

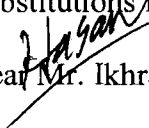


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

November 29, 2010

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

Re: Concurrence for Traffic Signal Synchronization Projects in Orange County as TCM Substitutions for Planned Bus Rapid Transit Line Projects

Dear  Mr. Ikhata:

This letter is in response to your letter dated July 8, 2010, requesting EPA concurrence for a transportation control measure (TCM) substitution to replace three Bus Rapid Transit (BRT) line projects in Orange County with traffic signal synchronization in the same corridors. EPA concurs that the TCMs submitted by the Southern California Association of Governments (SCAG) for Orange County meet 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 TCMs, and include them 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 substitutions submitted by SCAG for Orange County. In reaching this decision, we have reviewed the technical information for the substitute TCMs provided by SCAG and have determined that the substitute TCMs meet the Clean Air Act section 176(c)(8) requirements for substitute TCMs. We have enclosed a table that summarizes our evaluation of the substitute TCMs.

SCAG can now make conformity determinations based on the substitute TCMs; and the substitute TCMs are now part of the federally enforceable SIP. We anticipate that the California

Air Resources Board (CARB) will submit the substitute TCMs 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 TCMs are 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", with a long horizontal flourish extending to the right.

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 Substitutions; Three BRT Line Projects in Orange County

Transportation Control Measure (TCM) Under Review: Three BRT Line Projects in South Coast Ozone Nonattainment Area (Orange County)		Date of TCM Substitution Receipt by EPA: July 8, 2010	
Reviewers: Karina O’Connor		Date: 10/29/10	
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	Three Bus Rapid Transit (BRT) lines on Bristol St/State College Blvd, Harbor Blvd, and Westminster Ave/17 th Street have been delayed. The replacement TCMs include traffic signal synchronization in the same three corridors. The replacement projects, provide equivalent emission reductions for PM, CO, ROG and NOx as supported with emission model runs and documented in appendix A to SCAG’s “Transportation Control Measure Substitution” final report (July 2010) for these projects. The methodology for analyzing emissions used assumptions and modeling techniques consistent with those used in the SIP, utilizing SCAG’s Regional Travel Demand Model with ARB’s EMFAC2007 model.
<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 Bristol Street BRT line was scheduled to be operational in June 2010, the other two BRT lines were scheduled to be operational in June of 2011. The replacement traffic signal synchronization projects will be operational by June of 2011. The original TCMs are not explicitly relied upon for reasonable further progress or attainment in the approved SIP. Both the original and the replacement TCM projects are located on the same roadway corridors in the South Coast Air Basin (SCAB) in Orange County.
<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	The Orange County Transportation Agency (OCTA) has the legal authority to implement and operate the traffic signalization synchronization projects. Under the provisions of the California Public Utilities Code, OCTA has the legal authority to implement the replacement TCM projects and has implemented similar signalization projects before. OCTA has secured \$2.5 million for signal synchronization implementation on these three corridors. See appendix B to SCAG’s “Transportation Control Measure Substitution” final report (July 2010) for these projects.
<i>176(c)(8)(A)(iv)(I)</i>	The substitute and additional control measures were developed through a collaborative process that included	Y	Interagency consultation occurred at SCAG’s publicly noticed Transportation Conformity Working Group meetings on January 26, 2010, prior to release of the document for a 30-day public review. Members of the Conformity Working

	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);		Group include: SCAG, EPA, FHWA, FTA, CARB, Caltrans, the South Coast Air Quality Management District, and the county transportation authorities (including, among others, the Orange County Transportation Authority).
<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 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 collaborative process that included reasonable public notice and opportunity for comment; and	Y	The replacement TCMs and draft report were noticed to the public on April 13, 2010. A 30-day public comment period was held on the draft report, which was presented to and approved by SCAG's Energy and Environmental Committee (EEC) on June 3, 2010. The replacement TCMs were presented to, and adopted by, SCAG's Regional Council action on July 1, 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 .
<i>176(c)(8)(A)(v)</i>	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 TCMs were approved, in the form of a vote of the SCAG Regional Council, on July 1, 2010. The California Air Resources Board (CARB) has also concurred with the substitution in a letter dated October 26, 2010 from James N. Goldstene, CARB Executive Director, to Hasan Ikhata, SCAG Executive Director. 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.