Mr. Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087, MC 100
Austin, Texas 78711

RE: Request to Provide MOVES2010-Based Motor Vehicle Emission Budgets

Dear Mr. Vickery:

On January 12, 2010, the North Central Texas Council of Governments (NCTCOG) sent a letter to your agency summarizing future transportation conformity impacts utilizing the Environmental Protection Agency's (EPA) new Motor Vehicle Emission Simulator (MOVES2010), and requested incorporating results from this new model into the Dallas-Fort Worth reclassification State Implementation Plan (SIP), currently under development. By doing so, motor vehicle emission budgets (MVEBs) would be established that would allow for future conformity determinations. As this SIP continues to reflect planning assumptions that will lead to significant transportation ramifications, the Regional Transportation Council (RTC) is expressing its request for the Texas Commission on Environmental Quality (TCEQ) to provide MOVES2010-based MVEBs as soon as possible.

Sensitivity tests conducted by EPA and other agencies comparing differences from the existing MOBILE6.2 model to MOVES2010 result in significant increases in nitrogen oxide (NOx) emissions. Because of this significant increase in NOx, it will be impossible to handle the situation where the MOVES2010 model will be required for use in future transportation conformities against MVEBs previously established using MOBILE6.2.

As you know, upon the March 2, 2010, release of MOVES2010, the EPA established a two-year grace period requiring its use in new regional emissions analyses for transportation conformity determinations. Establishing MOVES2010 MVEBs will allow future consistency with transportation conformity emission inventories and avoid transportation planning consequences such as:

- Region's inability to modify the long-range multi-modal transportation plan for existing projects. Due to unforeseen design concept and scope changes, staff processes hundreds of project modifications each year totaling millions of dollars. These modifications usually contain dozens of projects that are put on hold and require the plan to go through a conformity determination in order to proceed. If MOVES2010 MVEBs are not established in the reclassification SIP, estimates indicate these updates may not be achievable and projects may be kept on hold quite possibly until 2015 when the SIP and corresponding MVEBs will be required in response to new ozone National Ambient Air Quality Standards (NAAQS).

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• Region’s inability to modify the long-range multi-modal transportation plan for new project funding. The RTC has a history of success in capitalizing on funding opportunities that advance projects. If MOVES2010 MVEBs are not established in the reclassification SIP, the RTC would be unable to put those funds to practical use and ultimately delay critical infrastructure projects, or worse, lose out on those funding opportunities. Examples include the American Recovery and Reinvestment Act (ARRA) of 2009, a variety of Comprehensive Development Agreements (CDA), other innovative financing opportunities, and results of local bond elections. Currently, Congress is underway to reauthorize the nation’s surface transportation bill which authorizes federal surface transportation programs for highways, highway safety, and transit. In total, this can impact approximately $5 billion in financing for the Dallas-Fort Worth area over the next four years.

• Region’s inability to implement the long-range multi-modal transportation plan due to escalating costs incurred for delayed projects. A four percent per year inflation cost added to a delayed project means less funding for other projects, causing more delays and continuance of a compounding financial crisis throughout the entire plan.

• Region’s inability to implement the long-range multi-modal transportation plan due to a possible conformity freeze. By not utilizing MOVES2010, an argument can be made that the reclassification SIP is not incorporating recent planning assumptions as required in Section 172(c)(3) of the Clean Air Act. Also, current choice of model is significantly underestimating on-road mobile emission estimates, which could be leading to an insufficient package of control strategies needed for the region to reach attainment. At a minimum, $46.2 billion projects in the region’s multi modal transportation plan are at risk.

• Region’s inability to implement the long-range multi-modal transportation plan due to challenging ozone NAAQS. It is necessary to establish MOVES2010 MVEB as soon as possible because new stringent ozone standards may make it extremely difficult to develop future SIPs. In total, the region’s $101 billion long-range multi-modal transportation plan is at risk.

For all the reasons identified above and the consequences facing future transportation conformity determinations, the following are prioritized options to incorporate MOVES2010 into the reclassification SIP currently under development:

1. Include a MOVES2010 link-based on-road emissions inventory in the reclassification SIP;

2. TCEQ to perform MOVES2010 sensitivity runs and adjust the on-road emissions inventory in the reclassification SIP; or

3. TCEQ to commit to a revised reclassification SIP incorporating MOVES2010 as soon as possible.
Realizing there may be numerous constraints to overcome in order to establish MOVES2010 MVEBs in the SIP, the RTC is requesting communication with our transportation conformity experts to discuss such constraints and offer assistance where needed. Your attention to this issue is appreciated and we look forward to your response. If you have any questions, please contact Michael Morris at (817) 695-9241 or Chris Klaus at (817) 695-9286.

Sincerely,

Ron Natinsky
Chair, Regional Transportation Council
Councilmember, City of Dallas

cc: The Honorable Mark Burroughs, Chair, North Texas Clean Air Steering Committee; Mayor, City of Denton;
    Michael Morris, P.E., Director of Transportation, NCTCOG
    Chris Klaus, Senior Program Manager, NCTCOG