

MECKLENBURG-UNION
METROPOLITAN PLANNING ORGANIZATION

600 East Fourth Street
Charlotte, North Carolina 28202-2853
(704) 336-2205

CHARLOTTE

CORNELIUS

DAVIDSON

HUNTERSVILLE

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July 25, 2002

Jim Jeffords, Chairman
United States Senate
Committee On Environment and Public Work
Washington, DC 20510-6175

Dear Mr. Jeffords

As part of the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21), the Senate Committee on Environment and Public Works has requested that the City of Charlotte participate in providing information concerning our experience with the Clean Air Act conformity program and transportation control measures. I have attached our response for your review.

Please feel free to contact me at 704.336.8643, if you desire any additional information.

Sincerely,



Danny Rogers, P.E.
MPO Secretary

Conformity Case Studies

Difference in Timing of Schedules:

- What impact have these schedules had on investments in highway and safety projects, construction costs, and air quality projects and activities? Mismatch between the Transportation rules and Air Quality rules require the MPO to provide twenty-year transportation plans, but air quality budgets are only given for ten-year period. Updates to the Transportation Plan are required every three-years, however, the SIP is not required to be updated that often.

(Example) The MPO's 2025 Plan had to be compared to out year budget of 2005, which is a twenty-year mismatch.

- What has been your experience coordinating your SIP and conformity processes with SIP submittals or updates? The requirement to update Transportation Plans and Conformity Determinations every three-years provides only enough time to do the bare minimum of planning work, (more detailed planning, migration of models and testing of new technology is prohibited under the current time constraints). It is desirable to extend Transportation Plan updates and Conformity Determinations to every five-years.

MOBILE6 Versus MOBILE5 Projections:

- Will the new 8-hour NAAQS likely lead to an increase or decrease in your vehicle emissions budget? Will probably lead to a decrease in our vehicle emissions budget.

Additional Vehicle Emission Controls:

- What additional existing controls could be implemented in your area to significantly reduce vehicle emissions, e.g., inspection and maintenance, reformulated fuels, diesel retrofit, TCMs? Early introduction of low sulfur gasoline and diesel fuels. Accelerate diesel fleet turnover or retrofits by including requirement in Federal and State contracts for clean diesel technology.
- Would these controls be sufficient to address the potential increase in emissions projected under MOBILE6? Not enough modeling has been completed to accurately answer this question; however, the non-road mobile sources will be an increasing percents of the mobile inventory as approved measures are implemented in the on-road sector.

Role of Transportation Control Measures:

- What role do TCMs play in helping to meet attainment? Please list the TCMs and CMAQ projects in your plan, and the associated "off" or "on" model emission reduction credits for each. We do not have TCM's. CMAQ projects are currently limited to bus replacement and expansion of transit service and limited intersection and ITS projects.
- Are there CMAQ projects in your plan for which you have not applied any on or off model emissions reductions? We have not claimed emission reductions from those projects.

Impacts of Conformity Lapse:

- What impact did the March 1999 U.S. Court of Appeals decision to eliminate the EPA "grandfather" provision from the conformity regulations have on your transportation investments? The loss of the grandfather provision has brought the need for completing a conformity plan to a much higher priority. This has placed considerable stress of limited federal funding available to complete the planning task.

Role of Transportation Models:

- Has conformity analysis been supported by adequate regional transportation analysis models that accurately reflect how changes in highway capacity affect total travel and air pollution emissions? Our transportation model does not represent the entire nonattainment area for which we have sub-allocated budgets.