

June 24, 2021

Peter Buttigieg, Secretary
Office of the Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Re: *Request for Information on Transportation Equity Data, Docket No. DOT-OST-2021-0056*

Dear Secretary Buttigieg:

The Northeast States for Coordinated Air Use Management (NESCAUM) offers the following comments in response to the request for information (RFI) issued by U.S. Department of Transportation (USDOT), 86 Fed. Reg. 28189 (May 25, 2021). The RFI solicits input regarding “available or potential data and assessment tools that could assist in the ongoing and continuous evaluation of Federal policies and programs concerning equitable services and safety in the transportation sector.”

NESCAUM is the regional association of air pollution control agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.¹ NESCAUM provides technical analysis and policy advice to its member states on a wide range of air pollution and climate issues and facilitates multi-state initiatives to accelerate transportation electrification.² A fundamental component of NESCAUM’s work is to assist its member states in implementing national environmental programs required under the Clean Air Act.

NESCAUM offers several recommendations in response to question 16 in the RFI, which provides:

Transportation plays a large role in localized pollution and negative environmental outcomes for those living near certain transportation routes and facilities. These negative environmental outcomes can have disproportionately high and adverse effects on underserved populations. How can the Department better analyze these effects, what are the data gaps, and what data sources can

¹ These comments reflect the views of NESCAUM as an organization. Individual member state views may differ from portions of these comments.

² See, e.g., *State Zero-Emission Vehicle Programs Memorandum of Understanding*, available at <https://www.nescaum.org/documents/zev-mou-10-governors-signed-20191120.pdf>; *Multi-State ZEV Action Plan*, available at <https://www.nescaum.org/documents/2018-zev-action-plan.pdf>; *Multi-State Medium- and Heavy-Duty Zero Emission Vehicle Memorandum of Understanding*, available at <https://www.nescaum.org/documents/multistate-truck-zev-governors-mou-20200714.pdf>.

help address this problem? For example, what data are needed to measure the impact of vehicle electrification on the shift from mobile-source emissions to point-source (*e.g.*, power plant) emissions on disadvantaged populations?

First, NESCAUM appreciates recent improvements to USDOT's Benefit-Cost Analysis Guidance for Discretionary Grant Programs, which in 2021 now includes escalating damage costs over time for air emissions cost accounting, including for greenhouse gases (GHGs) and particulate matter.³ USDOT should consider building on these improvements by requiring this sort of analysis for all federal transportation projects, and expanding to include upstream emissions and energy analyses. Further, USDOT should allocate funding to address local-scale air monitoring data gaps, ensure that modeled emissions reductions materialize, and to inform future planning. These elements will allow communities and governments to make more informed decisions with respect to local health and environmental impacts from transportation.

Second, USDOT should consider revising Congestion Mitigation and Air Quality Improvement (CMAQ) Program guidance to recommend procedures for project proposals to account for effects over time, including long-term changes in travel behavior and associated environmental impacts (*i.e.*, will projects deliver estimated emissions reductions over the project's lifetime?). Currently, the CMAQ Program guidance specifies that eligible projects need only "report projected emissions benefits expected to occur in the first year that a project is fully operational" and does not specify the extent of analysis required.⁴

Further, it is worth noting that many state environmental agencies have successfully utilized CMAQ funding for diesel emission reduction strategies in overburdened communities, including transportation electrification. However, the inter-agency authorization process is resource intensive and lengthy and could benefit from streamlining. Exploring ways to disburse CMAQ funding directly to the implementing agency could help to advance the administration's electrification and environmental justice goals.

Third, NESCAUM supports the continued emphasis on performance-based planning to ensure that electrification efforts do not disproportionately impact underserved communities, including frontline and environmental justice communities, and to redress the ongoing effects of historical planning decisions. Measurement and monitoring already form essential components of the American transportation planning apparatus: the Moving Ahead for Progress in the 21st Century Act (MAP-21) required states to monitor the performance of the transportation system and established a Transportation Performance Management (TPM) Office to help states set and track system quality targets and evaluate investments. NESCAUM supports enhancements to the TPM measures, such as placing a greater emphasis on environmental and public health impacts, including upstream emissions and environmental justice.

³ "Benefit-Cost Analysis Guidance for Discretionary Grant Programs." Office of the Secretary, U.S. Department of Transportation, February 2021.

⁴ "CMAQ Interim Program Guidance." U.S. Department of Transportation Federal Highway Administration, November 2013, Section C(3).

Chief among these enhancements, USDOT should use performance management as a mechanism for ensuring that entities receiving federal transportation funding will direct that funding towards projects with equitable outcomes. USDOT uses performance management to evaluate transportation planning processes, principally the State Transportation Improvement Plans (STIPs) produced by state departments of transportations (DOTs) and metropolitan planning organizations (MPOs). The STIPs represent the states' most important transportation projects, and the Federal Highway Administration and Federal Transit Administration certify the plans. NESCAUM encourages USDOT to work with state DOTs and MPOs to ensure the equitable distribution of the benefits and impacts of transportation projects with respect to underserved communities. For instance, equity plans could be required, certified as a part of the STIP process, and include project evaluation/prioritization criteria.

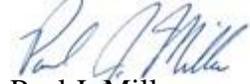
Transportation planning agencies including DOTs and MPOs have experience with travel and emissions models, which they already use at a planning level to locate areas where emission impacts from transportation projects will occur and may be disproportionate. These model-based efforts would complement community air monitoring programs overseen by environmental agencies and should be used together for constructive involvement identifying community needs. USDOT should provide guidance and training to state and local transportation agencies on how to work cooperatively with state environmental agencies to meaningfully engage with underserved communities on an ongoing basis. This includes but should extend beyond the planning and implementation stages of transportation projects. For example, DOTs, environment agencies, community-based organizations, and residents can partner to coordinate community air quality monitoring programs with the transportation planning process to achieve widespread and continuous neighborhood-level analyses and use the results to inform continued community engagement, visioning, and future planning.

Finally, as observed in question 16, widespread transportation electrification may shift some emissions from mobile sources to stationary sources like power plants. However, these shifts will vary depending on several inter-related variables, including the extent to which the electrical grid and vehicles produce emissions. These will vary from state to state and region to region. USDOT should ensure that transportation planning analyses consider impacts for each of these components using a "well-to-wheels" approach.⁵ While many states, including NESCAUM's member states, have made significant progress in decarbonizing the electricity sector and have adopted aggressive economy-wide and sector-specific GHG reduction goals, localized air quality monitoring in communities near these sources will be important to evaluate the air quality impacts of transportation electrification in these communities.

⁵ See, e.g., Minjares, R., J. Houk, and J. Huang. "Benefits of Adopting California Medium- and Heavy-Duty Vehicle Regulations in New York State." International Council on Clean Transportation, May 27, 2021. Available at <https://theicct.org/publications/nys-hdv-regulation-benefits-may2021>.

Thank you for the opportunity to respond to USDOT's RFI regarding data and assessment tools to measure transportation equity. NESCAUM appreciates USDOT's commitment, as reflected in the RFI, to ensuring the equitable distribution of benefits and impacts from transportation projects, particularly for underserved communities. USDOT is positioned to facilitate better cooperation among federal, state, and local agencies and community-based organizations working toward the shared goal of providing equitable access to clean, convenient, safe, and affordable transportation options.

Sincerely,



Paul J. Miller
Executive Director

Cc: NESCAUM Directors
Lynne Hamjian and Cynthia Greene, EPA R1
Richard Ruvo, EPA R2