Regional Transportation Council
The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)

February 10, 2011

The Honorable John Carona
Texas Senate
PO Box 12068
Capitol Station, TX 78711

Dear Senator Carona:

On behalf of the Regional Transportation Council (RTC), the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth (DFW) area, I would like to extend our thanks for your leadership on transportation and air quality issues. A membership roster of our committee is enclosed.

The RTC would like to express concern regarding a rule that requires up to a two-year grace period when new emissions software is required to be used in planning efforts after its release by the Environmental Protection Agency (EPA). Since not all State and regional air quality planning activities are on the same schedule, this requirement has placed the MPO at a disadvantage because the rule is forcing an emission analysis to be conducted by a new version of emission software. As this will cause disruptions in the implementation of multi-modal transportation projects, the RTC suggests modifying the two-year grace period to a fixed grace period until a regional emission analysis can be conducted utilizing the same version of the emissions software.

Because the DFW area is designated nonattainment for the pollutant ozone, a transportation conformity determination by the Federal Highway Administration is required on the Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP). Transportation conformity is an analysis that ensures emissions from planned projects outlined in the MTP and TIP will be below allowable transportation emission levels identified in the nonattainment region’s air quality State Implementation Plan (SIP). The transportation conformity analysis is conducted approximately every 1.5 years due to modifications to the MTP and TIP. The SIP can take up to three years to complete and is updated less frequently due to National Ambient Air Quality Standards (NAAQS) or when a region’s attainment milestone date has passed.

The EPA approved emissions software is required to estimate emissions for both transportation conformity and the SIP. As outlined in the transportation conformity rule (40CFR93.111(b)(1)), the EPA sets a usage grace period of up to two years for when new versions of the software are released. Transportation conformity and SIP development schedules are independent from each other and when the two-year grace period comes to an end, a mismatch of emissions software will exist. While regional transportation conformity must be based upon the updated software, MOVES2010, the State Implementation Plan will maintain emissions estimates derived from the latter version, MOBILE6.2. This mismatch of emission software misleads transportation conformity results. Instead of evaluating the emission differences between project updates, the differences in software outputs will be evaluated.
On March 2, 2010, the EPA released the MOVES2010 software and set the new grace period which ends March 2, 2012. Sensitivity tests conducted by EPA and other agencies comparing differences from MOBILE6.2 (the current emissions software) to MOVES2010 resulted in significant increases in nitrogen oxide (NO\textsubscript{x}) emissions. Because of the significant increase in NO\textsubscript{x}, it will be difficult to handle the situation where MOBILE6.2 estimates in the State Implementation Plan will be compared against MOVES2010 estimates in conformity determinations after the grace period has passed.

The two-year grace period may cause many problems in transportation planning including the region’s inability to:

- Modify the long-range multi-modal transportation plan for existing projects. Due to 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.

- Modify the long-range multi-modal transportation plan for new project funding. Through a variety of innovative financing opportunities, $5 billion in revenue for the DFW area over the next four years may be impacted.

- Implement the long-range multi-modal transportation plan due to challenging ozone NAAQS. At a minimum, $46.2 billion projects in the region’s long-range multi-modal transportation plan are at risk.

- Implement the long-range multi-modal transportation plan due to escalating costs incurred for delayed projects. A four percent per year inflation cost is added to a delayed project, meaning less funding for other projects, causing delays and continuance of a compounding financial crisis throughout the entire plan.

NCTCOG, along with other agencies, has been working with the EPA to find a solution, such as deferring the grace period. If the required transition to MOVES2010 for transportation conformity is deferred to coincide with the new SIP deadlines, all efforts could be focused on development of plans to drive the region towards attainment of the new ozone standard. Again, the RTC suggests modifying the two-year grace period to a fixed grace period until transportation emission levels in the SIP can be established utilizing the new version of the emissions software.
Thank you for your continued leadership and interest in transportation and environmental issues. If you have any questions, please contact me or Michael Morris, P.E., Director of Transportation for The North Central Texas Council of Governments, at 817-695-9241.

Sincerely,

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

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Enclosure

cc: The Honorable Mark Burroughs, Chair, North Texas Clean Air Steering Committee:
Mayor, City of Denton;