



March 17, 2004

The Honorable Thomas E. Petri
Chairman, House Highways, Transit and Pipelines Subcommittee
United States House of Representatives
2462 Rayburn House Office Building
Washington, DC 20510

THE
ENVIRONMENTAL
COUNCIL OF
THE STATES

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Director, Division of Environment
Kansas Department of Health
and Environment
PAST PRESIDENT

Dear Chairman Petri:

On behalf of the Environmental Council of the States (ECOS*), I am writing to express our organization's concerns with modifications made to two key transportation Clean Air Act conformity measures in the Senate transportation bill, S. 1072. These provisions relate to the Congestion Mitigation and Air Quality (CMAQ) program and the reduction of the planning horizon for the Regional Transportation plans from 20 years to ten. We urge the House to not adopt the same changes passed by the Senate, which if enacted, will threaten public health and the environment.

Regional Transportation Plans (RTP), Section 1615

ECOS strongly believes that the current Regional Transportation Planning (RTP) process of 20 years should remain intact. Senate Bill 1072 amended the length of time from 20 years to ten at the request of the transportation industry. The current twenty-year timeframe for the planning process better harmonizes the transportation planning and air quality planning time frames. For example, this timeframe provides ten years for areas to attain the majority of the standards and the following ten years for maintenance. By cutting the time in half, ECOS feels that the long-term environmental impacts of transportation projects will not be fully evaluated, particularly given that many major projects can take upwards of ten years to totally complete.

CMAQ Sections 1611, 1612, and 1613

The current language in Senate Bill 1072 expands the list of which projects are eligible for CMAQ funding. ECOS firmly believes that Congress should continue to provide CMAQ funding, and that it should specifically be designated for projects that result in air quality benefits. The language has been modified to permit funds to be used for "operations management." This could conceivably allow funds to be used for purposes other than the original intent of the program. While we applaud the expansion of the program to include projects focusing on PM_{2.5}, resulting in a slight increase in funding, the rate of increase was less than that for highway increases. State environmental agencies play an integral role in ensuring that transportation projects meet environmental standards in their jurisdiction. Accordingly, there should be a requirement that state environmental agencies concur on all CMAQ projects.

If you need any additional information or have questions, please feel free to contact me at 202-624-3660. Thank you for your consideration.

Sincerely,

R. Steven Brown
Executive Director

*ECOS is the national, non-profit, non-partisan association of state and territorial environmental commissioners.

R. Steven Brown
Executive Director