

**NACAA Principles on
Surface Transportation Reauthorization Legislation**

Adopted October 20, 2014

Introduction

Transportation-related emissions are a dominant source of air pollution in our nation, posing a significant threat to public health and welfare. The National Association of Clean Air Agencies (NACAA) endorses the fundamental principle that transportation and clean air goals should be harmonized to ensure that our transportation choices contribute to improving and protecting our environment.

As we work to reduce transportation-related emissions, we recognize the critical importance of the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, long-term air quality and transportation planning processes, close collaboration and cooperation between air quality and transportation agencies in coordinating their respective goals and opportunities to encourage forward-looking programs. As Congress seeks to reauthorize the surface transportation law, NACAA urges that these important programs and processes be enhanced and that innovative opportunities be pursued.

The nation's current surface transportation law – the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) – was signed into law by President Obama on July 6, 2012 and provided \$105 billion for surface transportation programs over a two-year period. The authorization for MAP-21 was set to expire on October 21, 2014 but Congress approved, and the President signed, an extension to last until May 31, 2015. Notwithstanding this seven-month extension, the President and Senate leaders have expressed a desire for congressional action on comprehensive surface transportation legislation to occur during this Congress following the mid-term election in November.

Opportunities for Better Harmonizing Transportation and Clean Air Goals

Although the breadth of MAP-21 is vast, there are several important components directly related to air quality. One such component is the CMAQ program, first established in 1991. This program is intended to provide financial support for projects and programs that contribute to air quality improvements and provide congestion relief in nonattainment and maintenance areas for ozone, carbon monoxide and/or particulate matter (PM); states that have no nonattainment or maintenance areas still receive a minimum apportionment of CMAQ funding to be used for air quality projects or flexible spending. Under MAP-21, CMAQ was funded at \$2.26 billion in FY 2013 and \$2.28 billion in FY 2014. From an air quality perspective, there are several ongoing issues related to CMAQ. Among them is the need to protect and expand CMAQ funding to ensure that new nonattainment areas receive adequate allocations without diminishing allocations for other nonattainment and maintenance areas, and that these vitally important funds are used exclusively for CMAQ projects. Also of concern is the fact that the law does not designate an official role for state and local air quality agencies in selecting CMAQ projects. This has resulted in CMAQ-funded projects that do not maximize air quality benefits.

Another air-related issue is the extent to which the transportation planning process established in the surface transportation law considers air pollution and the impacts of Transportation Improvement Programs (TIPs) on state and local efforts to implement their State Implementation Plans (SIPs) for achieving and sustaining air quality goals. In particular, it is important that the law ensures transportation priorities and funding allocations are harmonized with plans to protect and improve air quality.

Further, reauthorization of surface transportation legislation provides an opportunity to include provisions to encourage forward-looking programs that improve mobility and air quality.

Although it was not among the issues debated during the development and approval of MAP-21, previous surface transportation bills have included provisions to weaken transportation conformity. NACAA has always opposed such efforts and has worked to ensure weakening provisions are not included.

The following NACAA legislative principles are intended to inform congressional deliberations regarding surface transportation reauthorization legislation.

NACAA Principles on Surface Transportation Reauthorization Legislation

- 1) Recognize that CMAQ funds can be used to effectively influence transportation infrastructure and air quality attainment and maintenance.
- 2) Protect and expand the CMAQ program to ensure that adequate CMAQ funds are available not only for currently eligible areas but also for areas that will become eligible for funding as a result of revised federal National Ambient Air Quality Standards (NAAQS).
- 3) Provide state and local air quality agencies with a concurrence role in the identification, evaluation, selection and funding of CMAQ projects and programs to ensure that funded projects and programs are those that will yield the greatest air quality improvements. Under current law, Metropolitan Planning Organizations (MPO) are “encouraged...to consult with state and local air quality agencies” when selecting projects and programs to be funded with CMAQ dollars. However, the express purpose of the CMAQ program is to achieve congestion mitigation *and* air quality improvement; specifically, projects and programs must contribute to attainment and maintenance of the NAAQS. Accordingly, state and local air quality agencies must be involved as equal partners from the outset of the CMAQ process and have a concurrence role in identifying, quantifying the emissions benefits of, selecting and funding CMAQ projects and programs.
- 4) Prohibit the use of CMAQ Program funds allocated to ozone and PM_{2.5} nonattainment and maintenance areas for other programs.
- 5) Protect transportation conformity. Although we do not seek changes to the transportation conformity program through reauthorization of surface transportation legislation, we oppose any efforts to weaken the existing program.
- 6) Ensure transportation priorities and funding allocations work in concert with air quality protection. Among other things, the TIP planning process currently requires that in nonattainment areas the MPO must coordinate development of the TIP with development of Transportation Control Measures in the SIP. To ensure appropriate consideration of air quality in the transportation

planning process the MPO should coordinate development of the TIP with *all* mobile source control measures in the SIP as well as with a region's long-term attainment needs. Such coordination should be done with the concurrence of state and local air agencies.

- 7) Encourage efforts that will lead to reductions in vehicle miles traveled, as well as to sustainable development, better access to varied transportation modes and "Complete Streets" programs.
- 8) Expand efforts to support research, development, demonstration, commercialization and implementation of advanced clean freight transportation technologies with zero or near-zero emissions, the recharging and refueling infrastructure for those vehicles and infrastructure projects that enable or incentivize the use of advanced clean freight transportation technologies.
- 9) Retain statewide and regional transportation planning provisions calling for the development and use of performance measures focused on the reduction of mobile source emissions.