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March 2, 2008

Honorable Richard Dixon
Councilmember
22365 El Toro Road
PMB 292
La Forest, CA 92630

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CEO OFFICE

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Art Dave
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Dear Councilmember Dixon:

The TCA Foothill Transportation Corridor-South (FTC-S) project has been a part of the SCAG Regional Transportation Plan (RTP) and designated as a Transportation Control Measure (TCM) since 1991. As a committed Transportation Control Measure (TCM) identified in the South Coast Ozone State Implementation Plan (SIP) and part of the conforming SCAG RTP/RTIP, FTC-S must be implemented or another TCM project must be substituted to achieve equivalent emission reductions.

TCMs are defined in U.S. EPA's Transportation Conformity Rule as strategies that adjust trip patterns or otherwise modify vehicle use in ways that reduce air pollutant emissions as part of the overall control strategy to demonstrate the region's ability to come into attainment with the National Ambient Air Quality Standards.

The Transportation Conformity Rule also defines the criteria and procedures for timely implementation of TCMs. It is SCAG's responsibility to ensure that TCM strategies are funded in a manner consistent with the implementation schedule established in the RTIP at the time a project is identified as a committed TCM. If the implementation of a TCM strategy is delayed, or if a TCM strategy is only partially implemented, the emission reduction shortfall must be made up by either substituting a new TCM strategy or by enhancing other control measures through the formal TCM substitution process specified in the Clean Air Act and SAFETEA-LU.

If conformity cannot be found because the TCM is not implemented and not substituted, then no new projects or changes to projects can be amended into the RTIP or RTP during a one-year grace period. If conformity is not demonstrated after the grace period, then no project other than exempt projects (e.g., safety projects and TCMs) regardless of funding source can proceed. This means that even projects funded solely with local

monies (e.g., Measure M - Orange County, Measure I - San Bernardino County, Measure A - Riverside County) would be held up until the conformity issue is resolved. For example, Orange County projects that could be in jeopardy include the following CMIA projects: widening the SR-57 from Katella to Lincoln and from Orangethorpe to Lambert, and widening the SR-91 from the SR-55 to Weir Canyon and from SR-241 to SR-71.

As a case in point of the consequences of a conformity lapse, in the late 1990's, Atlanta, Georgia was not able to proceed with projects for several years until the issues with their conformity lapse were resolved.

Please note two critical points regarding substitution of this TCM. First, any issues with substitution of the project would jeopardize conformity not only for Orange County, but for the entire South Coast Air Basin which includes the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties as well as Orange County. Second, the Clean Air Act and the Transportation Conformity Rule require substitution of a TCM with another TCM or TCMs – one cannot substitute a non-TCM project. Thus, the widening of the I-5 would not be an allowable substitute as U.S. EPA and FHWA do not consider capacity projects as TCMs.

SCAG is proceeding with analytical work to determine the emissions benefits with FTC-S. We will share this information with you as soon as it is available. SCAG is committed to work closely with TCA and other stakeholders on this project.

Please let me know if you require additional information. Please also feel free to contact me at (213) 236-1944, or Jonathan Nadler, Program Manager, Air Quality & Conformity, (213) 236-1884, to discuss further.

Sincerely,



Hasan Ikhrata
Executive Director