



**METROPOLITAN
TRANSPORTATION
COMMISSION**

Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
415.778.6700
www.mtc.ca.gov

Air Quality Conformity Task Force

Metropolitan Transportation Commission
Bay Area Metro Center

Mount Hamilton Conference Room

375 Beale Street, Suite 800

(Note: Visitors must check in with the receptionist on the 7th floor)
San Francisco, CA

Conference Call Number: Dial - **(415) 655-0002 (Access Code: 928 723 959)**

Participant ID is # **button**.

August 22, 2019

9:30 a.m. –11:00 a.m.

AGENDA

1. Welcome and Introductions
2. PM_{2.5} Project Conformity Interagency Consultations
 - a. Confirm Projects Are Exempt from PM_{2.5} Conformity
Projects Exempt Under 40 CFR 93.126 – Not of Air Quality Concern
3. Projects with Regional Air Quality Conformity Concerns
 - a. Review of the Regional Conformity Status for New and Revised Projects
[3a_Regional_AQ_Conformity_Review_082219.pdf](#)
[3_Attachment-A_List_of_Proposed_New_Projects_082219.pdf](#)
4. Consent Calendar
 - a. July 25, 2019 Air Quality Conformity Task Force Meeting Summary
5. Other Items
 - a. CALCOG Proposed SAFE Vehicles Rule Update

Next Meeting: September 26, 2019

MTC Staff Liaison: Harold Brazil hbrazil@bayareametro.gov



METROPOLITAN
TRANSPORTATION
COMMISSION

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
TEL 415.778.6700
WEB www.mtc.ca.gov

Memorandum

TO: Air Quality Conformity Task Force

DATE: August 9, 2019

FR: Harold Brazil

W. I.

RE: PM_{2.5} Project Conformity Interagency Consultation

MTC requests the review and concurrence from the Air Quality Conformity Task Force (AQCTF) that the list of projects sponsors have identified as exempt and likely not to be a POAQC. **2b_Exempt List 080919.pdf** lists exempt projects under 40 CFR 93.126.

40 CFR 93.126 Exempt Projects List

County	TIP ID	Sponsor	Project Name	Project Description	Expanded Description	Project Type under 40 CFR 93.126
MRN	MRN190011	Larkspur	Old Redwood Highway Multi-Use Path	Larkspur: Along Old Redwood Highway from the Greenbrae Pedestrian Overcrossing up to the southern terminus of the pathway in state right-of way: Construct a multi-use pathway	Larkspur: Along Old Redwood Highway from the Greenbrae Pedestrian Overcrossing up to the southern terminus of the pathway in state right-of way: Construct a multi-use pathway. The Old Redwood Highway Multi-Use Path is a component of the RM2 funded project (No. 11.5). The northern segment of the North/South Greenway extends the pathway from the southern terminus of the existing Central Marin Ferry Connector pathway (RM2 Project No. 11.4) south over Corte Madera Creek on the state structure and continues south along Old Redwood Highway to the Greenbrae pedestrian and bicycle structure crossing US101. Construction will be phased to allow the portion within state highway R/W to be administered by Caltrans and the portion within City R/W be administered by the City of Larkspur.	Air Quality - Bicycle and pedestrian facilities
NAP	NAP190001	Napa County	H9-04-019 Silverado Trail Striping	Napa County: On Silverado Trail south of HWY 29 and north of Trancas Ave: H9-04-019 Replace striping. The approved countermeasure is R35, with 100% reimbursement.	Napa County: On Silverado Trail south of HWY 29 and north of Trancas Ave: H9-04-019 Replace striping. The approved countermeasure is R35, with 100% reimbursement. - Install edgeline rumble strips/stripes.	Safety - Safety improvement program
NAP	NAP190003	Napa County	H9-04-018 Silverado Trail Guardrail Upgrades	Napa County: Silverado Trail from MM 0.00 to MM 11.00: H9-04-018 Replace guardrail.	Napa County: Silverado Trail from MM 0.00 to MM 11.00: H9-04-018 Replace guardrail. The approved countermeasure is R4, with 100% reimbursement. - Install guardrail.	Safety - Safety improvement program



METROPOLITAN
TRANSPORTATION
COMMISSION

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
TEL 415.778.6700
WEB www.mtc.ca.gov

Memorandum

TO: Air Quality Conformity Task Force

DATE: August 9, 2019

FR: Adam Crenshaw

RE: Review of the Regional Conformity Status for New Projects

Staff has prepared the following information in an effort to streamline the review of the regional air quality conformity implications of projects that staff proposes to add into the 2019 TIP through current or future revisions. This item is for advisory purposes only. The inclusion of these projects and project changes in a proposed revision to the TIP is subject to Commission approval in the case of amendments and MTC's Executive Director or Deputy Executive Director in the case of administrative modifications. The final determination of the regional air quality conformity status of these projects will be made by the Federal Highway Administration, the Federal Transit Administration and the Environmental Protection Agency as part of their review of proposed final TIP amendments and by the Executive Director or Deputy Executive Director as part of their review for TIP administrative modifications.

