



April 2, 2024

**VIA ELECTRONIC SUBMISSION**

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**Subject: SCAG Region Comments on U.S. EPA's Proposed Disapproval of South Coast Contingency Measure State Implementation Plan for the 1997 Federal Ozone Standard [Docket ID No. EPA-R09- OAR-2023-0626]**

Dear Ms. Vagenas:

On behalf of the Southern California Association of Governments (SCAG) and Southern California's six County Transportation Commissions (CTCs), we appreciate the opportunity to comment on United States Environmental Protection Agency's (EPA) proposed disapproval of the South Coast Air Basin Contingency Measure State Implementation Plan (SIP, also referred to as "Plan") for the 1997 federal ozone standard (proposed disapproval) (89 Fed. Reg. 7320). We ask EPA to approve the Plan rather than the proposed disapproval. Otherwise, we strongly propose either conditional approval that supports meaningful partnerships, or partial approval that provides realistic and short pathway to resolve the underlying issues. For all these alternative actions, EPA must recognize, take actions, and deliver its fair share of emission reduction from federal sources.

SCAG is the nation's largest metropolitan planning organization and council of governments for the six counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura and 191 cities in them. The region is home to a population of nearly 19 million people and powers the 16th largest economy in the world. SCAG is responsible for developing long-range regional

transportation plans and short-term regional transportation improvement programs, and providing broad-based representation of Southern California's cities and counties. The six CTCs are responsible for identifying and implementing multi-modal transportation projects in their respective counties within the SCAG region.

We strongly support and are fully committed to reducing air pollution and protecting public health. The South Coast Air Quality Management District (AQMD) has been implementing the most stringent regulations in the nation for stationary sources under its authority. The California Air Resources Board (CARB) has adopted and is implementing cutting-edge regulations to reduce mobile and area source emissions. The State and the SCAG region have invested billions of dollars and developed policies to accelerate the development and deployment of clean transportation technology and infrastructure. As part of the essential control measures in the state implementation plans to attain federal air quality standards in the South Coast Air Basin, SCAG has been collaborating with CTCs to implement the most robust and best available transportation control measures. Furthermore, SCAG's long-range Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and the short-range Federal Transportation Improvement Program (FTIP) have been demonstrating transportation conformity to support the attainment of federal health-based air quality standards throughout the SCAG region. Collectively, we have achieved more than the region's share of emission reductions that are under our authority toward federal attainment.

Since the 1997 ozone standard, emissions under the State and regional control have declined by 70 percent, while emissions subject to EPA's authority have only declined by 15 percent. More significantly, over 80 percent of NO<sub>x</sub> emissions are from mobile sources, and about three-quarters of these emissions are from sources for which the EPA is responsible, such as trucks, ships, aircraft, locomotives, and similar heavy-duty engines. Therefore, it is critical that EPA plays a proactive role in taking regulatory actions, providing funding, supporting and providing opportunities for partnerships. A full disapproval of the Plan only distracts from the important work we need to do together. Instead, we encourage EPA to provide a more meaningful opportunity to develop actions that will result in real, cleaner air while avoiding negative impacts by exploring other pathways such as conditional approval.

If the disapproval is finalized as proposed, it has the potential to set in motion far-reaching consequences on critical aspects of regional transportation planning, programming, project delivery, and the regional economy. It could result in not only the loss of tens of billions of federal highway funds and/or federal approval but hundreds of billions in local dollars invested in significant transportation projects and delay of needed renovation, improvement, and repairs. The SCAG region already struggles to achieve a state of good infrastructure repair and the imposition of highway sanctions would likely balloon deferred maintenance. Traffic congestion in the SCAG region already equates to a nearly \$9 billion annual loss in productivity even without highway sanctions. Uncertainty over sanctions can discourage private investment, especially in transportation-related industries, further impacting the regional economy and risking readiness for the 2028 Summer Olympics. Additionally, since sanctions limit the ability to develop future

non-exempt projects, we will lack the opportunity to develop shovel-ready projects putting our region at a competitive disadvantage for funding for years to come.

To this end, it could become more difficult for our regional transportation planning, programming, and project selection process to meet federal transportation performance goals as related to transportation infrastructure condition, freight, and passenger vehicle movement travel time reliability. Many CTC projects are the result of performance-based decisions at the county or Caltrans district level and meet needs and goals that align with and achieve regional goals and performance targets.

