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Public Transportation
Association**

October 13, 2022

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Paul P. Skoutelas

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Docket number FHWA-2021-0004

Dear Docket Clerk:

The American Public Transportation Association (APTA) represents an \$80 billion industry that directly employs 450,000 people and supports millions of private-sector jobs. I write to provide comments on the Federal Highway Administration's (FHWA) Notice of Proposed Rulemaking regarding National Performance Management Measures; Assessing Performance of the National Highway System, Greenhouse Gas Emissions Measure published in the *Federal Register* on July 15, 2022, at 87 FR 42401.

General Comments

APTA strongly supports FHWA's steps to add greenhouse gas (GHG) emissions reduction to the set of performance-based planning and programming measures for federal highway programs that metropolitan planning organizations (MPOs) and State Departments of Transportation (state DOTs) must measure and report upon biennially. Under the proposed rule, MPOs and state DOTs will establish declining carbon dioxide (CO₂) targets to reduce CO₂ emissions generated by on-road mobile sources that align with the Administration's net-zero target in 2050. These changes will highlight the need to consider the climate change effects of transportation projects.

APTA supports the formulation of performance measures for assessing the performance of the national highway system regarding GHG emissions. It is a target-setting process similar to the other target-setting processes that are currently in place. The proposed rule will help meet air quality and environmental goals embraced by the public transit community and supports smarter land use and public transportation and other sustainable transportation policies.

1300 I Street NW
Suite 1200 East
Washington, DC 20005
p: (202) 496-4800
f: (202) 496-4324

APTA.COM

Across the nation, there is significant diversity of density, land use, job and population growth, and mobility patterns. Therefore, states and regions need to monitor both total and per-capita GHG emissions. At the same time, it is important that FHWA provide significant flexibility to state DOTs and MPOs to establish targets that are appropriate for their communities and address their unique climate change and other policy priorities.

Performance Measures

APTA recommends using vehicle miles traveled (VMT) as an additional factor as a way to assess overall impact. The VMT metric could be adjusted region-to-region on the basis of population growth.

As the nation transitions to more fuel-efficient vehicles and electric buses, it is important to measure GHG emissions reductions broadly. Therefore, in place of, or in addition to, fuel sales, APTA recommends using vehicle miles traveled (VMT) based on population growth as a way to assess overall impact.

Reducing VMT is necessary and essential to reducing climate change. In August 2022, the Los Angeles County Metropolitan Transportation Authority (LACMTA) issued a climate emissions analysis illustrating how proposed highway projects in Los Angeles County will negate the benefits of other initiatives designed to reduce greenhouse gas emissions.¹ The Rocky Mountain Institute conducted an analysis that indicated that the United States must reduce VMT by 20 percent before the end of the decade to limit warming to 1.5 degrees Celsius even with the most aggressive electric vehicle adoption scenario.²

VMT is also directly dependent on land use and can account for vehicle types and fleet mixes. Most urbanized area MPOs and states have VMT data. APTA also recommends measuring people throughput or passenger miles traveled to compare the single-occupancy vehicle (SOV) to multiple-occupant vehicles, such as a bus, van, or train. These types of measures could also be calibrated to address the Administration's Justice40 Initiative. Access provided through public transportation provides an equitable mobility solution for many people. It is hard to address equity with highways.

While fuel sales can help gauge conversion to clean fuels, using fuel sales as a measure presents several issues. It does not appropriately consider place of fuel purchase; vehicle types; fleet mix; and hybrid and electric or fuel-cell vehicles. Land use, induced demand, and trips are not factored into the fuel sales metric. Moreover, fuel sales data are collected on a statewide basis; very few areas have data on countywide fuel sales.

In addition, it is important to note that states leading the way in addressing climate change have already developed GHG emissions performance measures. In developing a final set of FHWA performance measures, APTA recommends that FHWA ensure that its measures do not conflict with state or regional data, models, and methodologies that are already used by state DOTs and MPOs to measure GHG emissions for purposes of air quality conformity modeling or state-

¹ LACMTA, Climate Emissions Analysis: Metro's Indirect Impact on Greenhouse Gases, August 2022.

² Rocky Mountain Institute, Our Driving Habits Must Be Part of the Climate Conversation, August 24, 2022.

mandated GHG performance measures. The FHWA measures should not conflict with, delay, or hamper these states' leading efforts to address climate change.

Timeline

In the proposed rule, FHWA proposes that states submit GHG emission reduction targets by October 1, 2022. Depending on FHWA's date of issuance of a final rule, APTA recommends a reporting date of October 1, 2023, or 2024. It is important to allow sufficient time for state DOTs and MPOs to assess the final rule and set appropriate targets. In addition, MPOs are typically provided 180 days after state DOTs issue targets to decide whether they want to adopt the state DOT's target or develop their own.

Target Years

For the proposed measure, FHWA proposes that State DOTs establish two- and four-year targets. MPOs would be required to establish four-year targets for their metropolitan planning area. APTA recommends that the final rule not include a two-year target because it is difficult to take meaningful steps and assess their impact within such a short timeframe. Therefore, we recommend the final rule include only four-year emission reduction targets. Ultimately, the goal should be significant GHG emissions reductions over an eight-year or longer target period (e.g., 20-year period).

Baseline and Reference Years

Under the proposed rule, FHWA proposes using the calendar year (CY) 2021 as the reference year to be used in calculating the GHG measure. APTA is concerned with the proposed CY 2021 reference year because the earliest year that agencies could get normalized data for CY 2021 would be 2023 or 2024. APTA proposes using CY 2019 as the reference year because the available data would capture pre-pandemic GHG emission levels.

Incentives

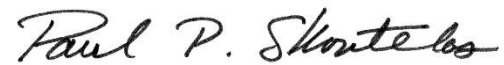
Currently, in the proposed rule, there is no incentive for agencies to meet their targets. APTA recommends that the U.S. Department of Transportation consider providing additional points in the evaluation of competitive grants for projects that contribute to meeting GHG emission reduction targets.

Guidance

Finally, APTA recommends that FHWA provide guidance on the target-setting process and performance metrics because some states have strong databases while others do not.

APTA appreciates the opportunity to comment on this request for comments. If there are any questions regarding this letter, please contact APTA's General Counsel, Linda Ford, at lford@apta.com.

Sincerely,

A handwritten signature in black ink that reads "Paul P. Skoutelas". The signature is written in a cursive, flowing style.

Paul P. Skoutelas
APTA President and CEO