Projects Staff is Proposing to Include in the 2019 TIP

Staff has received requests from sponsors to add two new individually listed projects and 12 new group listed projects to the 2019 TIP.

One of the proposed new individually listed projects may be considered non-exempt from regional conformity. However, this project is being included in the TIP for project development and environmental work only at this time. The details of the project are as follows:

Freeway Performance Program: Alameda I-580

TIP ID: ALA190018

Sponsor: MTC

Description: Alameda County: On I-580 westbound approach to the San Francisco-Oakland Bay Bridge toll plaza from the SR 24/I-980 interchange to I-80: Conduct planning and environmental work to convert one general purpose lane to an HOV lane.

Expanded Description: Alameda County: On I-580 westbound approach to the San Francisco-Oakland Bay Bridge toll plaza from the SR 24/I-980 interchange to I-80: Conduct planning and environmental work to convert one general purpose lane to an HOV lane.

Conformity Issue: Since this project involves the conversion of one general purpose lane to an HOV lane it cannot be considered exempt from regional air quality conformity analysis under 40 CFR 93.126 or 40 CFR 93.127. As such, staff proposes to add this project to the 2019 TIP as a regionally non-exempt project. However, staff is proposing to add only the preliminary engineering phases of this project to the 2019 TIP at this time. The capital phases of this project are not currently included in the RTP (Plan Bay Area 2040) and, as such, are not included in the network model used for the regional air

quality conformity analysis. As PE is not a capital phase and the inclusion of this phase in the TIP does not conflict with current model used for the regional air quality conformity analysis, staff is requesting the Task Force's concurrence that the addition of this phase to the 2019 TIP will not require an update to the regional air quality conformity analysis.

The capital phases of this project are expected to be added to the RTP and TIP through future updates or revisions. This project will be brought back to the Task Force for consultation on its regional air quality conformity implications again at that time.

Attachment A includes a list of the remaining new projects along with the regional air quality category that staff believes best describes the projects.

MTC staff is not seeking a determination on the status of these projects for project-level conformity purposes with this item.

