacts must be developed,
- Sets standards for feasible and prudent alternatives, and
- Projects that impact historic sites satisfy Section 4(f) if they comply with Section 106 of the National Historic Preservation Act.

Interagency cooperation can only take place when involved parties are aware and educated in the process. The DOT secretary will work through surveys and improvement plans for increased cooperation on highway and transit projects. Showing Congress's

commitment to this process, the DOT secretary is required to report its progress to Congress within two years.

To ensure ExPEDITe's effectiveness, DOT will develop a program to stimulate project delivery and will measure overall progress. As a further program check, an annual report of such delays will also be published. Lead agency responsibilities can be delegated to a State or appropriate agency upon request.

The final provisions in the Act are designed to address weaknesses in the delivery of transit services. The problems were identified by FTA, APTA and CTAA as challenges to program implementation:

1. Drug and Alcohol Testing – Eliminate duplicative drug and alcohol testing requirements.
2. Simplify Grant Processing for Small and Rural transit providers – Allow transit providers who received formula funds through the non-urban or elderly and disabled grant programs to follow the same program requirements when applying for Job Access or bus and bus facility grants.
3. Permit transit agencies to purchase transit buses using the GSA Schedule.

For the proposed Act and to track its progress see www.thomas.loc.gov and look up by H.R. 5455.

Institutionalizing Smart Growth Principles into the Metropolitan Planning Process

The metropolitan transportation planning process is an ideal place to address land use. While environmental considerations are addressed at the project level during environmental impact statement and NEPA analyses, it is typically too late at that point to make improvements beyond the scope of that project. In contrast, MPOs conduct ongoing planning for entire metropolitan areas. The metropolitan planning process brings together the major stakeholders within an area to discuss and decide on a range of issues that affect the form growth takes in the near and long term.

AMPO and EPA partnered in September 2000 to address growth issues in the metropolitan planning process. This project was made possible by an EPA Innovative Community Partnership (ICP) grant. AMPO was pleased to work in partnership with EPA over the past two years to make this project a reality.

This project brought MPOs and EPA together to investigate how to apply "smart growth" principles to the transportation planning process. Playing a coordination role, AMPO worked with the selected MPOs to identify key tasks, develop work plans, and coordinate EPA involvement. EPA worked directly with the MPOs. Together they brainstormed ideas, gathered resources, and reviewed data. In addition, EPA provided information about smart growth activities currently underway.

Working in a formalized partnership to focus on discrete tasks identified by the MPOs is a new approach to problem solving for MPOs and EPA.

PROJECT HIGHLIGHTS

Charlottesville–Albemarle MPO, Virginia

Implement EPA's Smart Growth INDEX tool to:

Analyze effects of land use plans and timing of infrastructure development.

Link the MPO's long range plan with local land use plans.

Charlottesville worked through an existing TEA-21 TCSP project, with a focus on implementation and integration of EPA's Smart Growth INDEX tool (SGI), which was under development. This allowed the MPO to link the long range transportation plan with land use plans being developed by local jurisdictions.

Dover/Kent MPO, Delaware

Provided visual examples of "attractive" high density development.

Developed a list of more than 30 land use software tools and assisted with selection.

The MPO examined the transportation effects of increasing development density to prevent sprawl conditions. Dover also pursued land use or sketch planning tools to examine the longer-term impacts of current and alternate transportation and development patterns. As its contribution, EPA gathered visual examples of attractive higher-density development from around the country, which may be appropriate for a community like Dover. In addition, EPA identified criteria that would be used in tool selection and developed a matrix of 34 currently available software tools to assist with land use analysis.

Hillsborough County MPO

Developed smart growth performance measures for long range plan updates.

Assisted with survey data analysis to identify mode shifts in MPO sub-areas.

The Hillsborough MPO further developed transportation objectives in the existing long-range plan. The MPO and EPA gathered objectives and performance measures related to smart growth, and obtained technical feedback on their feasibility.

The performance measures focused on livability and mobility indicators at the system and corridor levels. This information was incorporated as the goals and objectives were developed for the long-range plan update.

Northwestern Indiana Regional Planning Commission (NIRPC), Indiana

Provided guidance during outreach to link long range plan update with quality of life issues.

Assisted with implementation of watershed management plan.



NIRPC and EPA built on several of the MPO's initiatives to link growth and transportation planning. With assistance from EPA and FHWA, the MPO held the first in a series of meetings to identify how the transportation plan could be used to enhance "quality of life" in the region.

EPA also helped NIRPC with implementation of a watershed management plan. Currently, NIRPC is discussing development of an urban growth boundary based on watershed principles that will affect transportation investments and vice versa.

