



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

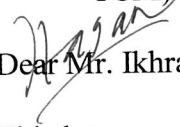
REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

APR 26 2013

Mr. Hasan Ikhata
Executive Director
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, California 90017-3435

Re: Concurrence for Traffic Signal Synchronization Projects as Transportation Control Measure (TCM) Substitution for Bus Purchase and Service Expansion in Orange County


Dear Mr. Ikhata:

This letter responds to your letter dated February 13, 2013, requesting EPA review and concurrence of a TCM substitution from the Orange County Transportation Authority (OCTA). Specifically, OCTA proposes to replace bus purchases (71 buses) and service expansion with ten traffic signal synchronization projects in Orange County. Based on our review of your letter and enclosures, EPA concurs that the TCM submitted by the Southern California Association of Governments (SCAG) for OCTA meets the requirements for substitution of TCMs from an approved State Implementation Plan (SIP). As a result of our concurrence, SCAG can adopt amendments to its Regional Transportation Improvement Program and Regional Transportation Plan for the substitute TCM, and include it in the next transportation conformity analyses.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), signed into law on August 10, 2005, revised the Clean Air Act's section 176(c) transportation conformity provisions for procedures to use when substituting or adding TCMs to approved SIPs. The Clean Air Act as amended, requires that the replacement TCM must achieve equal or greater emission reductions; be implemented on a consistent schedule; and be supported by adequate resources and authority to be implemented, monitored and enforced. The TCM must also have been developed through a collaborative process involving all affected jurisdictions, EPA, and the public. The Clean Air Act procedures provide a mechanism whereby TCMs can be added to, or substituted for, in the approved SIP, without a formal rulemaking process.

This letter transmits our decision that EPA concurs with the TCM substitution submitted by SCAG for OCTA. In reaching this decision, we have reviewed the technical information for the substitute TCM provided by SCAG and OCTA and have determined that the substitute TCM meets the Clean Air Act section 176(c)(8) requirements for substitute TCMs. We have enclosed a table that summarizes our evaluation of the substitute TCM.

SCAG can now make conformity determinations based on this substitute TCM, and the substitute TCM is now part of the federally enforceable SIP. We anticipate that the California Air Resources Board (CARB) will submit the substitute TCM for incorporation in the codified applicable SIP within 90 days, as required by Clean Air Act section 176(c)(8). EPA will then proceed to update the Code of Federal

Regulations via a Federal Register notice to clarify which TCM is part of the federally enforceable SIP. If you have any questions regarding this decision, please contact me at (415) 947-8715 or Karina O'Connor at (775) 434-8176.

Sincerely,



Deborah Jordan
Director, Air Division

Enclosure

cc: Eyvonne Drummonds, South Coast Air Quality Management District
Doug Ito, California Air Resources Board
Jason Crow, California Air Resources Board
Jermaine Hannon, Federal Highway Administration
Stew Sonnenberg, Federal Highway Administration
Ted Matley, Federal Transit Administration
Katie Benouar, California Department of Transportation

EPA Concurrence on Transportation Control Measure (TCM) Substitution for the Southern California Association of Governments (SCAG) in Orange County

SUMMARY: The attached letter transmits our decision that we concur with the TCM substitution submitted by SCAG for Orange County. In reaching this decision, we have reviewed the technical information for the substitution measure provided by SCAG and have determined that the TCM meets the Clean Air Act section 176(c)(8) requirements for substitute TCMs.

BACKGROUND: On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law. SAFETEA-LU revised the Clean Air Act's section 176(c) transportation conformity provisions by providing procedures for areas to use in substituting or adding transportation control measures to approved state implementation plans. EPA can now review TCM substitutions and concur on the substitutions where the requirements have been satisfied without a formal rulemaking process.

The replacement TCM must achieve equal or greater emission reductions; be implemented on a consistent schedule; and be supported by adequate resources and authority to be implemented, monitored, and enforced. The TCM must also have been developed through a collaborative process involving all affected jurisdictions, EPA, and the public. CAA section 176(c)(8) requires that the area's metropolitan planning agency (e.g., SCAG), the state air pollution control agency (e.g., the California Air Resources Board (CARB)), and EPA concur on any substitution in writing before the substitute TCM is considered to be adopted.

ISSUES: We know of no issues related to this substitution at this time. SCAG periodically amends their Federal Transportation Improvement Plan (TIP) and Regional Transportation Plan (RTP) as funding and project schedules change. OCTA has indicated that they would like to amend the new projects into FTIP by June. CARB concurred on the substitution in a letter dated March 14, 2013. EPA must concur on the substitution OCTA and SCAG to amend the TIP to include the new TCM.

PUBLIC PARTICIPATION: SCAG received no adverse comments on the substitutions when they conducted their 15-day public comment period and public hearing. Thus we expect no adverse reaction. Under Clean Air Act section 176(c)(8), no further public comment is needed prior to EPA's concurrence.