Item 3 - Attachment A							
County	TIP ID/FMS ID	Sponsor	Project Name	Project Description	Project Expanded Description	Project Type	
Proposed New Individually Listed Projects for Regional Air Quality Conformity Status Review							
1	SM	SM-190018	Atherton	Atherton Street Preservation	Atherton: Various streets and roads: Pavement preservation	Atherton: Various streets and roads including James Ave from Middlefield Rd to Magnolia Ave: Pavement preservation	EXEMPT (40 CFR 93.126) - Pavement resurfacing and/or rehabilitation
Proposed New Group Listed Projects for Regional Air Quality Conformity Status Review							
2	MRN	VAR170005	Caltrans	SHOPP - Mobility Program	In Novato, on SR-37 from Route 101 to 0.1 mile west of Atherton Avenue. Reconstruct the roadway to address sea level rise and recurrent flooding	In Novato, on SR-37 from Route 101 to 0.1 mile west of Atherton Avenue. Reconstruct the roadway to address sea level rise and recurrent flooding	EXEMPT (40 CFR 93.127) - Changes in vertical and horizontal alignment
3	SM	VAR170006	Caltrans	SHOPP - Roadway	In the cities of Burlingame, Millbrae, San Bruno and South San Francisco, from Broadway to Oyster Point Boulevard. Along US-101 corridor: Pavement rehabilitation at onramps and offramps within project limits and 1.2 miles of mainline, and upgrade curb ramps.	In the cities of Burlingame, Millbrae, San Bruno and South San Francisco, from Broadway to Oyster Point Boulevard. Along US-101 corridor: Pavement rehabilitation at onramps and offramps within project limits and 1.2 miles of mainline, and upgrade curb ramps.	EXEMPT (40 CFR 93.126) - Pavement resurfacing and/or rehabilitation
4	SM	VAR170006	Caltrans	SHOPP - Roadway	In the cities of Burlingame, Millbrae, San Bruno and South San Francisco, On US101 from Broadway to 0.1 mile north of South Airport Boulevard. Pavement rehabilitation.	In the cities of Burlingame, Millbrae, San Bruno and South San Francisco, On US101 from Broadway to 0.1 mile north of South Airport Boulevard. Pavement rehabilitation.	EXEMPT (40 CFR 93.126) - Pavement resurfacing and/or rehabilitation
5	MRN	VAR170008	Caltrans	SHOPP - Emergency Response	Near Novato, On SR-37 from Route 101 to Atherton Avenue. Remove flood debris, repair drainage systems, and restore roadway.	Near Novato, On SR-37 from Route 101 to Atherton Avenue. Remove flood debris, repair drainage systems, and restore roadway.	EXEMPT (40 CFR 93.126) - Projects that correct, improve, or eliminate a hazardous location or feature.
6	SM	VAR170008	Caltrans	SHOPP - Emergency Response	Near Portola Valley, On SR-35 at 1.2 miles south of Page Mill Road. Construct soldier pile and sheet pile walls.	Near Portola Valley, On SR-35 at 1.2 miles south of Page Mill Road. Construct soldier pile and sheet pile walls.	EXEMPT (40 CFR 93.126) - Projects that correct, improve, or eliminate a hazardous location or feature.
7	SM	VAR170008	Caltrans	SHOPP - Emergency Response	Near Montara, On SR-1 at 1.1 miles north of First Street. Repair slipout.	Near Montara, On SR-1 at 1.1 miles north of First Street. Repair slipout.	EXEMPT (40 CFR 93.126) - Pavement resurfacing and/or rehabilitation
8	SON	VAR170008	Caltrans	SHOPP - Emergency Response	Near Bodega Bay, On SR-1 at 0.1 mile south of Bay Hill Road. Replace failed culvert.	Near Bodega Bay, On SR-1 at 0.1 mile south of Bay Hill Road. Replace failed culvert.	EXEMPT (40 CFR 93.126) - Projects that correct, improve, or eliminate a hazardous location or feature.
9	SON	VAR170008	Caltrans	SHOPP - Emergency Response	Near Jenner, On SR-1 at 0.6 mile north of Muniz Ranch Road. Replace failed culvert, inject grout to fill voids, and place Rock Slope Protection (RSP).	Near Jenner, On SR-1 at 0.6 mile north of Muniz Ranch Road. Replace failed culvert, inject grout to fill voids, and place Rock Slope Protection (RSP).	EXEMPT (40 CFR 93.126) - Projects that correct, improve, or eliminate a hazardous location or feature.
10	NAP	VAR170009	Caltrans	SHOPP - Mandates	Near Calistoga, On SR-29 at 0.3 mile south of Bothe-Napa Valley State Park entrance at Ritchie Creek Bridge No. 21-0057. Financial Contribution Only (FCO) to California State Parks to improve fish passage barriers upstream of Ritchie Creeek Bridge within the adjacent Bothe-Napa State Park for compliance unit credits towards Statewide National Pollutant Discharge Eliminating System (NPDES) permit mandate goals.	Near Calistoga, On SR-29 at 0.3 mile south of Bothe-Napa Valley State Park entrance at Ritchie Creek Bridge No. 21-0057. Financial Contribution Only (FCO) to California State Parks to improve fish passage barriers upstream of Ritchie Creeek Bridge within the adjacent Bothe-Napa State Park for compliance unit credits towards Statewide National Pollutant Discharge Eliminating System (NPDES) permit mandate goals.	EXEMPT (40 CFR 93.126) - Plantings, landscaping, etc.
11	NAP	VAR170009	Caltrans	SHOPP - Mandates	In Berkeley, On SR-13 from Domingo Avenue to Mabel Street. Upgrade curb ramps and repair sidewalks to meet American with Disabilities Act (ADA) standards.	In Berkeley, On SR-13 from Domingo Avenue to Mabel Street. Upgrade curb ramps and repair sidewalks to meet American with Disabilities Act (ADA) standards.	EXEMPT (40 CFR 93.126) - Bicycle and pedestrian facilities.
12	SF	VAR170010	Caltrans	SHOPP - Bridge	In the City and County of San Francisco, on Route 80, at the Bayshore Viaduct No. 34-0088 from Route 101 to 4th Street. Paint superstructure steel members.	In the City and County of San Francisco, on Route 80, at the Bayshore Viaduct No. 34-0088 from Route 101 to 4th Street. Paint superstructure steel members.	EXEMPT (40 CFR 93.126) - Projects that correct, improve, or eliminate a hazardous location or feature.
13	SF	VAR170010	Caltrans	SHOPP - Bridge	In the City and County of San Francisco, US-101 at the Central Viaduct No. 34-0077 from south of 17th Street to S. Van Ness Avenue. Paint superstructure steel members.	In the City and County of San Francisco, US-101 at the Central Viaduct No. 34-0077 from south of 17th Street to S. Van Ness Avenue. Paint superstructure steel members.	EXEMPT (40 CFR 93.126) - Projects that correct, improve, or eliminate a hazardous location or feature.

