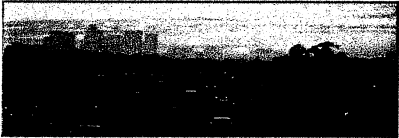



Department of the Environment
Changes to the Proposed MDE Long-Range Transportation Planning Target Regulation

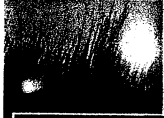
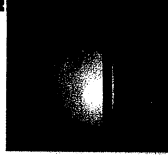




Stakeholder Meeting #2
July 20, 2012






Topics Covered


- Thanks for the comments
- Basic Changes
 - Separate, but linked, to transportation conformity requirements
 - Progress Report – Qualitative – not quantitative
 - Voluntary, aspirational "What Will It Take" analysis added
 - Issues on setting LRPTs
 - No penalty for failure to meet target
- Major issue still under development
 - Interstate compliance issues

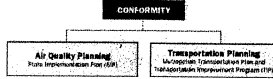
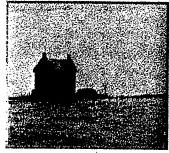


Nature of Regulation Changes


- The revised proposed regulation represents a major re-work of the proposal to address numerous comments from stakeholders
 - General and specific changes
- Not working from a "redline" or "track changes" version of the previous proposed regulation
- Easier if treated as an entirely new draft regulation







Separate-But-Linked Issue

- Many comments on the need to clearly separate this "State" requirement from the Maryland regulations implementing federal transportation conformity requirements
 - Both MPOs, DOTs, other stakeholders
- New regulation now placed in a totally separate chapter of COMAR – 26.11.37
 - No longer in COMAR 26.11.26 – the transportation conformity requirements








Separate But Linked Language
... now in the revised draft regulation
Title 26 DEPARTMENT OF THE ENVIRONMENT
Subtitle 11 AIR QUALITY
Chapter 37 Long Range Transportation Planning Targets
Authority: Environment Article, §§1-101, 1-404, 2-101–2-103, 3-301–3-303, 10-102, and 10-103, Annotated Code of Maryland
.06 Consultation. The consultation procedures of this Chapter are the same consultation procedures required under COMAR 26.11.26.
.07 Public Process and Outreach.
A. The public process and outreach requirement in this Chapter is subject to the same public process and outreach procedures contained in COMAR 26.11.26.
B. This requirement includes program communication with elected and other officials that are directly or indirectly involved in the MPO.
C. The most recent progress report on longrange environmental planning and, if available, the most recent "What Will It Take" analysis, must be included in Maryland's consolidated transportation program (CTP) annual tour where initial discussions are initiated regarding what new projects should be considered for inclusion in upcoming STIP or CLIP amendments.
D. The report and findings under §C of this regulation shall be included prominently in any reports, briefings or other materials developed to support the annual CTP tour.
E. In the case of multi-jurisdictional MPOs, the progress report shall be distributed to Maryland members.





Workload Issues

- Many comments on the workload associated with analyzing and modeling new programs considered in the Progress Report
 - Both MPOs, other stakeholders
- New regulation now clarifies that the Progress report is qualitative only
 - No additional analyses (other than those already required to comply with transportation conformity requirements) mandated
 - Sample Progress report to be discussed later today
- Does add an opportunity for each MPO to conduct an aspirational, voluntary "What Will It Take" analysis to support the Progress Report

No Tech Analysis Required Language
... now in the revised draft regulation

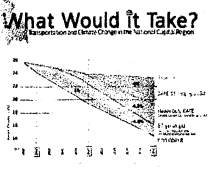


.01. Requirements.
A. Progress Reports on Long-range Environmental Goals.
 (1) Each MPO subject to this requirement shall prepare and submit a progress report on long-range environmental goals to the Department whenever a conformity analysis is required under COMAR 26.11.26.
 (2) The progress report requirement is independent of but associated with the conformity analysis required under COMAR 26.11.26.
 (3) The progress report shall:
 (a) be a 3 – 10 page qualitative report appended to the conformity analysis;
 (b) be based upon the same emissions projections required to comply with 40 CFR 93 Subpart A; and
 (c) show how the MPO's projected emissions compare to the long-range transportation planning targets.
 (4) To the extent that the emission projections exceed the long-range transportation planning targets, the MPO must describe the potential new programs being considered at the local, state or federal level that could close the gap between the projected future emissions and the LRPTs.
 (5) The progress report does not require that the quantitative benefits from these new measures be calculated.



Allow For a Voluntary, Aspirational Analysis


- Comment from TPB on allowing for a voluntary, aspirational technical analysis if desired by MPO
- TPB has already begun a “What Will It Take” process to begin analyzing options to further reduce GHG emissions
- Draft regulation now allows for a voluntary, aspirational “What Will It Take Analysis”

What Would It Take?



“What Will It Take” Language
... now in the revised draft regulation

.03. Requirements.
B. What Will It Take Analysis.
 (1) Each MPO subject to this requirement may prepare and submit a “What will it take analysis” to the Department to support any progress report on long-range environmental goals required by this Chapter.
 (2) MPOs may determine the frequency of any analysis conducted under this section, based upon regional priorities and the availability of funding, but an annual analysis is recommended.




