

Maryland's Long-Range Environmental Targets for Transportation Planning Regulation

Feedback From Stakeholders

Top Ten Misunderstood Issues

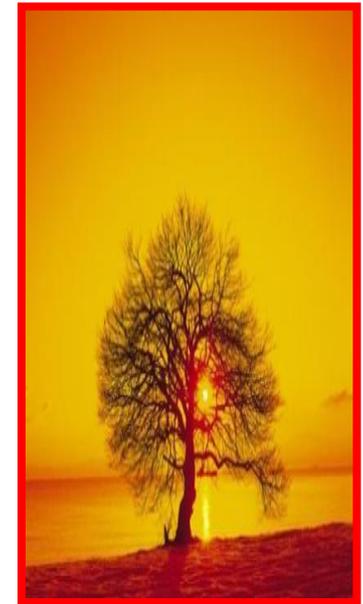


Tad Aburn, MDE – Stakeholder Call – February 21, 2013



Top Ten Misunderstood Issues

1. MDE's goal is to eliminate all cars??
2. Teeth or no teeth?
3. Lot's of new work for MPOs - or no new work?
4. The current conformity process – broken or not broken?
5. The regulation could be interpreted to imply that the MPOs are not providing their elected & unelected members with the information they should have and would want?
 - The regulation will push elected members of the MPO to ask hard questions?
6. The Maryland regulation may lead to adding CO2 to the federal CAA transportation conformity process?
7. The Maryland regulation tries to regulate Virginia and DC?
8. The regulation is inconsistent with EPA and FHWA requirements?
9. It's not clear why MDE needs to do this?
10. MDE is only kidding about an MPO-driven voluntary approach?





A Brief Refresher on How the Rule Works

- The regulation is part of three critical environmental efforts in Maryland
 - Reducing NO_x to meet the 75 ppb ozone standard by 2015 and to help reduce nitrogen deposition to the Bay
 - Mobile source NO_x emissions now dominate our local inventory ...and
 - Reducing mobile source CO₂ to help the State comply with the Greenhouse Gas Emission Reduction Act of 2009
- How the draft rule works
 - Simply adds more realistic air quality targets to the transportation conformity process
 - Also asks for each region to have a vision for how to close any gap that exists between projected emissions and levels needed to meet long-term environmental goals
- A simplified walk through - Using the Washington DC area as an example