**Air Quality Conformity Task Force
Summary Meeting Notes
July 25, 2019**

Participants:

Andrea Gordon – BAAQMD
Dominique Kraft – FTA
Rodney Tavitas – Caltrans

Adam Crenshaw – MTC
Harold Brazil – MTC

1. Welcome and Self Introductions: Harold Brazil (MTC) called the meeting to order at 9:35 am.

2. PM_{2.5} Project Conformity Interagency Consultations

a. Confirm Projects Are Exempt from PM_{2.5} Conformity

**i. Confirmation of the list of exempt projects from PM_{2.5} Conformity
(2b_Exempt List 07122019.pdf)**

Final Determination: With input from FTA and Caltrans and (prior to the meeting via email) EPA and FHWA, the Task Force agreed that the project on the exempt list **(2b_Exempt List 07122019.pdf)** was exempt from PM_{2.5} project level analysis.

3. Consent Calendar

a. June 27, 2019 Air Quality Conformity Task Force Meeting Summary

Final Determination: With input from all members, the Task Force concluded that the consent calendar was approved.

4. Other Items

Rodney Tavitas (Caltrans) stated that Caltrans will be conducting a conformity training course in San Diego between January and March 2020. Mr. Tavitas also mentioned the exact date of the course will be determined soon and is inviting EPA, FHWA and CALCOG to attend the question and answer session on the last day (of the course). Adam Crenshaw (MTC) asked if the Office of Federal Programming at Caltrans would be attending the conference and Mr. Tavitas indicated he would reach out to them. Harold Brazil (MTC) asked if the question and answer session could be attended by conference call and Mr. Tavitas stated that he would see if it was possible.

Mr. Tavitas went on to say that immediately after (i.e., within a week or two) EPA's proposed SAFE Vehicles rule goes final, Caltrans will be scheduling a Statewide Conformity Group meeting. Mr. Crenshaw asked which regions in the state currently need to update their long-range transportation plans and Mr. Tavitas said they were SANDAG, SACOG and SCAG.

Mr. Brazil asked what the proposed EPA approval date of EMFAC2017 and Mr. Tavitias said sometime in August 2019. Dominique Kraft indicated that management FTA is in “wait and see pattern” in responding to conformity impacts from the SAFE Vehicles rule implementation.



PROPOSED SAFE VEHICLES RULE UPDATE

JULY 2019

Trump Administration Slows, But Doesn't Stop.

Initial sources indicated the Trump administration was rushing to finalize the proposed rule in early summer 2019. Finalization in early summer would have allowed the administration to defend the rule during President Trump's current term. Recent updates from three anonymous federal sources, indicate the proposed SAFE Vehicles Rule is anticipated to be finalized after Labor Day 2019.

California's AG's office and a host of environmental groups have already indicated their intent to sue if the rule is finalized. It is anticipated this legal battle will reach the U.S. Supreme Court. Delaying the final rule until September, increases the likelihood that the case won't be litigated until after the November 2020 elections. Under this scenario, the next president is anticipated to be largely influential in determining the SAFE Vehicles Rule's outcome. If President Trump is re-elected; it is assumed the administration will continue the legal battle through the Supreme Court. If a democrat is elected, perhaps, like the early years of the Obama Administration, the administration will withdraw the rule, or refuse to litigate the issue further.

In response, we turn our eyes to the nation, and the 2020 presidential election.

Four Automakers Strike Emissions Deal with California.

In June 2019, seventeen automakers sent a [letter](#) to President Trump expressing the auto industry's opposition to the proposed SAFE Vehicles Rule. The carmakers called on U.S. EPA and U.S. DOT to jointly promulgate a final rule that results in broad support, arguing it would provide stability and increased affordability by allowing the industry to proceed without fear of litigation. The letter urged President Trump to resume negotiations with the California Air Resources Board. A similar [letter](#) was sent to Governor Newsom as well. The Trump administration rejected the automakers pleas and to date, has not returned to the negotiating table.