Include Progress Report in the “Tour”

- Several comments (environmental groups, MDE staff) on making sure that any available Progress Reports are discussed as part of Maryland's annual transportation tour
- The annual tour is where discussions begin on what projects to add to next TIP or CLR
- Draft regulation now requires that latest available Progress Report be included and discussed during the tour




Annual Transportation Tour Language
... now in the revised draft regulation

.01 Definitions.
A. In this chapter, the following terms have the meanings indicated.
B. Terms defined.
 (1) “Consolidated transportation program (CTP) annual tour” means the annual visit by the Department of Transportation to each county and Baltimore City to present and to receive comments on the pending program before the final document is presented to the General Assembly.
.07 Public Process and Outreach.
C. The most recent progress report on long-range environmental planning and, if available, the most recent “What will it take analysis” must be included in Maryland’s consolidated transportation program (CTP) annual tour where initial discussions are initiated regarding what new projects should be considered for inclusion in upcoming STIP or CLRP amendments.
D. The report and analysis under 5C of this regulation shall be included prominently in any reports, briefings or other materials developed to support the annual CTP tour.




Clarifying Language on Penalties

- Several comments on the need to clarify what happens if a Progress Report shows that future projected emissions will be above LRPTs
- MPOs, DOTs, other stakeholders
- New regulation makes it clear that there is no penalty if emissions are projected to exceed LRPTs

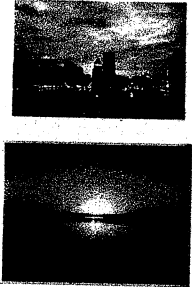

Revised Penalty Language
... now in the revised draft regulation

08 Penalties.
 A. There is no penalty if the progress report on long-range environmental goals shows that future projected emissions are expected to exceed the long-range transportation planning targets.
 B. Failure to submit a progress report that meets the requirements of Regulation 03 of this Chapter will be handled in a manner consistent with existing enforcement procedures for other reporting violations found in Title 1 of the Environment Article, Annotated Code of Maryland, or as may be provided in the regulations of any multi-jurisdictional MPO.



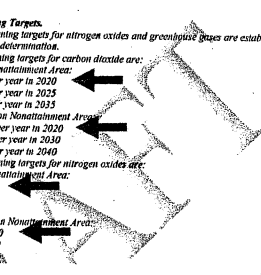

Establish a LRPT for the 2020 Timeframe

- Comment from Environmental community on also including an earlier LRPT for the 2020 timeframe
- Revised regulation now includes new CO2 LRPTs for Baltimore and Washington in the 2015 to 2020 timeframe

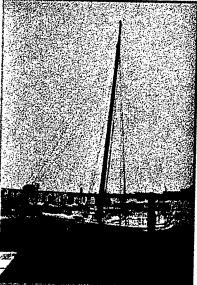



LRPTs for the 2020 Timeframe
... now in the revised draft regulation


05 Long Range Transportation Planning Targets.
 A. The long-range transportation planning targets for nitrogen oxides and greenhouse gases are established for the last three horizon years of the conformity determination.
 B. The long range transportation planning targets for carbon dioxide are:
 (1) for the Baltimore Region Nonattainment Area:
 (a) 9.5 million metric tons per year in 2020
 (b) 8.1 million metric tons per year in 2025
 (c) 5.4 million metric tons per year in 2035
 (2) for the Washington DC Region Nonattainment Area:
 (a) 17.2 million metric tons per year in 2020
 (b) 12.3 million metric tons per year in 2025
 (c) 7.3 million metric tons per year in 2040
 C. The long range transportation planning targets for nitrogen oxides are:
 (1) for the Baltimore Region Nonattainment Area:
 (a) 40.5 tons per day in 2015
 (b) 17.9 tons per day in 2025
 (c) 16.1 tons per day in 2035
 (2) for the Washington DC Region Nonattainment Area:
 (a) 45.45 tons per day in 2020
 (b) 31.32 tons per day in 2030
 (c) 31.32 tons per day in 2040

How to Set LRPTs?

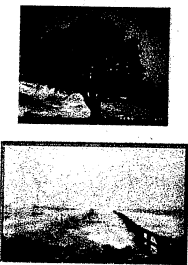



- Several comments on the need for more discussion on setting long range planning targets
- MPOs, DOTs, others
- Draft regulation – at this time - does not change methodology for targets
 - Anxious to hear other ideas on target setting and will consider changes
- Let's talk



Current Projects in the Progress Report

- Several comments on the need to integrate current projects, programs and planning activities into the Progress Report
- MPOs, DOTs
- Current programs and planning activities that affect future years can be included in the Progress Report
- To be discussed later when hypothetical progress report is reviewed

Impacts on Areas Outside of Maryland

- Many comments on this issue
 - MPOs, VA, DC
- Still working to resolve language in proposed regulation
- Would be anxious to receive comment on specific language to insert

