



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

**JUN 01 2017**

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

Dear Mr. Ikhata:

This letter responds to your letter dated February 6, 2017, requesting EPA review and concurrence on a Transportation Control Measure (TCM) substitution from the Orange County Transportation Authority (OCTA). OCTA is proposing to replace the State Route 241 Extension project with State Route 241/91 Express Lanes Connector project in Orange County. Based on our review of your letter and enclosures, EPA concurs that the TCM substitution 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.

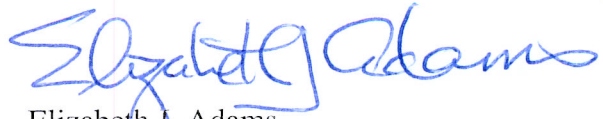
The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), signed into law on August 10, 2005, revised the Clean Air Act's section 176(c) transportation conformity provisions for procedures to use when substituting or adding TCMs to approved SIPs. The Clean 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 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 for 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 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) 972-3183 or have your staff contact Karina O'Connor at (775) 434-8176.

Sincerely,



Elizabeth J. Adams  
Acting Director, Air Division

Enclosure

cc: Jack Cheng, South Coast Air Quality Management District  
Jon Taylor, California Air Resources Board  
Dennis Wade, California Air Resources Board  
Tashia Clemons, Federal Highway Administration  
Stew Sonnenberg, Federal Highway Administration  
Ted Matley, Federal Transit Administration  
Chris Schmidt, California Department of Transportation  
Darrell Johnson, OCTA

**Enclosure – Technical Support Document for Southern California Association of Governments’ (SCAG’s) Transportation Control Measure Substitution: State Route 241 Extension project in Orange County**

<p>Transportation Control Measure (TCM) Under Review: State Route 241 Extension Project Replacement with State Route 241/91 Express Lanes Connector Project in Orange County Portion of the South Coast Air Basin Reviewers: Karina O’Connor</p>	<p>Date of TCM Substitution Receipt by EPA: February 6, 2017</p>
<p>Date: 03/10/17</p>	<p>Documentation/Comments</p>
<p>Transportation Review Criteria from <i>Clean Air Act section 176(c)</i></p>	<p>Is Criterion Satisfied? Y/N</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 The original TCM, the State Route-241 (SR-241) Extension project, has been delayed. The replacement TCM, the SR-241/SR-91 Express Lanes Connector project, includes two express lane connectors in Orange County. The replacement project provides equivalent emission reductions for PM<sub>2.5</sub>, CO, ROG and NO<sub>x</sub> as supported with emission model runs and documented by the Orange County Transportation Authority (OCTA) in a September 23, 2016 letter to SCAG that was included as appendix A to SCAG’s report titled “Final Orange County Transportation Authority (OCTA) Transportation Control Measure (TCM) Substitution Report,” dated February 2017, and submitted to EPA on February 6, 2017.</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 The methodology for analyzing emissions relied upon the Orange County Transportation Analysis Model (OCTAM), which has incorporated the most recent approved socio-economic data by SCAG for Orange County and the California Air Resources Board’s (CARB’s) EMFAC2014 emission model. The original SR-241 Extension project was to be completed by 2021. The replacement TCM project will be built and operational by December of 2020. 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 OCTA and the Transportation Corridor Agencies (TCA) has the legal authority to build and operate the express lanes connector project and has implemented similar projects before. TCA has secured funds from their 2016 Capital Improvement Program for the express lanes project in Orange County and those funds have been programmed into SCAG’s 2017 FTIP.</p>

176(c)(8)(A)(iv)(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 February 28, March 22, May 24, July 26 and September 27, 2016, prior to release of the document for a 30-day public review on October 28, 2016. 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, OCTA).
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 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) and publicly noticed on October 28, 2016. The replacement TCM was presented to the SCAG Regional Council on February 2, 2017. 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 <a href="http://www.scag.ca.gov">www.scag.ca.gov</a> . 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 2, 2017. CARB has also concurred with the substitution in a letter dated May 17, 2017 from Richard Corey 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.