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September 26, 2019

Hon. Andrew R. Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Wheeler,

The transportation conformity process put in place almost 30 years ago is broken. Its technical and procedural shortcomings are a direct impediment to President Trump's push to upgrade the U.S. infrastructure network.

The recent developments between the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board are symptoms of a much bigger disease that needs to be cured once and for all.

Federal highway funding is an essential part of every state's efforts to deliver transportation projects which reduce congestion and improve the nation's air quality. Indeed, the EPA recently pointed out that the six pollutants monitored by the federal Clean Air Act have dropped by 74 percent since 1970.

Transportation conformity has become a top-heavy bureaucratic exercise that puts more emphasis on administrative details than on real-world outcomes. The fact that needed highway funds hang in the balance of this dubious process should be a concern for all states.

These problems are often amplified, as in the case of California, by transportation plans and the state implementation plans (SIPs) with which they are intended to conform being out of sync. As an example, a conformity lapse can be triggered by vehicular emissions forecast differences between transportation and air quality plans—regardless if there has been an actual change in conditions.

ARTBA has been clear in its communications with your agency and elected officials that a holistic reform of this process is needed rather than a piecemeal approach that penalizes individual states by withholding highway funds that could support air quality improving congestion relief projects. Until such reform can occur, we urge you to separate—by regulation or practice—needed federal highway infrastructure improvement efforts from state work to comply with federal air quality standards.

Sincerely,

David Bauer  
President & CEO