National Capital Region Transportation Planning Board

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M E M O R A N D U M

TO: MWAQC Technical Advisory Committee

FROM: Ronald F. Kirby
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Transportation Planning

SUBJECT: Briefing on "Moving Ahead for Progress in the 21st. Century (MAP-21)"
Transportation Bill

DATE: September 11, 2012

During the most recent conference call of the MWAQC Mobile Budget Task Force on August 30, 2012, I suggested that the task force should include in its considerations new provisions in the MAP-21 legislation related to on-road mobile source emissions and PM2.5 emissions in particular. This new legislation was signed into law by President Obama on July 6, 2012, and the new provisions become effective on October 1, 2012.

MAP-21 introduced a new performance based approach in Section 150(d) to supporting seven national goals relating to safety, infrastructure condition, congestion reduction, system reliability, freight movement, environmental sustainability, and reduced project delivery delays. Performance measures will be established by the Secretary of Transportation for each of these goals, and states, public transportation providers and MPOs will establish targets for the measures in coordination with each other. Progress toward the targets will be referenced in plans and TIPs.

MAP-21 contains provisions in the Congestion Mitigation and Air Quality Improvement (CMAQ) Program that will ensure that CMAQ funds are used to achieve additional reductions in fine particulate matter. The following specific provisions relate to the use of CMAQ funds under section 104(b)(4):

> "(k) PRIORITY FOR USE OF FUNDS IN PM2.5 AREAS.-
> "(1) IN GENERAL. – For any State that has a nonattainment or maintenance area for fine particulate matter, an amount equal to 25 percent of the funds apportioned to each State under section 104(b)(4) for a nonattainment or maintenance area that are based all or in part on the weighted population of such area in fine particulate matter nonattainment shall be obligated to projects that reduce such fine particulate matter emissions in such area, including diesel retrofits.
> "(2) CONSTRUCTION EQUIPMENT AND VEHICLES. – In order to meet the requirements of paragraph (1), a State or metropolitan planning organization may elect to obligate funds to install diesel emission control technology on nonroad diesel equipment

or on-road diesel equipment that is operated on a highway construction project within a PM2.5 nonattainment or maintenance area.

In addition, MPOs like the TPB are subject to new performance planning requirements, as follows:

"(l) PERFORMANCE PLAN. –

(1) IN GENERAL. - Each metropolitan planning organization serving a transportation management area (as defined in section 134) with a population over 1,000,000 people representing a nonattainment or maintenance area shall develop a performance plan that –
(A) Includes an area baseline level for traffic congestion and on-road mobile source emissions for which the area is in nonattainment or maintenance;
(B) Describes progress made in achieving the performance targets described in section 150(d); and
(C) Includes a description of projects identified for funding under this section and how such projects will contribute to achieving emission and traffic congestion reduction targets.
(2) UPDATED PLANS. – Performance plans shall be updated biennially and include a separate report that assesses the progress of the program of projects under the previous plan in achieving the air quality and traffic congestion targets of the previous plan.

These requirements should give assurance to stakeholder groups that the transportation sector will be making a continuing commitment to planning and implementing additional measures to reduce fine particulate matter in the Washington region.

The MPO planning requirements will provide an opportunity to analyze mobile source emissions using performance measures and targets in a manner that can supplement the EPA conformity process.