The delay of much-needed repairs and investments to our roadways and transportation infrastructure has the potential to exacerbate air quality concerns. Because most areas within the SCAG region are designated as nonattainment or maintenance areas for one or more transportation related criteria pollutants under the federal Clean Air Act, our RTP/SCS must conform to the applicable State Implementation Plan (SIP) in the SCAG region, including this Contingency Measure SIP to address the 1997 National Ambient Air Quality Standard for ozone in the South Coast Air Basin. The transportation investments in the SCAG region are tailored to meeting not only federal transportation conformity requirements, but also California's ambitious goal to achieve carbon neutrality by 2045.

The potential threat of loss or delay of federal funding or approval could also have a negative impact on the traveling public and communities. This comes at a time when we are actively planning regional transportation and housing policies and projects that involve removing, retrofitting, repairing, or mitigating highways or other transportation facilities that create barriers to community connectivity, including mobility, access, or economic opportunities. Even a temporary freeze on new highway construction could prevent our agencies from "obligating" federal highway funds, which could, in turn, result in a loss of those federal dollars. This could also limit localities' ability to better connect disadvantaged communities to jobs, healthcare facilities, healthy food, open spaces, or to better link businesses and provide resources to those disproportionately burdened and vulnerable communities.

In addition to the potential threat of loss or delay of federal funding or approval, there could be serious economic impacts. Highway sanctions could lead to massive layoffs of construction workers and of workers who supply a multitude of materials, equipment, and services to construction because impacted transportation projects would not move forward with implementation. It could also have negative economic impacts on communities that build around these jobs. The highway system allows buses and trucks to perform essential roles that support the efficient movement of people and goods in the region. Investment in the highway network is vital to address congestion, efficiency, and travel time reliability, and meet the needs of businesses and residents. The region is also at a critical juncture regarding the transition to clean transportation and has made substantial progress in planning for zero-emission heavy-duty vehicles and supporting infrastructure. By delaying critically needed projects, highway sanctions could threaten the economic well-being of the region. These regional and community-wide economic impacts would occur at a time (in year 2026) when the Los Angeles area is set to host

the 2026 FIFA World Cup matches and two years before Los Angeles hosts the 2028 Summer Olympics. They could turn into an unprecedented global impact.

These harsh economic impacts are specific to the SCAG region. However, we are not alone in needing greater federal partnership to achieve clean air goals. Many areas across the country are also in high levels of ozone nonattainment. In the future, these areas will find themselves in the same position as us and face sanctions. We hope that EPA will consider the significant implications of the disapproval on the SCAG region and the much broader, nationwide ramifications.

We are also deeply concerned about the challenges in resolving the underlying deficiencies necessary to lift the sanctions once they are imposed. Prolonged imposition of the sanctions would exacerbate the magnitude of all the aforementioned negative impacts.

It is our understanding that the South Coast AQMD has submitted a comment letter with regard to the above-entitled action. We would like to reiterate their concerns and the needed federal actions.

Finally, we urge EPA not to disapprove the Contingency Measure SIP as proposed. If full approval is not possible, we would strongly support either conditional approval that supports meaningful partnerships, or partial approval and partial disapproval that offer a realistic and short pathway to resolve the underlying issues. These are the only actions that can lead to timely attainment of the air quality standards, clean air that the area residents deserve, and avoidance of the serious consequences in the South Coast region.

Again, we appreciate this opportunity to share our comments. We support and are fully committed to partnering with our air regulators and transportation planning partners at all levels to achieve federal and state clean air and climate goals through solution-driven collaboration rather than invoking highway sanction to penalize the region for emissions beyond our control.

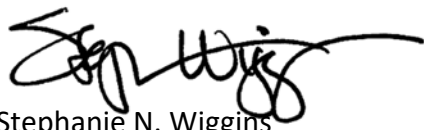
Sincerely,



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Executive Director  
Southern California Association of Governments



David Aguirre  
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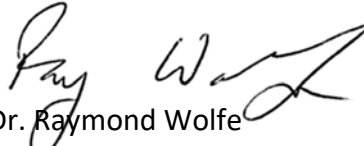
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