

**The Adverse Impacts on Air Quality of S. 1072 –
The Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2004**

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Transportation Conformity

Today's cars, trucks and buses are cleaner than ever and getting cleaner still. However, as motor vehicle use and the number of miles that Americans drive continue to grow, the contribution of mobile source pollution remains ever prominent. In fact, one-third to one-half of the air pollution that plagues so many areas of the nation comes from the motor vehicles on our roads. In 1990, the U.S. Congress acknowledged the tremendous impact of transportation-related air pollution by adding provisions to the Clean Air Act to ensure that the transportation sector – like all other sources of air pollution – be held accountable for its air pollution. This program, called “transportation conformity,” requires that an area's transportation plans and programs not only be consistent with (i.e., “conform” to) its clean air goals, but also contribute to the achievement of these goals.

Over the past 11 or so years that it has been implemented, conformity has proven to be a key tool for ensuring that our transportation choices contribute to – rather than undermine – environmental improvement. Further, as we prepare to implement new health-based air quality standards for ozone and fine particulate matter in the next few years, the critical need to continue implementing conformity as it is currently structured is clear.

Unfortunately, S. 1072, the U.S. Senate's Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) – a comprehensive bill passed last month to reauthorize the nation's surface transportation program – includes numerous provisions that would seriously weaken conformity. The Senate's provisions would give motor vehicle pollution a number of special exemptions, unfairly placing a greater pollution clean-up burden on other sectors of the economy and seriously jeopardizing the ability of states and localities to achieve and sustain their clean air and public health goals.

Among the most egregious provisions included in the Senate bill, and their impacts, are the following:

- Shortening from 20 years to 10 the horizon over which transportation plans and programs must demonstrate that they conform to air quality plans would allow the transportation sector, unlike other sectors of the economy, to ignore its long-term air quality impacts,

particularly those from huge projects like outer beltways, thereby removing any responsibility to ameliorate excessive emission impacts.

- Granting the EPA Administrator the ability to authorize alternative procedures, in place of conformity, during the period of transition between the one-hour and the eight-hour ozone standards would ignore carefully crafted limits placed on transportation-related emissions under the one-hour standard.
- Reducing the frequency of conformity “check ups” would postpone the detection of any inconsistencies between the transportation plan and the air quality plan, prolonging the adverse impacts and making amelioration of the problem that much more difficult.

Congestion Mitigation and Air Quality Improvement Program

The Senate transportation bill also includes provisions that would weaken the existing Congestion Mitigation and Air Quality Improvement (CMAQ) program, which was established in 1991 under the Intermodal Surface Transportation Efficiency Act to reinforce the interrelationship between the transportation and air quality planning processes by specifically recognizing and seeking to ameliorate the transportation sector’s impact on air quality. Under this program a discrete source of funding is explicitly set aside for transportation projects that meet air quality objectives and for projects that result in sustainable air quality improvement.

It has been demonstrated that if the funds are well spent, CMAQ can play a significant role in helping states and localities address transportation-related air pollution problems. However, there has been a continued trend to use the relatively modest resources appropriated for CMAQ to fund congestion mitigation projects that have little or no air quality benefit. SAFETEA not only fails to address this ongoing problem, it also perpetuates the disproportionately low funding of CMAQ and includes provisions that would inappropriately expand the types of projects eligible to receive CMAQ funds to include activities unrelated to air quality improvement, including such things as work zone management, electronic toll collection, traffic incident management, roadway weather management and traveler information services. Such an expansion of eligibility should be rejected and, moreover, state and local air quality agencies should be provided with a concurrence role in the selection of projects to be funded by CMAQ, to ensure that the air quality goals of the CMAQ program are achieved.