

California Performance Action Plan

Area	CMAQ Weighting Factors (Rule 34)	Estimated NPRM Date:	April 25, 2014
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Coordination Team:

Planning, Programming, Local Assistance	Members (all agencies)CMAQ recipients + RCTF rep.
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Key Issues and Concerns

- Ozone and carbon monoxide (CO) weighting factors already exist under SAFETEA-LU and Caltrans uses these weighting factors to sub-allocate CMAQ apportionment. It is unclear if the FHWA is proposing to issue a new weighting factor for just PM2.5 or revise weighting factors for ozone and CO as well, for apportionment purposes. However, the Interim CMAQ Guidance states, “the FHWA is proposing to issue a weighting factor for PM2.5 through rulemaking and public comment process.” (Interim CMAQ Guidance Page 7) This statement seems to imply that the FHWA will only issue a new weighting factor for PM2.5, which currently does not exist under MAP-21 or under any previous Federal transportation legislation.
- The Interim CMAQ Guidance states, “**except** for the PM2.5 set-aside, a State is under no statutory obligation to allocate CMAQ funds in the same manner they have been apportioned at the Federal level.” (Interim CMAQ Guidance Page 9). Neither MAP-21 nor previous Federal transportation legislation (such as SAFETEA-LU) require use of any particular sub-allocation weighting factor within states. This flexibility may be affected if through rulemaking the FHWA requires sub-allocation of the PM2.5 set-aside based on a prescribed federal formula. Consequently, the way California currently sub-allocates CMAQ apportionment may change. Any change in apportionment distribution may affect a multi-year CMAQ program currently programmed in the FTIP and FSTIP.
- Currently, the Division of Local Assistance tracks the obligation of PM2.5 set-aside on a statewide level. It is unclear if the CMAQ Weighting Factors rulemaking will require tracking of obligation by specific area of the State that is non-attainment or maintenance for PM2.5. Consequently, this may affect MPO’s/RTPA’s project selection criteria and may require Caltrans to perform more detailed tracking of PM2.5 projects by specific area boundary, rather than statewide.
- Because many projects reduce multiple pollutants, it is unclear if a reduction of some level of PM2.5 or its precursors counts towards meeting the applicable PM2.5 set-aside. The Interim CMAQ Guidance uses the language “targeting,” which implies that to be counted towards the PM2.5 set-aside requirement; it must be primarily geared toward reducing PM2.5 emissions. If this language does not change, MPOs and RTPAs in PM2.5 areas may lose some flexibility in CMAQ project selection.

Next Steps and Strategies to Move Forward

- Convene a CMAQ working group to determine if the NPRM affects California’s current CMAQ apportionment and/or obligation business process.
- Develop CMAQ sub-allocation methodologies comparing current versus the new CMAQ weighting factors (if

apportionments are affected).

- Coordinate and prepare written comments.

Action Items/Schedule

Item	Action Item Description	Lead Person	Complete by
1.	Identify internal staff and external team members to comment on the NPRM.	Lima Huy	April 11, 2014
2.	Develop a schedule for responding to the CMAQ Weighting Factors NPRM.	Marilee Mortenson	April 11, 2014
3.	Develop Communication Plan Phone conference with impacted agencies (team)	Lima Huy	April 18, 2014
4.	Place item on statewide conformity working group agenda	Marilee Mortenson	March meeting

List of participants

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