COMMONALITIES

Tools, Tools and More Tools. The better equipped an MPO, both technically and non-technically, the more effective its efforts will be to incorporate smart growth concepts into the planning process.

Process is important. Tools are important, but the process for making decisions about those tools and the objectives the MPO hopes to accomplish by using them, are just as important as the tools themselves.

Local conditions matter. Local regulations, policies, tools, zoning, political will, public acceptability, local champions, relationships with state officials all effect what the MPO can accomplish and which strategies should be used.

The tasks accomplished under this project provide examples of what planning can accomplish at the metropolitan level when thinking outside the box. AMPO and the participating MPOs are grateful to EPA for providing the resources to pursue these initiatives.

By working in partnership to develop various documents, smart growth approaches will continue to be infused into the MPO institutional structure, further enabling the implementation of projects appropriate for a given metropolitan area.



Towards Cleaner Air: Making the 8-Hour Standard and PM Fine Reality

WHAT'S THE SCHEDULE

July 17, 1997 US EPA published the final National Ambient Air Quality Standards for the 8-Hour Ozone Standard and Fine Particulate Matter (also known as PM 2.5). Since then, this new regulation has been the focus of much scrutiny by industry, government and the public at large. Will there be a new standard and, if so, when.

Well it appears the “when” is about to be put into motion. EPA is currently busy at work preparing to publish (early 2003) a Proposed Rule for Implementation of the 8-Hour Standard. From there, the states are expected to recommend attainment designations and nonattainment area boundaries, and EPA aims to issue a final rule late this year.

From then, EPA will assign final attainment designations in April 2004 and State Implementation Plans (SIPs) will be due April – May 2007. Final attainment dates range from 2007 to 2021 depending on a region’s level of nonattainment. (Those with the most severe air quality problems get more time and conversely those with less of a problem must attain the standard sooner)

For PM 2.5, EPA has a similar schedule which has a final rule for implementation for PM coming on line in 2003–2004, nonattainment designations being made in 2004 and states submitting SIPs for PM 2.5 and ground-level ozone in 2007.

Refer to <http://www.epa.gov/airlinks> for up-to-date information concerning actions surrounding the revised standards. The schedule listed above is subject to refinements.

KEY ISSUES OF CONCERN

As the past 5 years have shown, there is great trepidation and concern about implementation of the new standard. A few of the key issues to be addressed during the implementation ruling-making process include:

- How to reconcile classification (moderate, severe, extreme) with an area’s attainment date.
- Transitioning from the 1-hour to the 8-hour. When does the 1-hour no longer apply and when does the 8-hour take effect?
- How to prevent backsliding when the 1-hour standard is revoked.

USING THE CARROT AND NOT THE STICK

As part of this process, EPA will allow Early Action Compacts (EAC). In sum, EAC’s allow a community to voluntarily enter into agreement with EPA and the State to develop a plan. Areas with this agreement get a “rolling nonattainment designation” deferral. The major advantage of an EAC is the flexibility provided to participants in selecting emission reduction options.

To be eligible for the program, areas must meet the following criteria:

- Currently in attainment of the 1-hour ozone standard,
- Air quality monitors show attainment of the 1-hour standard, and
- Air quality approaches or exceeds the 8-hour standard.

The main differences between an EAC and the SIP process are:

- Allows for more local control in selecting reduction strategies,
- Defers attainment designation and related requirements, and
- Works to reduce pollution faster.

8-HOUR STANDARD IN THE COURTS

July 18, 1997

- EPA strengthened the O3 NAAQS based on the latest scientific information showing adverse effects from exposures allowed by the then existing standards.

Fall 1997

- 8-Hour O3 and new PM 2.5 standards challenged in the United States Court of Appeals for the District of Columbia Circuit.

May 14, 1999

- Three-judge panel of the U.S. Court of Appeals for Washington, DC concluded that EPA’s interpretation of the Clean Air Act unconstitutionally delegated legislative power to EPA and remanded the standards to EPA. EPA appealed that ruling.

February 27, 2001

- U.S. Supreme Court unanimously upheld the constitutionality of the Clean Air Act (section 109) and affirmed EPA’s ability to set NAAQS at levels necessary to protect public health and welfare, without consideration of the economic costs of implementing the standards.

- The court remanded the implementation policy to EPA on the basis that EPA’s policy was not a reasonable interpretation of ambiguous statutory language.

- Because the D.C. Circuit Court originally remanded, but did not vacate, the 8-Hour and PM 2.5 standards, they have remained legally effective throughout the ongoing litigation.

November 2002

- Settlement between EPA and nine environmental groups. The settlement established deadlines for moving forward with implementation of the 8-hour standard.

Refer to <http://www.epa.gov/airlinks> for up-to-date information concerning actions surrounding the revised standards.

