



January 11, 2014  
Via Electronic Docket

U.S. Department of Transportation  
Docket Management Facility  
Room W12-140  
1200 New Jersey Avenue, Southeast  
Washington, DC 20590-0001

Federal Highway Administration

Re: Notice; Request for Comments - Congestion Mitigation and Air Quality  
Improvement Program Interim Guidance  
Docket No. FHWA-2013-0023

## **Introduction**

The Association of Metropolitan Planning Organizations (AMPO)<sup>1</sup> submits these responses to the Federal Highway Administration, U.S. Department of Transportation (USDOT), Request for Comments - Congestion Mitigation and Air Quality Improvement Program Interim Guidance, Volume 78 Fed. Reg. 67442 (November 12, 2013). As a national association representing the interests of federally established metropolitan planning organizations (MPOs), AMPO appreciates the opportunity to provide comments.

## **Comments**

### **1. Transferability of CMAQ Funds**

AMPO recognizes the changes by Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) allow broader ability of States to transfer up to 50% of apportioned

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<sup>1</sup> AMPO is the transportation advocate for metropolitan regions and is committed to enhancing MPOs' abilities to improve metropolitan transportation systems. AMPO is a nonprofit, membership organization established in 1994 to serve the needs and interests of metropolitan planning organizations (MPOs) nationwide.

CMAQ funds to other Federal-aid highway programs. AMPO believes CMAQ funds should be used for their intended purpose, to support surface transportation projects and other transportation related efforts contributing to air quality improvements and providing congestion relief. When these funds are diverted from projects that improve air quality in nonattainment or maintenance areas, it may become difficult for regions to meet the health-based National Ambient Air Quality Standards (NAAQS).

## **2. Cost-Effectiveness and Priority Use of CMAQ Funds**

MAP-21 requires USDOT, in consultation with the U.S. Environmental Protection Agency (EPA), to “evaluate projects on a periodic basis and develop a table or other similar medium that illustrates the cost-effectiveness of a range of project types eligible for funding” (23 U.S.C. 149(i)(2)(A)). The statute also requires MPOs and States to “consider the information in the table when selecting projects or developing performance plans” required under 23 U.S.C. 149(l).

AMPO urges USDOT to develop and publish these tables prior to the effective date of the requirement in 23 U.S.C. 149(l). MPOs and States are to consider the information when developing performance plans. We request that USDOT seek input from MPOs, States, and other stakeholders during development of the tables.

We urge USDOT to clarify in the Guidance that MPOs and States are required only to “consider” the information in the cost-effectiveness tables, rather than use the tables as the definitive source on cost-effectiveness. MPOs use many resources when evaluating the emission benefits and cost-effectiveness of CMAQ-eligible projects. MPOs also consider other important factors, such as total emissions benefit and local or State policies when programming funds. Enhanced cost-effectiveness methodologies and new data will likely become available after USDOT publishes the tables.

## **3. PM2.5 Set-Aside**

MAP-21 requires a 25% set-aside for projects that *reduce* PM2.5 emissions in areas designated as nonattainment or maintenance for PM2.5. (Emphasis added.) Page 7 of the Interim Guidance states that 25% of CMAQ funds “must be used for projects *targeting* PM2.5 reductions.” (Emphasis added.) The Interim Guidance appears to go beyond the language in MAP-21 by using the word “targeting,” which implies that a project must be directed primarily toward reducing PM2.5 emissions if it is to count toward the 25% set-aside requirement.

The Interim Guidance should make clear that a project reducing PM2.5 emissions will count toward the 25% requirement. This clarification will allow MPOs the continued flexibility of programming a variety of PM2.5 reducing

projects, instead of projects that “target” PM2.5 emissions, but may or may not be a feasible or best practice in a specific region.

#### **4. PM2.5 Weighting**

The Interim Guidance states that FHWA will propose a weighting factor for PM2.5 through a rulemaking and public comment process. AMPO supports this process to define the weighting. We also request clarification on how much funding is to be spent in PM2.5 nonattainment and maintenance areas in the interim before the weighting factor is developed and adopted. We note that in July 2013, FHWA issued revised Fiscal Year (FY) 2013 supplementary funding tables that list the PM2.5 set-aside apportioned to each State on an interim basis prior to the rulemaking. It is not clear what formula FHWA used to calculate the PM2.5 set-aside in these tables. AMPO requests that FHWA provide details on the FY 2013 calculations, and, if necessary, on future tables since the rulemaking process may extend beyond the end of FY 2013.

#### **5. Transit Improvements**

Pages 22-23 of the Interim Guidance discuss the types of CMAQ-eligible transit projects. This section maintains the focus in previous CMAQ guidance on eligibility of projects that “increase transit service capacity” and are projected to cause “an expected increase in transit ridership that is more than minimal.”

AMPO recommends clarifying the Guidance to allow CMAQ funding for capital improvements to transit stations that can be reasonably assumed to enhance the attractiveness and reliability of transit. In the same way, clarify the Guidance to allow CMAQ funding if the improvements do not increase the total volume of ridership in the near term. Projects include, but are not limited to, widening or adding new stairs or escalators, improving fare control areas, removing obstructions, enhancing platforms, improving accessibility, and adding new lighting and signage.

These types of projects reduce transit station congestion and maintain and improve system performance. This increases the attractiveness of transit as an alternative to single-occupancy vehicle travel.

#### **6. Use of MOBILE6 vs. MOVES Emissions Model**

Page 34 of the Interim Guidance states “Emissions estimates may be derived from EPA’s MOVES model, CARB’s EMFAC model, and AP-42, among others.” The emissions estimates of many CMAQ projects programmed in current Transportation Improvement Programs were calculated using the MOBILE6 model. AMPO recommends clarifying the Guidance to state that it is not necessary to update the emissions estimates for previously programmed projects using the MOVES model if those projects were first analyzed using MOBILE6.

## 7. Performance Plans

Pages 35-36 of the Interim Guidance briefly discuss the MAP-21 requirement for a CMAQ performance plan for MPOs that serve a transportation management area with a population over one million, representing a nonattainment or maintenance area. The Interim Guidance points out that a rulemaking will be completed to determine performance measures and the process for setting performance targets.

AMPO recommends the Guidance clarify that the performance plan requirement does not take effect until after USDOT issues final regulations establishing performance measures related to the CMAQ program. The Guidance should define the procedures for MPOs and States to use in setting their performance targets.

AMPO strongly encourages FHWA to:

- establish a work group to consult with MPOs and States in advance of rulemaking so concerns are considered during rulemaking development;
- clarify that the performance plan does not apply in areas where a NAAQS has been revoked, even if a State continues to allocate CMAQ funds in that area on a discretionary basis; and
- add a paragraph to the Guidance that specifically acknowledges the performance planning requirements established in 23 U.S.C. 134 and 135, including the requirement to report on progress towards performance targets for traffic congestion and on-road emissions targets.

Thank you for the opportunity to provide input and comments on this Interim Guidance. Please contact me at (202) 624-3680, should you require additional information.

Respectfully submitted,



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Association of Metropolitan Planning Organizations