

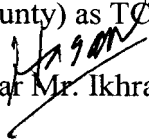


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

November 29, 2010

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

Re: Concurrence for State Route 60 HOV Conversion in the City of Moreno Valley (Riverside County) as TCM Substitution


Dear Mr. Ikhmeta:

This letter is in response to your letter dated September 2, 2010, requesting EPA concurrence of a transportation control measure (TCM) substitution that involves the conversion of an eight-mile segment of State Route 60 (SR-60) High Occupancy Vehicles (HOV) lane (in both directions) from full-time, restricted-access operation to part-time, continuous-access operation. EPA concurs that the conversion of the set of HOV lanes submitted by the Southern California Association of Governments (SCAG) for Riverside County 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 (RTIP) and Regional Transportation Plan with 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 including procedures to use in 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 SR 60 in Moreno Valley (Riverside County). In reaching this decision, we have reviewed the technical information for the substitute TCM provided by SCAG 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 (CFR) to reflect the changes to the SIP in the Federal Register to clarify which TCM is part of the federally enforceable SIP. If you have any questions regarding this decision, please contact Karina O'Connor at (775) 833-1276.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Jordan", written in a cursive style.

Deborah Jordan
Director, Air Division

Enclosure

cc: Barry Wallerstein, South Coast Air Quality Management District
Lynn Terry, California Air Resources Board
Sue Kiser, Federal Highway Administration
Aimee Kratovil, Federal Highway Administration
Michelle Noch, Federal Highway Administration
Ted Matley, Federal Transit Administration
Joan Sollenberger, California Department of Transportation

Enclosure 1 – Technical Support Document for Southern California Association of Governments’ (SCAG) Transportation Control Measure Substitution; SR 60 HOV Lane Conversion Project in City of Moreno Valley (Riverside County)

Transportation Control Measure (TCM) Under Review: SR-60 HOV Lane Conversion Project in South Coast Ozone Nonattainment Area (Riverside County)		Date of TCM Substitution Receipt by EPA: September 2, 2010	
Reviewers: Karina O’Connor		Date: 10/11/10	
Transportation Review Criteria from <i>Clean Air Act section 176(c)</i>		Is Criterion Satisfied? Y/N	Documentation/Comments
<i>176(c)(8)(A)(i)</i>	The substitute measures achieve equivalent or greater emissions reductions than the control measure to be replaced;	Y	<p>An eight-mile segment of State Route 60 (SR-60) High Occupancy Vehicle (HOV) lane (both directions) is being changed from full-time, restricted-access operation to part-time, continuous-access operation. The proposed HOV lane in both directions would operate as a HOV only from 6:00 AM through 10:00 AM and from 3:00 PM through 7:00 PM, Monday through Friday, and would be open to single occupancy vehicles (SOV) the rest of the hours. We agree with SCAG and CARB that the replacement project would provide equivalent or greater emission reductions for PM, CO, ROG and NOx.</p> <p>In reaching this conclusion, EPA reviewed appendix B of SCAG’s “Transportation Control Measure Substitution” final report dated September 2010 and a Caltrans report as discussed below. Appendix B to SCAG’s report projects a slight decrease in light and medium duty vehicles, as well as heavy duty vehicles, due to the conversion to the replacement TCM relative to the existing TCM. See tables 2 and 3 of appendix B. We now understand, based on discussions with SCAG staff, that the row headings, “starts” and “VMT” were inadvertently switched, and that VMT values should have been shown as (x 1,000). SCAG was unable to provide definitive information on why the VMT values for the existing TCM scenario (table 2) would differ from the replacement TCM scenario (table 3), but we do agree that, as a general matter, emissions associated with continuous-access HOV lanes would be less than those associated with restricted-access HOV lanes, and because the replacement TCM would replace the type of HOV lanes associated with greater emissions with the type of HOV lanes associated with lesser emissions (i.e., during peak traffic periods). Our basis for this understanding is a Caltrans study dated December 2006, titled “Modeling the Effectiveness of High Occupancy Vehicle (HOV) Lanes at Improving Air Quality” According to the Caltrans’ study, the lesser emissions associated with</p>

			continuous access HOV lanes (versus their restricted access counterparts) is a result of highly concentrated lane changing activities over the limited length of the provided ingress/egress sections and the driving maneuvers arising from this constraint, such as slowing down to wait for an acceptable gap in the adjacent lane, accelerating aggressively in order to take the gap ahead of them, or making a forceful merge into the adjacent lane, causing the following and surrounding vehicles to brake unexpectedly.
<i>176(c)(8)(A)(ii)</i>	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;	Y	The original TCM is currently a full-time, restricted access HOV lane (both directions). The replacement project will be operational in late 2010 after concurrence by ARB and EPA and completion of the project by Caltrans. The original TCM is not explicitly relied upon for reasonable further progress or attainment in the approved SIP. Both the original and the replacement TCM project are located on the SR-60 segment in the City of Moreno Valley within the South Coast Air Basin (SCAB), just east of the SR-60 and Interstate 215 junction, continuing to Redlands Boulevard.
<i>176(c)(8)(A)(iii)</i>	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;	Y	Caltrans, District 8, has the legal authority to construct and operate the replacement TCM project; changing the operations of the SR-60 HOV lane. Under the provisions of Section 149 of the California Streets and Highways Code, Caltrans has the legal authority to implement the SR-60 HOV Lane conversion project. In addition, FHWA has determined that the operation of the HOV lanes are the responsibility of Caltrans (see appendix A of the "Transportation Control Measure Substitution" final report). The replacement project will be monitored annually through TCM Timely Implementation Reports that SCAG submits to FHWA.

<i>176(c)(8)(A)(iv)(I)</i>	The substitute and additional control measures were developed through a 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);	Y	Interagency consultation occurred at SCAG's publicly noticed Transportation Conformity Working Group meetings on March 23, June 22, and July 22, 2010 prior to release of the document for a 30-day public review. Members of the Conformity Working Group include: SCAG, EPA, FHWA, FTA, CARB, Caltrans, the South Coast Air Quality Management District, and the county transportation authorities (including, among others, the Riverside County Transportation Commission).
<i>176(c)(8)(A)(iv)(II)</i>	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.
<i>176(c)(8)(A)(iv)(III)</i>	The substitute and additional control measures were developed through a	Y	A 30-day public comment period was held on the draft report, which was publicly noticed on June 30, 2010. The replacement TCM was presented to SCAG

	collaborative process that included reasonable public notice and opportunity for comment; and		Regional Council action on September 2, 2010. 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 .
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 September 2, 2010. The California Air Resources Board has also concurred with the substitution in a letter dated October 11, 2010 from James Goldstene to Hasan Ikhata. 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.