RECOMMENDATION: This substitution is consistent with the Clean Air Act, EPA regulations, policy and guidance. We recommend that you sign the attached letter, thereby concurring on the TCM substitution submitted by SCAG for Orange County.

Enclosure 1 – Technical Support Document for Southern California Association of Governments’ (SCAG’s) Transportation Control Measure Substitution: Bus Purchases and Service Expansion in Orange County

<p>Transportation Control Measure (TCM) Under Review: Bus Purchases and Service Expansion in Orange County Portion of the South Coast Air Basin</p>	<p>Date of TCM Substitution Receipt by EPA: February 13, 2013</p>	
<p>Reviewers: Karina O’Connor</p>	<p>Date: 04/24/13</p>	
<p>Transportation Review Criteria from <i>Clean Air Act</i> section 176(c)</p>	<p>Is Criterion Satisfied? Y/N</p>	<p>Documentation/Comments</p>
<p>176(c)(8)(A)(i) The substitute measures achieve equivalent or greater emissions reductions than the control measure to be replaced;</p>	<p>Y</p>	<p>A project which included bus purchases (71 buses) and service expansion in Orange County has been delayed. The replacement TCM includes ten traffic signal synchronization projects covering 102 miles of roadway and 355 signalized intersections throughout Orange County. The replacement project provides equivalent emission reductions for PM, CO, ROG and NOx as supported with emission model runs and documented by the Orange County Transportation Authority (OCTA) in a September 25, 2012 letter to SCAG that was included as appendix A to SCAG’s report titled “Transportation Control Measure (TCM) Substitution Report (ORA041501 – Bus Purchase and Service Expansion),” dated February 2013, and submitted to EPA on February 13, 2013. The methodology for analyzing emissions used assumptions and modeling techniques consistent with those used in the SIP, utilizing the Orange County Transportation Analysis Model (OCTAM), SCAG’s emissions program, and California Air Resources Board’s (CARB’s) EMFAC2007 model.</p>
<p>176(c)(8)(A)(ii) The substitute control measures are implemented in accordance with a schedule that is consistent with the schedule provided for control measures in the implementation plan;</p>	<p>Y</p>	<p>The original 71 bus purchases, in support of expanded bus service, was to be completed by June 2016. The replacement traffic signal synchronization projects will be operational by June of 2014. The original TCM is not relied upon for reasonable further progress or attainment in the approved SIP. Both the original and the replacement TCM project are located in Orange County, within the South Coast Air Basin (SCAB).</p>
<p>176(c)(8)(A)(iii) The substitute and additional control measures are accompanied with evidence of adequate personnel and funding and authority under State or local law to implement, monitor, and enforce the control measures;</p>	<p>Y</p>	<p>OCTA has the legal authority to implement and operate the ten traffic signalization synchronization projects and has implemented similar signalization projects before. OCTA has secured \$6 million from Measure M2 for signal synchronization implementation projects in Orange County.</p>
<p>176(c)(8)(A)(iv)(I) The substitute and additional control measures were developed through a</p>	<p>Y</p>	<p>Interagency consultation occurred at SCAG’s publicly noticed Transportation Conformity Working Group meetings on September 25, 2012 and October 23,</p>

	collaborative process that included participation by representatives of all affected jurisdictions (including local air pollution control agencies, the State air pollution control agency, and State and local transportation agencies);		2012, prior to release of the document for a 15-day public review. Members of the Conformity Working Group include: EPA, FHWA, FTA, CARB, Caltrans, the South Coast Air Quality Management District, and the county transportation authorities (including, among others, the Los Angeles County Metropolitan Transportation Authority).
176(c)(8)(A)(iv)(II)	The substitute and additional control measures were developed through a collaborative process that included consultation with the Administrator;	Y	EPA was included in the area's Transportation Conformity Working Group process and in multiple conference calls.
176(c)(8)(A)(iv)(III)	The substitute and additional control measures were developed through a collaborative process that included reasonable public notice and opportunity for comment; and	Y	A 15-day public comment period was held on the draft report, which was presented to and approved by SCAG's Energy and Environmental Committee (EEC) and publicly noticed on January 3, 2013. The replacement TCM was presented to the SCAG Regional Council on February 7, 2013. These meetings were publicly noticed. The draft documentation was available for review at the Southern California Association of Governments office, located at 818 W. Seventh St., Los Angeles, CA 90017 or www.scag.ca.gov , no comments were received.
176(c)(8)(A)(v)	The metropolitan planning organization, State air pollution control agency, and the Administrator concur with the equivalency of the substitute or additional control measures.	Y	The replacement TCM was approved, in the form of a vote of the SCAG Regional Council, on February 7, 2013. CARB has also concurred with the substitution in a letter dated March 14, 2013 from James N. Goldstene to Hasan Ikhtrata. On September 29, 2006, concurrence on TCM substitutions was delegated from the EPA Administrator to the Regional Administrators. On August 20, 2008, concurrence on TCM substitutions was re-delegated from the Region IX Regional Administrator to the Director of the Air Division in Region IX. This letter documents the Region IX Air Division Director's review and concurrence on the substitution.