December 9, 2013

The Honorable Ashley Swearengin
City of Fresno
2600 Fresno Street, Room 2075
Fresno, CA 93721

Dear Mayor Swearengin:

The purpose of this letter is to urge the City of Fresno to implement the City's proposed Bus Rapid Transit project for which the Air District approved $3 million in Public Benefit grants. Failure to do so will be detrimental to the region's efforts to reduce emissions from mobile sources, which emit over 80 percent of the region's air pollution.

Without meaningful measures to reduce vehicular emissions, such as the Bus Rapid Transit project, meeting the ever-tightening federal Clean Air Act mandates will require imposition of draconian regulations on Valley businesses. This could result in devastating impacts to the Valley's economy given the region’s severe economic challenges and chronically high unemployment. Valley businesses have already spent more than $40 billion over the last 20 years to modernize their facilities and reduce air pollution.

As the City makes decisions concerning the future of the Bus Rapid Transit project, we also urge you to consider the potential impact on the region's ability to meet the mandates of the federal Clean Air Act as outlined below:

Transportation Conformity

The San Joaquin Valley is a non-attainment area for national ambient air quality standards for ozone and particulate matter under 2.5 microns in size (PM2.5). While tremendous progress towards achieving these standards has been made, the Clean Air Act requires that the Federal Environmental Protection Agency (EPA) continue to review the standards every five years and ensure that, based upon the latest scientific findings, the standards are set low enough to protect public health. The net effect of this Clean Air Act requirement is that EPA has continued to lower the standards over time.
The District is the agency that is charged with developing plans to bring the Valley into compliance with these ever tightening standards. In developing these plans, the District works with partner agencies to develop portions of the plan that they have regulatory control over. Both the Clean Air Act and federal transportation law require that the District work with local Metropolitan Planning Organizations (MPOs) to ensure that their actions do not cause, or worsen, exceedances of the federal health based standards. Motor vehicle emissions budgets are the main mechanism for assuring that transportation planning activities “conform” with air quality plans. Air quality plans analyze the region’s total emissions inventory from all sources for purposes of meeting the air pollution standards set by EPA. The portion of the total emissions inventory allocated to highway and transit vehicles in these analyses becomes the “motor vehicle emissions budget”. The emissions associated with subsequent transportation plans and programs produced by local MPOs are required to stay within the budget levels as established in the respective air quality plans.

Once emissions budgets are set, if there are changes to an MPO’s assumed project mix, growth rates, or vehicle activity that result in significant increases in vehicle emissions, the MPO may have difficulty staying within their emissions budgets. If they cannot meet their budgets, they can no longer spend federal transportation funding on projects that increase capacity or on projects that need certain federal approvals regardless of whether the funds are federal or not (regionally significant road projects).

As EPA tightens air quality standards, it has become more difficult for the Valley to develop air quality plans that meet the air quality standards, and at the same time establish motor vehicle emissions budgets that are large enough to allow for growth in motor vehicle usage. If the Valley is unable to develop a plan that meets the standards within applicable time frames, the region will be sanctioned under federal law resulting in the loss of over $2.5 billion per year in federal transportation funds and a de facto moratorium on new and expanded businesses.

Failure to implement the Bus Rapid Transit project will impact the region’s ability to meet conformity findings and places federal transportation funding at risk for the entire region.

**Vehicle Miles Traveled Offset Demonstration Requirement**

Section 182(d)(1)(A) of the federal Clean Air Act requires the Valley’s air quality plan to include specific enforceable transportation control strategies and measures to offset any growth in emissions from growth in vehicle miles traveled. In response to a recent ruling by the Ninth Circuit Court of Appeals, EPA issued new guidance outlining the required methodology for meeting this requirement. The new methodology requires the quantification of the emissions that result from the growth in motor vehicle emissions over the life of the air quality plan, and a demonstration that the plan contains transportation control strategies and measures that are adequate to offset those emissions.
Meeting this requirement will be extremely difficult for the Valley and requires effective transportation projects to reduce vehicle miles traveled in large urban areas. With Fresno being the largest city in the Valley, the Bus Rapid Transit project is an essential component of the Valley’s efforts to meet this federal mandate. Once again, if the Valley is unable to meet this requirement the region will be subject to the above referenced federal sanctions.

We respectfully ask that you and the Fresno City Council consider these issues in your deliberations regarding the Bus Rapid Transit project. If you have any questions please feel free to call me at (559) 230-6036.

Sincerely,

Seyed Sadreddin
Executive Director/APCO