What are the NAAQS?

The Clean Air Act (CAA), which was last amended in 1990, requires EPA to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. The CAA established two types of air quality standards. First are primary standards, which set limits to protect public health, including the health of “sensitive” populations such as asthmatics, children, and the elderly. The other type are secondary standards, which set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings. The CAA requires EPA to review the standards every five years with advice from the Clean Air Scientific Advisory Committee.

The EPA sets such standards for six principal pollutants also known as “criteria” pollutants: Carbon Monoxide (CO), Nitrogen Dioxide (NO2), Ground-level Ozone (O3), Lead (Pb), Particulate Matter (PM10 and PM 2.5) and Sulfur Dioxide (SO2)

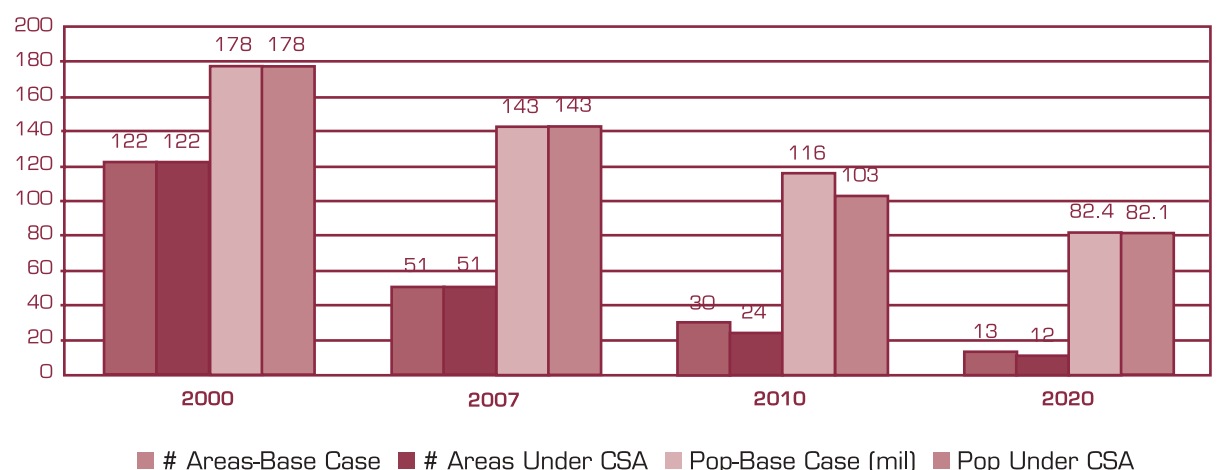
The connection between the NAAQS and transportation comes through the conformity process. This interaction works to ensure that transportation planning does not interfere with an area achieving or maintaining the air quality standards.

AIR QUALITY FACTS

- Air quality is measured from over 3,000 locations (over 5,200 monitors) across the nation operated primarily by state, local, and tribal agencies.
- Emissions data from sources goes back 30 years.
- Almost 170 million tons of pollution are emitted into the air each year in the United States.
- Approximately 133 million people live in counties where monitored air in 2001 was unhealthy because of high levels of at least one of the six principal air pollutants.
- Since 1970, aggregate emissions of the six principal pollutants tracked nationally have been cut 25 percent.
- Since 1970 the U.S. gross domestic product increased 161 percent, energy consumption increased 42 percent, and vehicle miles traveled increased 149 percent.

8-hr O3 Nonattainment Areas & Population (projected by modeling)

NOTE: The number of areas projected to each future year is based on modeled projections without consideration of application of new emission control measures that would be required under the SIP process.



Source: Ozone NAAQS Implementation Presentation at the 27th Annual EPA-A&WMA Information Exchange, December 3, 2002

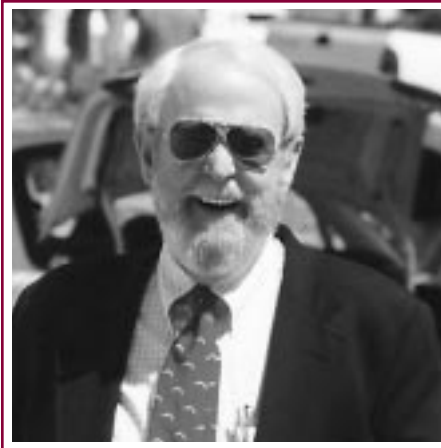


PIMA Association of Governments Executive Director Announces Retirement

For the past 25 years, Thomas L. Swanson, has been Executive Director of the PIMA Association of Governments (PAG).

