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August 22, 2019

The Honorable Elaine Chao, Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

The Honorable Andrew Wheeler
Office of the Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Mail code: 1101A

Re: Safer Affordable Fuel-Efficient Vehicles Rule Proposal
Docket Nos. NHTSA-2018-0067; EPA-HQ-OAR-2018-0283

Dear Secretary Chao and Administrator Wheeler:

The Stanislaus Council of Governments (StanCOG) is writing to express its strong opposition to the Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks (the SAFE Vehicles Rule), a Proposed Rule by the National Highway Traffic Safety Administration and the Environmental Protection Agency in the Federal Register (Vol. 83, No. 165) on August 24, 2018.

StanCOG is the federally-designated Metropolitan Planning Organization (MPO), the state-designated Regional Transportation Planning Agency (RTPA), and the Local Transportation Authority (LTA) for Stanislaus County and its incorporated cities in the heart of California's Central Valley. StanCOG is responsible for developing and updating regional transportation plans, allocating federal, state, and local funds for local transportation projects, completing air-quality conformity determinations to demonstrate the conformity of transportation plans, programs and projects, and achieving state greenhouse gas (GHG) emission reduction targets.

The SAFE Vehicles Rule will drastically roll back federal light-duty GHG emission standards, adopted in 2012, for Model Years 2021 through 2025. This new regulation will also revoke an EPA-approved waiver of federal preemption of motor vehicle standards in California. This will drastically upend years' worth of transportation planning efforts and progress, and it represents both an unprecedented abrogation of state authority and a potentially devastating removal of measures meant to protect California's most vulnerable populations.



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The rule, if approved and finalized as proposed, will nullify the California air quality emissions model (EMFAC2014) that validates each region's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and is used to conduct air quality conformity analyses. As a non-attainment MPO, StanCOG would be required to wait for a new federally-approved model before a new transportation conformity determination could be completed. Partners with the California Association of Councils of Governments and the California Air Resources Board estimate that it would take a minimum of three years to update and obtain approval of the air quality emissions model.

The EPA's waiver of federal preemption of the Clean Air Act is a foundational assumption upon which StanCOG's long-range transportation plan (Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)) rests. The SCS is a state-mandated element of our long-range transportation plan that identifies investments that meet State GHG reduction targets. The SAFE Vehicles Rule's reduction of Corporate Average Fuel Economy (CAFE) standards and elimination of California's zero-emission vehicle (ZEV) mandate could impact our ability to demonstrate that the SCS, if implemented, would meet the per capita GHG emissions reduction targets adopted by the California Air Resources Board, and would result in a failure to adopt the RTP/SCS. This would restrict the eligibility of local agencies to pursue competitive state funds available through programs created by California Senate Bill 1 (SB1), including the Solutions for Congested Corridors Program¹ and the Local Partnership Program.²

Likewise, regions are required to demonstrate progress toward air quality standards identified in State Implementation Plans (SIPs) per the Clean Air Act.³ StanCOG has met the requirements of the SIPs with local, regional, and interregional investments, including efforts led by the San Joaquin Valley Air Pollution Control District, that relied on strong CAFE standards. Relaxing those standards will make it substantially more difficult to meet the SIP budgets, and a failure to meet those budgets results in a conformity failure for the entire region, freezing the flow of federal funds to the region until conformity can be demonstrated.

A freeze on the flow of state and/or federal funding would have catastrophic consequences on the delivery of Stanislaus County's numerous transportation projects, many of which benefit low-income communities, promote safety, and enhance mobility for all ages. Over \$2 billion in planned transportation-related projects are at risk throughout Stanislaus County, including new or improved bicycle and pedestrian facilities, safety improvements, and transit projects.

¹ Government Code 2393

² 2018 Local Partnership Guidelines, Adopted Oct. 18, 2017, revised June 27, 2018.

³ Section 176(c)



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According to a statewide public health assessment,⁴ more than 13 percent of Stanislaus County's residents suffer from asthma, which is well above the statewide average of 8.7 percent.

Additionally, in an agricultural community that produced more than \$3.6 billion in commodities in 2017 alone,⁵ increased GHG emissions and higher projected temperatures put more than 21,000 outdoor workers at an increased risk of suffering heat-related illnesses.⁶ These same workers often labor on farms and vineyards near major roadways and are subject to the many pollutants emitted by gas-powered vehicles, which are known to exacerbate asthma, impair lung function, and increase cardiovascular mortality.⁷

The mandate to increase ZEVs, improve fuel efficiency, and lower emissions on all vehicles were policies crafted to improve air quality, protect public health and address climate change. The revocation of that mandate will, by the EPA's own analysis, increase tailpipe CO₂ emissions nationwide by 713 million metric tons (MMT) by 2029,⁸ in stark contrast to existing CAFE standards that would have reduced such emissions by 540 MMT.⁹ Simply put, vulnerable populations and the environment will be harmed by the effects of this rule.

As proposed, the rule undermines decades of transportation and air quality planning, threatens billions of dollars of investments, and unduly harms public health, the environment and the economy. For these reasons stated above, StanCOG strongly encourages the U.S. Department of Transportation and the U.S. Environmental Protection Agency to withdraw the proposed SAFE Vehicles Rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Elisabeth Hahn", is written over a light blue horizontal line.

Elisabeth Hahn
Deputy Director of Planning and Programming
Stanislaus Council of Governments

⁴ California Department of Public Health, Environmental Health Investigations Branch: [County Asthma Data Tool](#)

⁵ [Stanislaus County 2017 Agricultural Report](#)

⁶ [Climate Change and Health Profile Report – Stanislaus County. Prepared by the California Department of Public Health and University of California - Davis](#)

⁷ Ann E. Carlson Shirley Shapiro Professor of Environmental Law, UCLA School of Law 65 UCLA L. Rev. 1036 (2018)

⁸ 83 Fed. Reg. at 43, 329

⁹ Id.