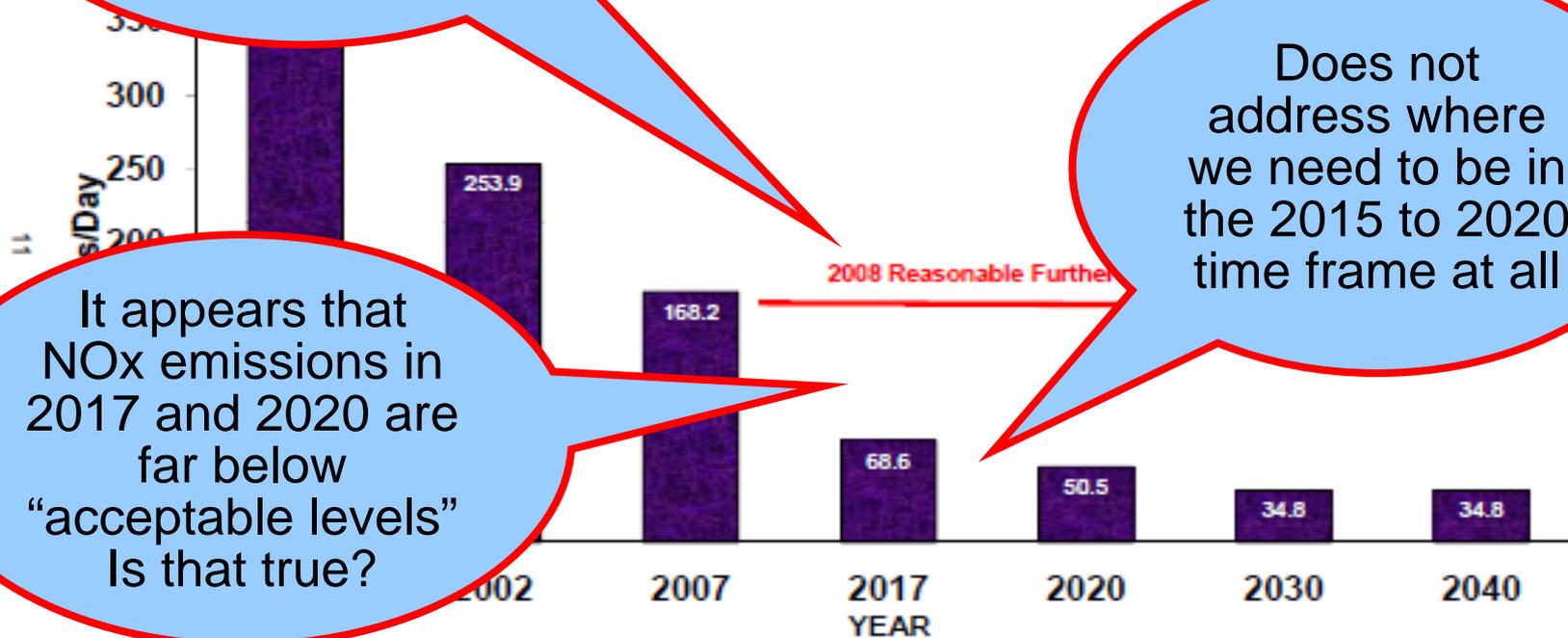


Current Conformity Summary

TDD Meeting – June 20, 2012

6/11/12

EXHIBIT 7 Source NOx Emissions for Ozone Nonattainment Area CLRP & FY2013-2018 TIP



This is a very old budget – does not in any way relate to the reductions needed for newer standards – like the 75 ppb ozone standard

Does not address where we need to be in the 2015 to 2020 time frame at all

It appears that NOx emissions in 2017 and 2020 are far below “acceptable levels”
Is that true?



What the MDE Regulation Will Do

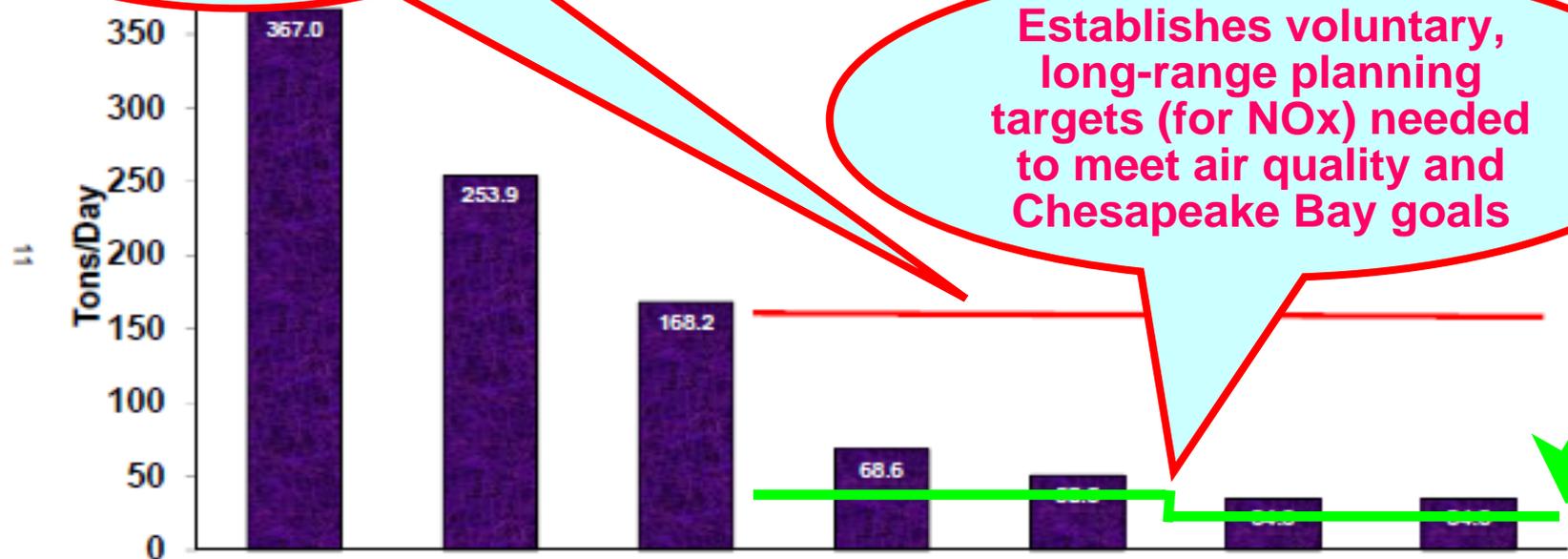
Adds Long-Range Planning Targets to the Process