Tom credits his longevity at PAG to his love of the community and most of all, to the on-going satisfaction of working with “my terrific staff and the staffs and elected officials of our member jurisdictions”. Under Swanson’s leadership, PAG has achieved a national reputation as an organization noted for its success in building regional cooperation and consensus among local and state governments and the public to address critical issues related to transportation, air quality, water quality and human services planning. Highlights of Swanson’s leadership in regional planning over the last three decades include:

- Increasing technical expertise within PAG and advancing new technologies and methods for addressing regional solutions to transportation, air quality and water quality problems;
- Developing strong, cooperative working relationships with local governments to jointly address issues of regional significance;
- Developing a web-based data clearinghouse which provides interactive public access to current maps, data and aerial/orthophotos; and
- Developing award-winning public participation programs.



“Tom was an important member of the board during my tenure as chairman. Thoughtful, knowledgeable, and collegial, he worked to help build consensus on key issues as we moved forward with our reorganization.”

John Mason, former mayor, City of Fairfax, VA

“Tom’s thoughtfulness, charisma and quiet leadership will truly be missed here at AMPO, and nationally in the transportation policy arena.”

Alex Taft, AMPO Executive Director

“I served as Tom Swanson’s vice-chair on the AMPO Policy Committee as we navigated the somewhat tortuous path of developing our TEA-3 reauthorization policy. Trying to gain consensus among a bunch of MPO folks on major policy statements proved much more difficult than herding cats, as committee members continuously went off in new directions. There were always many more ideas on any given topic than there were people in the room. I don’t know what they herd in Tucson, but Tom was well-equipped for the task. He never got ruffled, but quietly pushed ahead until each member had been heard and each issue was resolved.”

Steven Gayle, Executive Director, Binghamton Metropolitan Transportation Study



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On The Horizon

MARCH 25-27, 2003

AMPO Policy Conference, Washington, DC.
Early registration rates end March 3.
Tentative focus will be on TEA 3.
www.ampo.org

MARCH 31-APRIL 12, 2003

AASHTO National Transportation Leadership
Institute, Indianapolis, Indiana.
www.aashto.org

APRIL 2-4, 2003

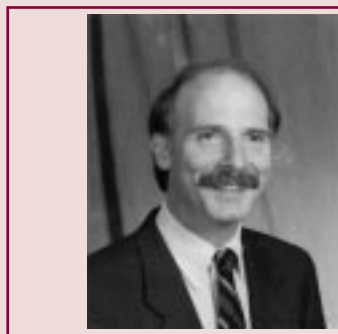
Design-Build Transportation Conference
“Streamlining Delivery – Keeping the Wheels
Moving”, Marina Del Rey, CA.
www.dbia.org

APRIL 3-4, 2003

America Moves, *Conference on building livable
communities through physical activity and
partnerships.*
[http://www.ci.mesa.az.us/citymgt/
america_moves/](http://www.ci.mesa.az.us/citymgt/america_moves/)

APRIL 24-25, 2003

Place Making Conference: *How to Turn a
Place Around, Project for Public Spaces,*
New York City.
www.pps.org



Board Bio: Phil Mendelson

Phil Mendelson was elected to Washington, DC’s City Council in November 1998 and re-elected in 2002. He

chairs the Subcommittee on Public Interest and is a member of the Education, Consumer and Regulatory Affairs, and the Human Services Committees.

Phil represents the Council at the Metropolitan Washington Council of Governments. Currently, he is Chair of COG’s Metropolitan Washington Air Quality Committee and Vice Chair of the Transportation Planning Board. Mr. Mendelson has been outspoken in pressing the need for increased Metro/public transit funding.

A key transportation/growth related highlight includes leading the fight against over-development along Wisconsin Avenue. The controversy led to zoning changes citywide to protect neighborhoods and

improve community participation in the planning process. Another result was the redirection of economic development to other commercial areas needing revitalization.

In addition, Phil has worked relentlessly to strengthen the government’s commitment to education, particularly by protecting the budget of local schools and preventing waste and mismanagement within the schools. Current legislative initiatives would prevent future budget deficits by holding managers and others accountable for overspending their budgets.

Phil is also focusing on attaining voting rights for the residents of the District of Columbia, whose 572,000 residents are denied voting representation in the House and Senate. He has supported legislation in Congress that would restore full voting rights to District citizens – who pay higher taxes per capita than the residents of most states. His legislation would also add the phrase “No Taxation Without Representation” to the DC flag.

In The News

AMPO was pleased to have the *Tulsa World*, the *Gainesville Sun* and the *Huntsville Times* run Alex’s op-ed “To Solve Traffic Mess, New Congress Needs to Think Locally”.

We have also written letters to the editors of news media in areas which will have new MPOs.

The more we can inform constituents and local elected officials, the better able we’ll be to influence Congressional representatives.