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U.S. Department of Transportation
Docket Operations
Docket ID No. FHWA-2013-0054
M-30
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Sir/Madam:

The National Association of Clean Air Agencies (NACAA) appreciates this opportunity to comment on the U.S. Department of Transportation (DOT) Federal Highway Administration's (FHWA) April 22, 2016 regulatory proposal (81 Fed. Reg. 23,805) on *National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program*. NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 41 states, the District of Columbia, four territories and 116 metropolitan areas. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

NACAA commends U.S. DOT's leadership in implementing the Moving Ahead for Progress in the 21st Century (MAP-21) Act enacted in 2012. A key component of MAP-21 was the establishment of national performance goals and measures to improve decision making by, and the accountability of, state DOTs and Metropolitan Planning Organizations (MPOs), and to ensure that federal transportation funds are invested with optimum benefit. The current Notice of Proposed Rulemaking (NPRM) is the last in a series of FHWA rulemakings to implement such a performance-based system. In addition to seeking comment on proposed regulatory provisions, FHWA seeks comment on its consideration of a greenhouse gas (GHG) emissions measure (pp. 23,830-23,831). That aspect of the proposal is the focus of NACAA's comments.

In particular, FHWA is considering how GHG emissions could be estimated and used to inform planning and programming decisions to reduce long-term emissions.

FHWA seeks comment on the potential establishment and effectiveness of a measure as a planning, programming and reporting tool.

NACAA supports establishing a CO₂ emissions measure and urges FHWA to include provisions in the final rule to require state DOTs and MPOs to consider carbon pollution in their long-range transportation plans, set targets for reducing GHG emissions, track and measure their progress and report on the results. Such a provision would enable transportation decision makers to understand how the current transportation system contributes GHG emissions and how different policies and investments could affect these emissions. Many states and MPOs already measure fuel consumption, vehicle miles traveled (VMT) and air emissions. These datasets can be used as proxies for assessing carbon emissions and, therefore, a requirement for a CO₂ performance emissions measure would not impose a burden on transportation planners. We note also that FHWA does not suggest in this action, nor does NACAA seek, any penalties if established GHG reduction targets are not met, only that meaningful goals be set and reports on progress toward those goals be made publicly available.

In the NPRM, FHWA includes a series of questions to gain input on how it might address various considerations in designing a performance measure. NACAA offers the following comments related to the following questions posed by FHWA.

1. Should the measure address all onroad mobile sources or should it focus only on a particular vehicle type (e.g., light-duty vehicles)?

NACAA believes the most effective approach would be for the measure to address all onroad mobile sources carbon emissions rather than a fraction of them. Such an approach would allow decision makers to gain a more accurate and insightful understanding of vehicle-related emissions and the potential benefits of various emission reduction options, and perhaps then implement strategies to reduce those emissions.

2. Should the measure be normalized by changes in population, economic activity or other factors (e.g., per capita or per unit of gross state product)?

NACAA recommends that the measure track emissions from the transportation system on a per capita basis in order to allow decision makers to focus on policies that affect emissions per person irrespective of total population.

3. Should the measure be limited to emissions coming from the tailpipe, or should it consider emissions generated upstream in the life cycle of the vehicle operations (e.g., emissions from the extraction/refining of petroleum products and the emissions from power plants to provide power for electric vehicles)?

NACAA recommends that the measure cover total lifecycle emissions, including those generated upstream. We acknowledge that accurately estimating lifecycle CO₂ emissions can be a complex task and, therefore, recommend that FHWA provide resources to assist with this effort. We also offer our assistance to discuss ways to develop a methodology.

4. Should the measure include nonroad sources, such as construction and maintenance activities associated with Title 23 projects?

NACAA believes the measure should include nonroad sources as well, including those related to construction, maintenance and operational activities, to ensure that decision makers have a far more complete picture of the emissions contribution of the transportation sector.

5. Should CO₂ emissions performance be estimated based on gasoline and diesel fuel sales, system use (vehicle miles traveled) or other surrogates?

Given the system already in place for estimating VMT, which incorporates data sources on gasoline and diesel fuel sales, using VMT to estimate CO₂ emissions performance seems appropriate.

6. Due to the nature of CO₂ emissions (e.g., geographic scope and cumulative effects) and their relationship to climate change effects across all parts of the country, should the measure apply to all States and MPOs? Are there any criteria that would limit the applicability to only a portion of the States or MPOs?

NACAA believes the measure should apply nationwide to all states and MPOs since all CO₂ emissions have the same impact on climate no matter where they are generated. However, recognizing that some state DOTs and MPOs have less expertise than others, we recommend that FHWA provide analytical tools with various data, such as emission inventories, already loaded. FHWA could also provide a template and guidance documents to assist state DOTs and MPOs with this effort.

7. Would a performance measure on CO₂ emissions help to improve transparency and to realign incentives such that State DOTs and MPOs are better positioned to meet national climate change goals?

NACAA believes a CO₂ performance measure would help in these regards by providing decision makers with a clear understanding of the transportation system's emissions and a goal for achieving reductions or best management practices to reduce CO₂ emissions. This would help illuminate the choices available to state DOTs and MPOs for reducing emissions and meeting targets.

8. The target establishment framework proposed in this rulemaking requires that States and MPOs would establish two- and four-year targets that lead to longer term performance expectations documented in longer range plans. Is this framework appropriate for a CO₂ emissions measure? If not, what would be a more appropriate framework?

Two- and four-year targets appear to be appropriate and should align with the two- and four-year updates to state and regional transportation plans for ease of implementation and because this will allow CO₂ emissions to be considered when funds are allocated to transportation projects. A longer-term, 20-year target would also be appropriate as part of the long-range transportation plan. However, to the extent practicable, FHWA should structure the measure to provide implementing agencies with flexibility to establish other targets if they desire.

9. Should short term targets be a reflection of improvements from a baseline (e.g., percent reduction in CO₂ emissions) or an absolute value?

Although absolute values should be provided, targets will be most helpful if established in a context that will illustrate their consequence, for example a percentage increase or decrease in per capita emissions as compared to per capita emissions in an FHWA-identified (common) base year and a

percentage increase or decrease in per capita emissions as compared to projected per capita emissions in the target year after the impacts of federal measures, such as fuel efficiency standards, are accounted for.

10. What data sources and tools are readily available or are needed to track and report CO₂ emissions from on-road sources?

One tool that is readily available is the U.S. Environmental Protection Agency's Motor Vehicle Emissions Simulator (MOVES) model that estimates mobile source emissions at the national and county levels. States and localities use the MOVES model to develop State Implementation Plans under the Clean Air Act, as well as for transportation conformity. FHWA and EPA could cooperate on how MOVES could be used in conjunction with FHWA tools to track CO₂ emissions and reduction efforts from the transportation sector.

Once again, we thank you for this opportunity to provide NACAA's views on FHWA's consideration of a CO₂ performance measure. If you have any questions, feel free to contact either of us or Nancy Kruger, Deputy Director of NACAA.

Sincerely,



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