6/11/12

EXHIBIT 7

Mobile Source NO_x Emissions
Hour Ozone Nonattainment Area
12 CLRP & FY2013-2018 TIP

Clarifies that this “Budget” line represents the minimum regulatory requirement



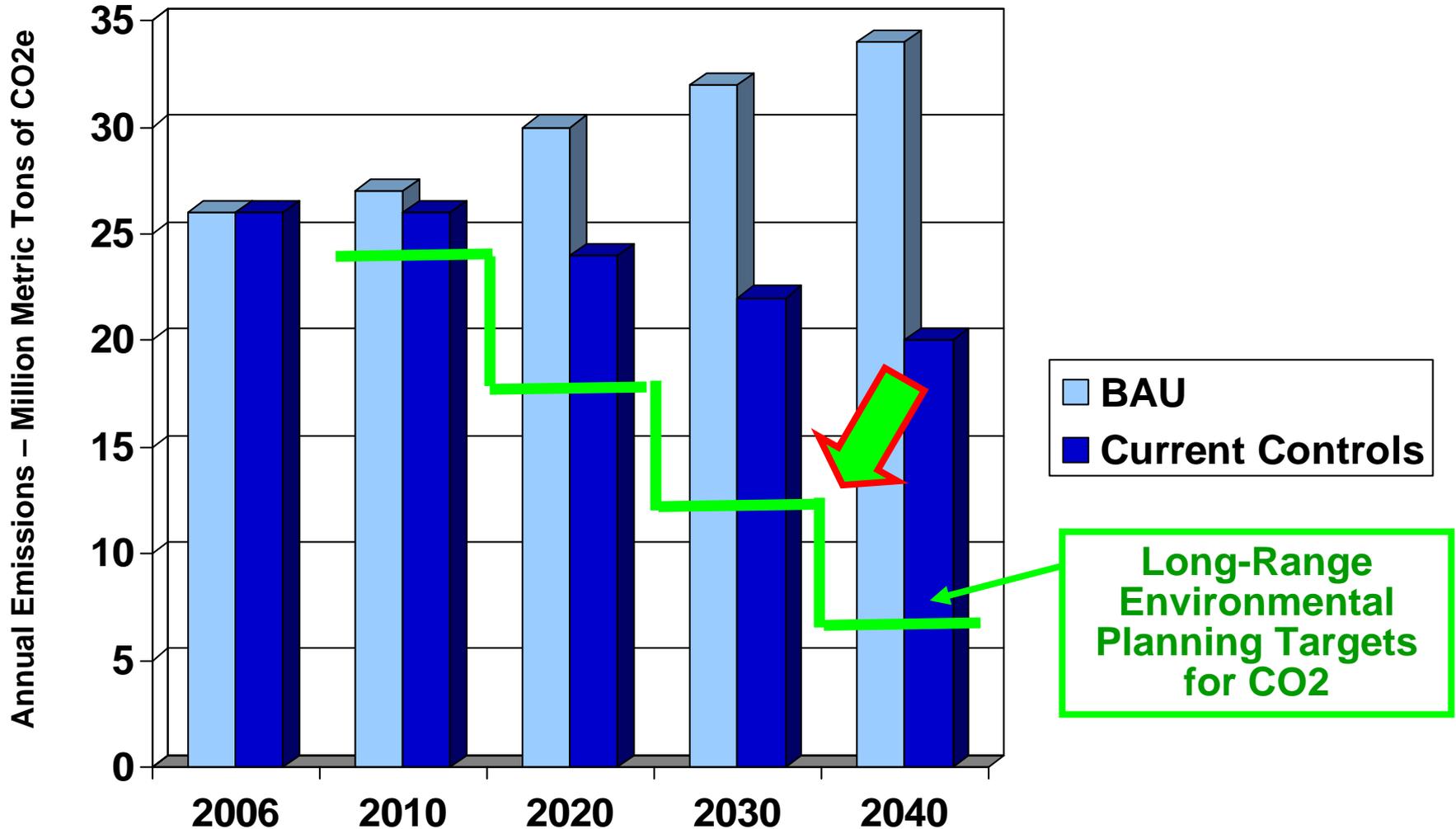
Establishes voluntary, long-range planning targets (for NO_x) needed to meet air quality and Chesapeake Bay goals

Presents Policy Makers with a Very Different Question ...
... Shouldn't We be Striving to Get Closer to the Green Line?



