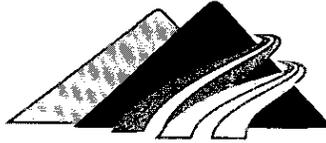


San Joaquin Hills
Corridor Agency

Chairwoman:
Carmen Vall-Cave
Aliso Viejo



TRANSPORTATION CORRIDOR AGENCIES

Foothill/Eastern
Corridor Agency

Chairman:
Jim Thor
Rancho Santa Margarita

December 14, 2006

Dr. Joe Cassmassi
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178

Subject: Comments on Draft 2007 Air Quality Management Plan

Dear Dr. Cassmassi:

The Transportation Corridor Agencies is the joint powers agency responsible for designing, building, and operating Orange County's San Joaquin Hills, Eastern and Foothill Transportation Corridor toll roads. We submit the following comments and recommendations on proposed control measures and programs in Appendices IV-A and IV-C that would impact our transportation projects. Further, we request that our recommendations be incorporated into the Final Draft AQMP, to be released in January 2007.

Appendix IV-C, A-6, 2007 AQMP TCM Projects.

The San Joaquin Hills, Eastern, Foothill North, and Foothill South Transportation Corridors are all properly listed as Transportation Control Measures, High Occupancy Toll Lanes and Pricing Alternatives. However, the completion dates listed in the far right column are not clearly related to the project descriptions, which consist of two phases.

Recommendation: To avoid confusion, we recommend that the RTIP completion date reflect project phasing. We request that the first phase completion date for the San Joaquin Hills, Eastern, Foothill North, and Foothill South projects be listed as 2010. The second phase completion date for each toll road should be listed as 2015.

Appendix IV-A, p. 26, FUG-O3, Emission Reductions from Cutback Asphalts.

This proposed control measure would lead to manufacture of lower-emitting asphalts for road construction. The measure also calls for complete or partial substitution of emulsified asphalts for cutback asphalts. Finally, the measure proposes limitations or prohibitions on the use of cutback asphalts during smog season, allowing their use only in cooler weather.

TCA uses asphalts for construction of the toll roads. Prohibitions on the use of asphalt that would delay construction activities could impose safety risks and reduce toll road performance.

Recommendation: Asphalt reformulation will not conflict with TCA's responsibility to construct and operate toll road Transportation Control Measures, provided that the resulting asphalt is readily available, cost-effective, and provides comparable durability. However, we urge the District to eliminate from further consideration seasonal controls

William Woollett, Jr., Chief Executive Officer

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that would delay TCM project construction and degrade service and safety on TCM facilities.

Appendix IV-A, p. 101, Emission Reductions From New or Redevelopment Projects.

This measure applies to all new residential, commercial, industrial and institutional projects including public works such as highways, roads, schools, etc. Operational mobile source emissions associated with the toll roads are accounted for in the AQMP transportation emissions budget. However, this measure would apply to construction emissions for toll road projects, including construction of Foothill Transportation Corridor South and planned build-out of the San Joaquin, Eastern and Foothill South Transportation Corridors. All of these facilities are Transportation Control Measures that must be constructed in a timely fashion to contribute to transportation system emission reductions required by the AQMP.

This proposed measure solicits comment on three different potential thresholds for mitigating construction emissions: 1) a 20% reduction in NO_x and 45% reductions in PM emissions due to construction equipment, comparable to the San Joaquin APCD Rule; 2) reduction down to the CEQA air quality level of significance, or other level set by SCAQMD, and 3) all reasonable and feasible mitigation measures as required by CEQA, based on improved mitigation guidance from SCAQMD.

All three options would impose increased mitigation requirements and costs on toll road construction projects. Options 1) and 2) require an in-lieu fee for emissions that cannot be reduced to thresholds that appear to be lower than the CEQA standard of all reasonable and feasible mitigation. Option 3) provides an optional fee for residual emissions after all reasonable and feasible mitigations have been applied to the project.

Recommendation: The environmental review process for the toll road Transportation Control Measures is extremely complex and lengthy. Numerous federal, state, and local agencies participate in selecting appropriate mitigation measures for our toll road projects, including air quality mitigations that address construction emissions. A new District mitigation rule and fee requirement outside the CEQA/NEPA air quality mitigation process would be counterproductive, confusing and costly to address. Given the thoroughness of our current collaborative, multi-agency environmental assessment and mitigation efforts, we do not believe that additional District rules or fees would result in greater reduction of temporary construction emissions on our projects.

Given the limited amount of information provided in the Draft AQMP, Option 3), the CEQA Approach, without the optional fee program, best tracks with the CEQA/NEPA mitigation process to insure that all reasonably available and feasible mitigations will be implemented. Accomplishing construction emission mitigation through CEQA/NEPA avoids introducing new costs and uncertainties into the process. Significant additional compliance costs and uncertainties, which we believe will not provide additional construction emission reductions, will make timely TCM project delivery more difficult. We request that the Final Draft AQMP provide more explicit information about how this measure will be applied to transportation projects.

Appendix IV-A, page 70, MCS-02, Urban Heat Island.

This measure calls for light colored paving to help lower ambient air temperatures, and thereby reduce pollution formation and emissions due to higher energy consumption.

Recommendation: Although this proposed measure is not mandatory, it should be noted in the control measure discussion that highly reflective paving may be inconsistent with highway maintenance objectives (durability, ease of repair, etc.) as well as esthetic considerations for projects running through open space.

Appendix IV-B, page-59, OFFRD-01, Construction/Industrial Fleet Modernization

The District is proposing even more stringent controls on construction equipment than the draft construction equipment regulation now being considered by the California Air Resources Board (CARB). The District's proposal that all older construction equipment engines be replaced to meet 2010 on-road engine standards by 2014 is an extremely aggressive schedule. As a transportation agency that must deliver Transportation Control Measure projects in a timely fashion, our concern is that compliant construction equipment may not be available so quickly given the cost of replacement and the number of pieces of new equipment being manufactured each year.

Recommendation: We urge the District to work with CARB and the construction equipment industry to craft a workable and effective construction equipment control measure that allows TCMs and other important infrastructure to be built without delay. Ultimately, the transportation projects that underpin the Regional Transportation Plan and AQMP are necessary for clean air and should not be impeded by a shortage of construction equipment.

Thank you for your consideration of these comments. We will be happy to discuss them further with you as you prepared the Final Draft AQMP. Please contact me at 949-754-3400.

Sincerely,



Macie Cleary-Milan
Deputy Director, Environmental Planning