

**American Lung Association • Association of Local Air Pollution Control Officials •
Environmental Defense • Friends of the Earth • League of Conservation Voters •
Natural Resources Defense Council • Physicians for Social Responsibility •
Sierra Club • State and Territorial Air Pollution Program Administrators •
20/20 Vision • U.S. Public Interest Research Group • Union of Concerned Scientists**

November 11, 2003

Dear Senator:

We are extremely disappointed that the Environment and Public Works Committee's bill to reauthorize our nation's surface transportation programs would substantially weaken clean air protections, either shifting the burden of clean-air controls to stationary sources or forcing people to breathe dirtier air for a longer time. In essence, the bill eviscerates valuable provisions of TEA-21 that promote transportation projects that meet the American public's transportation needs in ways that enable continued progress toward better air quality. We strongly urge you to reject these and any other proposals that would weaken clean air protections during the transportation debate and oppose any bill that includes them.

While air quality has improved substantially in the last three decades, half of all Americans still live in places with unhealthy levels of smog, and soot pollution cuts short the lives of tens of thousands of Americans each year. We have a long way to go to meet the Clean Air Act's promise of clean, healthy air for all Americans.

Regrettably, the Committee's transportation reauthorization bill would take us backwards by significantly weakening critical tools for addressing air pollution from sprawl and uncontrolled growth. In areas with poor air quality, the Clean Air Act's transportation conformity rules prohibit motor vehicle emissions from exceeding a regional cap needed to meet or maintain national ambient air quality standards. If current or projected vehicle emissions exceed the regional cap, public funds for new highway construction are redirected to safety and transit projects until transportation plans are adjusted to meet air quality goals.

The Committee's bill would allow large, polluting projects that could not be funded under current law to be built even if their emissions would harm public health by preventing the area from meeting national ambient air quality standards. Specifically, among other harmful provisions, the bill would:

- Eliminate rules preventing major new road projects from worsening a region's long-term air quality. Rather than considering a potential project's pollution impact over 20 years, the bill would allow transportation planners to project pollution increases just ten years from the start of the project. Given that many major projects—including DC's Beltway and Boston's Big Dig—saw only a fraction of the traffic that would eventually fill these highways in their first ten years, this shortened timeline renders conformity largely meaningless for the largest, most polluting projects.
- Undermine enforcement of conformity rules by allowing transportation agencies to use non-federal funds to advance projects during a conformity "lapse," with the promise of full federal repayment.

- Allow areas that still violate the 1-hour smog standard to abandon the vehicle emissions caps adopted as part of their plans to attain such standard during the transition to the more protective 8-hour smog standard. Motor vehicle emissions would have no limits for many years until a new plan is adopted to attain the 8-hour smog standard.

In addition, the Congestion Mitigation and Air Quality Improvement (CMAQ) program is a relatively modest program with the primary goal of assisting regions with poor area quality in meeting Clean Air Act requirements. The transportation bill would make transportation system management and operations costs and the purchase of alternative fuels eligible for CMAQ funding, siphoning off critically needed funds to projects that have questionable air quality benefits.

Finally, the bill fails to appropriately increase set-asides of funding for metropolitan and state planning and fails to ensure resource and air quality agencies' access to a portion of such funds to support their involvement in transportation planning and project review.

We need stronger, not weaker, clean air protections. We urge you to reject these and any other proposals that would weaken clean air protections during the transportation debate and oppose any bill that includes them.

Sincerely,

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