Adding GHG Emissions to the Process

... CO2 is not considered in conformity process at all - Would now be looked at as part of the MDE proposed regulation



* Adapted from TPB "What Will It Take" Analysis

MDE's Goal

- Some have joked that it is MDE's goal to take away individuals god given right to drive their car whenever and however they want
- This is not true
- Our goal is simple ...
 - To make sure that the policy makers are thinking about how their decisions on adding and funding new roads and other transportation projects impact long term environmental goals



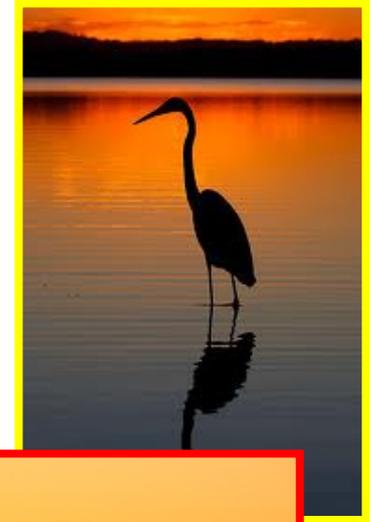
Teeth or no Teeth?

- The regulation does not force anyone to add any new programs or controls
- It does require MPOs to show how the new projects that they are adding to a transportation plan help or hinder efforts to meet long range environmental goals
- It also requires each region to think about – and write down – ideas they may have on how to close any gap between projected emissions and the levels that will be needed to meet future environmental goals
- That's it ...Sort of “gummy” teeth
- There are discussions of how to add a little more “umph” to the regulation
 - Later on agenda



New Workload for the MPOs?

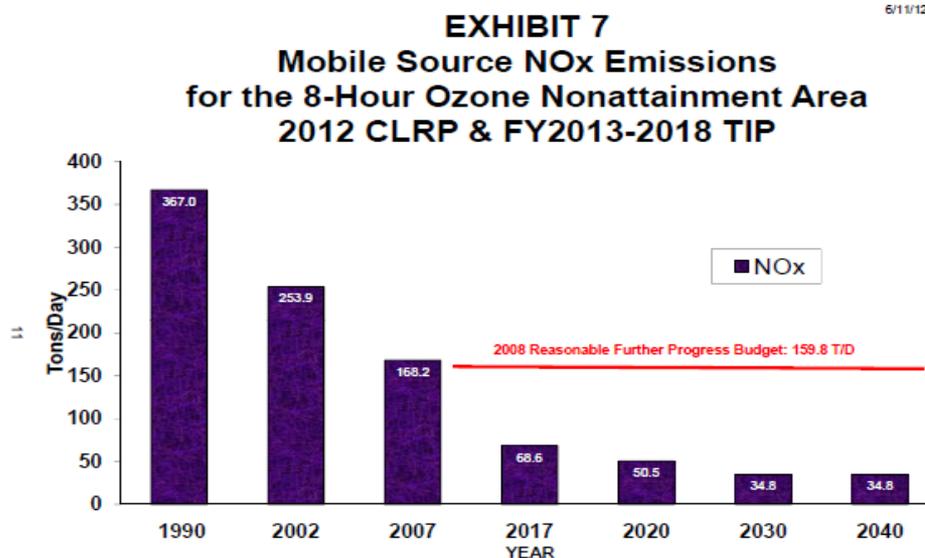
- The regulation requires very little new work from the MPOs
 - The NOx emission projections – that are already done to meet conformity – must be compared to the new NOx target
 - CO2 results must be shown – again, already done as CO2 will come out of the conformity runs that are already being done
 - That is unless someone decides to turn off the CO2 switch and hide the results
 - The progress report is qualitative
 - The sample progress report drafted by MDE as an example that took less than a week



The Current Conformity Process

... Broken or not Broken?