July 25, 2019 - Ford, BMW, Volkswagen, and Honda struck a voluntary deal with California on a framework for annual reductions of greenhouse gas emissions for light-duty vehicles that they will incorporate throughout the entire country and that could be incorporated into a final federal rule. This framework was deemed acceptable by California as a reasonable compromise in the face of the Trump Administration's planned rollback.

While the framework would provide additional flexibilities to the carmakers to meet the current emission standards, it delivers the same GHG reductions in five years as the original Obama standards would have achieved in four years. This framework also commits the auto



CALCOG

companies to accelerate their transition to electric vehicles. Finally, it recognizes and preserves California's authority to regulate greenhouse gas emissions.

The Trump administration is not a party to the agreement. "Today's announcement from CARB has no impact on EPA's regulation of greenhouse gas emissions under the Clean Air Act. This voluntary framework is a PR stunt that does nothing to further the one national standard that will provide certainty and relief for American consumers. As the Administration stated earlier this year, despite our best efforts to reach a common-sense solution with CARB, they continually refused to produce reasonable and responsible proposals," Michael Abboud, an EPA spokesman, said in email.

Odds Slim for House Appropriations Language Preventing Rule Implementation.

Appropriations bill, HR 3055 section 145 prohibits funding from being used to finalize or enforce the proposed rule. In early July, labor and industry representatives met with Senate Appropriations Committee staff to discuss the prospects of the House appropriations bill language defunding enforcement of a final SAFE Vehicles Rule, surviving in the Senate. Senate staff acknowledged the SAFE Vehicles Rule was an administration priority and very political. The prospects of the House language surviving, as is, are slim.

House Energy & Commerce Subcommittees Provide Bipartisan Letter Requesting Trump Administration and California to Return to Negotiating Table.

On June 20, 2019, the House Energy and Commerce Subcommittees on Energy and Commerce and Environment and Climate Change held a joint hearing Driving in Reverse the Administrations Rollback of Fuel Economy and Clean Car Standards. On June 25, 2019, the chairs and ranking subcommittee members sent a bi-partisan letter to EPA Administrator Wheeler and DOT Secretary Chao. The letter called for all interested parties to return to the negotiating table while acknowledging there were differing views about the Constitution (mainly, state's rights and the role of the interstate commerce clause), the importance of climate change, and how best to make sure the economies of the auto sector are strong along with the traditional and vital questions of safety. At the time of this staff report, the Trump administration has not returned to the negotiating table with California and other interested parties.

SAFE Vehicles Rule Architect, EPA Air Chief Wehrum Resigns Abruptly.

EPA Air Chief, Bill Wehrum, thought to be the architect of the SAFE Vehicles Rule, abruptly resigned at the end of June. In April, House Democrats launched an investigation into whether Wehrum violated ethics rules by launching the rollback of air pollution regulations that benefited his former lobbying clients in the electric utility sector. Democrats are seeking



CALCOG

communications between the companies, Wehrum and other EPA regulators. "These allegations have raised substantial questions regarding whether Mr. Wehrum and Mr. Harlow are properly carrying out the [Clean Air Act] as directed by Congress or instead changing Agency policies and programs to benefit former clients, who are also clients of your law firm," the lawmakers wrote to Hunton Andrew Kurth managing partner Wendell Taylor – Mr. Wehrum's prior employer. To date, his resignation has had no noticeable impact on the proposed finalization of the rule.

What Next?

In June, CALCOG reported the proposed SAFE Vehicles Rule had been submitted to the federal Office of Management and Budget (OMB) in May 2019. This was incorrect. To date, the rule **has not** been submitted to OMB. As a refresher, OMB review is one of the last steps in the federal rule making process. OMB is the agency responsible for regulatory policy, including coordination and review of all significant Federal regulations by executive agencies. As part of that review process, OMB will grant meetings with interested parties. We encourage agencies to schedule individual meetings with OMB (note – meetings can be held via conference call) to discuss concerns. A template outlining how to request a meeting with OMB can be found [here](#) or on the CALCOG Policy Tracker website.

CALCOG website provides continuing updates.

Please visit the CALCOG Policy Tracker (www.calcog.org/policytracker) for up to date information regarding the Proposed SAFE Vehicles Rule.