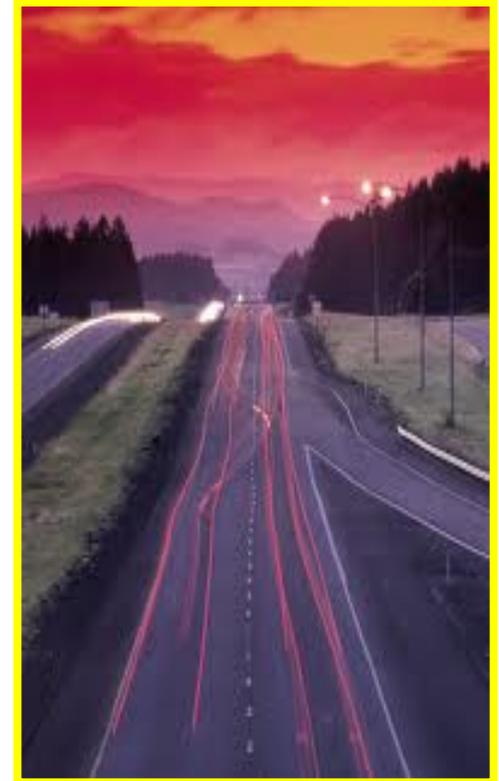
- Not broken .. But also not really as honest as it should be
 - Do the elected officials and the general public have any clue that the “budgets” being used are so outdated and inconsistent with current standards?
- MDE believes there is a real need to be more transparent and honest about what the real long term environmental targets need to be



This is a 2008 Budget for the 85 ppb standard that was replaced over 5 years ago

A Lack of Transparency?

- The regulation could be interpreted to imply that the MPO's are not providing their elected & unelected members with the information they should have and would want to have?
- Ditto from previous slide
- What do you think?
- Will the regulation result in the elected officials asking hard questions?
 - We hope so



Adding Greenhouse Gases/CO₂ ...

... to the federal transportation conformity process

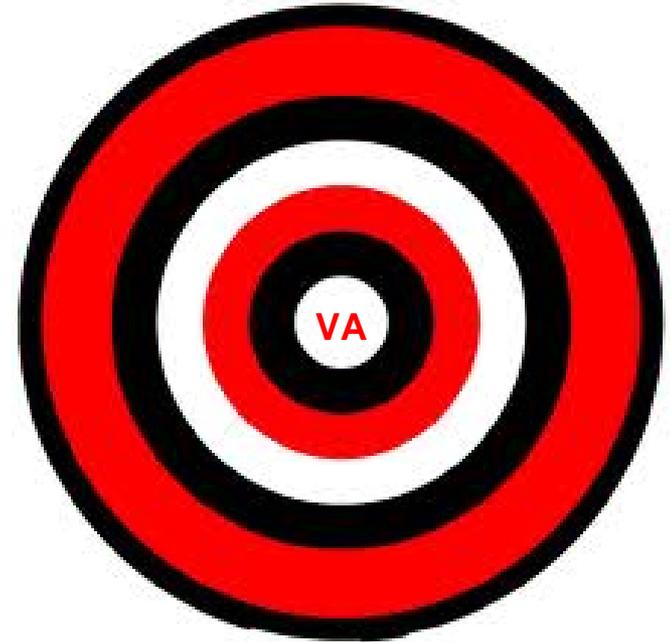
- Why not?
 - Would work better with a CO₂ “glide path” instead of a budget
 - But again, why not?
- Some of the comments on the MD regulation
 - The camels nose under the tent, opening Pandora’s box, a slippery slope, letting the Genie out of the bottle



The MD regulation tries to regulate VA

... also tries to regulate DC

- Of course we are ... only kidding
- The regulation is driven by the need to make sure that the transportation decisions – that involve Maryland Counties – and impact the air that the citizens of Maryland breathe – are considering the long term environmental needs of the State and the region
- Unfortunately, the air generally floats from the southwest to the northeast
 - From the Washington area to the Baltimore area



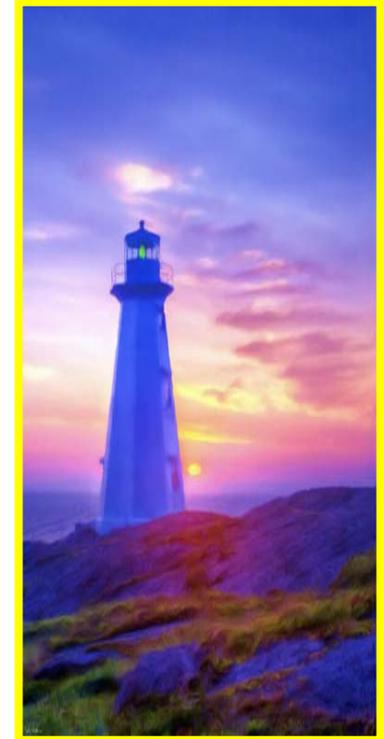
EPA and FHWA

- The regulation is inconsistent with EPA and FHWA requirements?
 - Not true
 - The regulation ...
 - Is linked to ...
 - but separate from ...
 - Is not inconsistent with ...
 - Is an improvement upon (at least from an air quality perspective) ...
 - The EPA and FHWA requirements and guidance
- MDE continues to work with both EPA and FHWA



What's the Environmental Need?

- Maryland records the highest ozone east of the Mississippi
 - NOx emissions are the #1 concern
- Maryland is the fourth most vulnerable state to sea-level rise
 - CO2 from mobile sources is a dominant emissions category contributing to global warming
- About one third of the Bay's nitrogen problem comes from the air
 - Again – NOx emissions from vehicles are the #1 air contributor
- Our research (we've presented this before) is very solid
 - The number one thing we need to do – locally – is to reduce mobile source NOx and CO2 emissions



Do We Really Need a Regulation ...

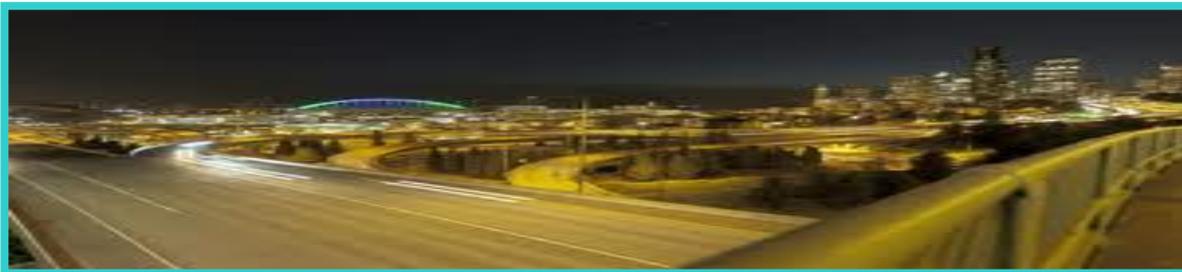
... or ... would a voluntary, MPO-initiated effort be enough?

- MDE has pushed for both MPOs to consider voluntarily implementing the transparency, honesty and smart planning concepts behind the regulation
 - No takers at this time
- With meaningful voluntary efforts initiated by the MPOs ... **MDE would most likely back away from the regulation**
- Not clear why the MPOs would not want to provide their elected and unelected members with better information on how decisions impact environmental goals over the next 10 to 20 years



It Was all Howard's Idea?

- Not true - but we'll be happy to give Howard ...
 - and the MPOs
 - and the TIP ...
 - and the CLRP ...
 - and the SIP
- All of the credit once the program is fully implemented



Process to Date

- Introduced as a briefing to AQCAC on May 14, 2012
 - Update for AQCAC September 2, 2012
 - Stakeholder input opportunity provided
- Three formal stakeholder meetings
 - June 1, 2012
 - July 20, 2012
 - December 18 and 20, 2012 (calls)
- Multiple 1-on-1 meetings or briefings
 - Metropolitan Planning Organizations
 - Individual Counties
 - Washington area air quality and climate change committees
 - Environmental groups
 - Other states and federal agencies
- Next step:
 - Stakeholder meeting in April 2013



Next Steps

- MDE and Attorney General's Office continue to analyze issues and draft changes to the proposed regulation
 - Additional comments or individual meetings welcome
- Will discuss three major potential changes later on today's call
- Working to schedule the next stakeholder meeting in April 2013
- Planning to bring the draft rule back to AQCAC ASAP
- Still pushing for formal adoption in the middle of 2013



Questions?

