

**Summary Minutes
Rogue Valley MPO Public Advisory Council
July 19, 2016**



The following attended:

MPO Public Advisory Council

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|-------------------------|---------------|----------|
| Justin Hurley, Chairman | Central Point | |
| Glen Anderson | East Medford | 770-6577 |
| Kay Harrison | Central point | 664-1066 |
| Mary Wooding | Ashland | |
| Michael Stanek | Eagle Point | |
| Ron Holthusen | Jacksonville | |
| Mark Earnest | | |
| Thad Keays | Talent | |
| Mike Polich | Public Health | |
| Mike Montero | Freight | |
| Edgar Hee | Bike/Ped | |

Staff

| | | |
|---------------|-------|----------|
| Dan Moore | RVCOG | 423-1361 |
| Ryan MacLaren | RVCOG | 423-1369 |

Others Present

1. Call to Order/Introductions/Review

The Chairman called the meeting to order at 5:30 pm.

3. Review/Approve Minutes

The Chairman asked if there were any changes or additions to the minutes of the previous meeting (May 17, 2016).

On a motion by Edgar Hee, seconded by Mary Wooding, the Council unanimously approved the minutes as submitted on a voice vote.

3. Public Comment -

Edger Hee shared a newsletter on Pursuing Equity in Bike Planning.

4. MPO Orientation

Dan Moore gave a Power Point on function(s) of an MPO (MPO 101). The presentation covered:

- **Laws pertaining to MPOs** – Federal legislation: “3C” Program = Cooperative, Coordinated &

Continuing, 1991 - ISTEA, 1998 – TEA-21, 2005 – SAFETEA-LU, 2012 – Map-21, 2015 - FAST

- **MPO Membership** – (Elected officials, State/Federal agencies, Municipalities, Counties and Regional agencies, Transit, Public, Private Sector and Interest Groups) Each jurisdiction has one (1) vote, with Medford being split into several sections, thereby allowing additional voting power due to its significantly larger size.
- **Public Advisory Council Membership**
- **What is an MPO?**
- **Why are MPOs created** – to share transportation alternatives, solutions, etc. in an expanded arena
- **MPO Structure** (Policy & Technical Advisory Committees, Public Advisory Council, Other Committees, MPO Staff), responsibilities and products (RTP, TIP and UPWP) **NOTE:** The Policy Committee is the sole decision making body.
RTP – 20 year plan, updated every 4 years, revenues and costs must balance.
TIP – Sets regional transportation priorities in cooperation with MPO members, RVTD and ODOT.
AQCD – RTP/TIP must meet AQ emissions regulations. If not, federal funding withheld due to (Non-conforming” status.
- **Federally Required Products** (Public Participation Plan, Title 6/Environmental Justice Plan, funding, etc.
- **The FAST Act (Fixing America’s Surface Transportation).** Focus on performance based planning The MPO is working on performance based planning, addressing safety, air quality, etc. Tourism planning is on the horizon. MPO must address intermodal facilities (transit, etc.).

Mr. Moore shared that it is a somewhat challenging and time sensitive process to comply with all the transportation work schedules and changes. All entities an agency TSPs are coordinated. No one entity TSP has control over another, but the documents must be in the Regional Plan. Goals and Policies must be similar. Inconsistencies must be reconciled. Conformity issues would be adjudicated by the Federal Highway Commission, etc. Local TSP updates must be in compliance with the Regional Transportation Plan. Higher level, local roads (arterials/collectors) are the systems subject to the various requirements. Mr. Anderson stated that the whole, interactive process works pretty well in our region, with very little dissention when sending recommendations to the Policy Committee. Ms. Harrison asked about inclusion of taxi service as part of public transportation. Mr. Moore responded that taxis were part of the private sector, and spoke about other services for senior transportation. The members discussed other aspects of private taxis, i.e. pricing, Uber, regulatory methods, etc., and the feasibility of studying this issue in the future.

The comment was made that specific issues may be brought to the attention of the policy makers, but groups such as the PAC, which had not been previously brought to the table.

5. Congestion Mitigation & Air Quality (CMAQ) Funding Update

Dan Moore Presented an update on the changes to CMAQ funding changes for southern Oregon based upon the inclusion of Salem and Eugene AQMAs in the statewide funding formula.

Shared attachments included an RVMPO letter signed by Mike Quilty, Chairman, and addressed to the Oregon Transportation Commission. The letter was approved by both the TAC and the Policy Committee, and expressed the MPO’s serious concerns regarding potential harm to the region’s air quality should significant,

proposed reductions in funding occur, as well as recommendations for solving The problem of having funded approved projects that may have their funding significantly reduced.

The second attachment was a whitepaper from Sierra Research, “Air Quality Factor Comparison between Medford/Grants Pass, Eugene and Salem”, and featured:

- Summary
- Table 1 – Air Quality Planning Area Designations
- Ambient Air Quality Levels
- Figures 1 & 2 – Air Quality Level Comparisons
- Meteorology and Topography
- Table 2 – Comparison of Key Meteorological Variables
- Vehicle Control Programs

The final attachment was a Q&A report – “**What is happening with CMAQ?**”

1) What is the Congestion Mitigation and Air Quality (CMAQ) program?

The Congestion Mitigation and Air Quality (CMAQ) program is a U.S. Department of Transportation (U.S. DOT) funding program intended to “provide a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act.” With the creation and implementation of the CMAQ program in 1991 as part of the Intermodal Surface Transportation Efficiency Act (ISTEA), funding became available to areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (nonattainment areas) and for former nonattainment areas that are now in compliance (maintenance areas). The CMAQ program is housed and administered through the Federal Highway Administration (FHWA).

2) Does the Rogue Valley MPO receive CMAQ funds?

Yes, the Rogue Valley MPO has received CMAQ funding since the start of the CMAQ program in 1991 because the region was formerly a non-attainment area for carbon monoxide (CO) and particulate matter 10 micrometers or less (PM10) and is currently required to implement maintenance plans to address CO and PM10 emissions.

3) How are CMAQ funds distributed? (Federal Government to State Government)

Since the creation and implementation of the CMAQ funding program, CMAQ funding has been disbursed through state departments of transportation (DOT). The State DOT then decides how to allocate the CMAQ funds to eligible areas. Formulas which prescribe the amount of CMAQ funding to each state have evolved since the implementation of the program in 1991. In 2009 the authorization bill SAFETEA-LU changed the distribution formula from one that varied each year based on impacted populations and levels of exposure to emissions to one based on the proportion of funds each state received in 2009. Therefore, the proportion of funds to each state has not changed since 2009, even through the landscape of eligible areas and the air quality context has changed.

4) How are CMAQ funds distributed? (State Government to Local Government)

Because State DOTs have the discretion for determining the allocation of CMAQ funding to those eligible areas in the state, the CMAQ funding program differs from state to state. FHWA does not have statewide distribution requirements for State DOTs aside from establishing eligible areas. In Oregon, ODOT has taken a sub-allocation approach to distributing CMAQ funding to eligible areas. Since 2006, ODOT has used the same sub-allocation formula for CMAQ funding, which was based on multiple factors including air quality status, pollution severity and population. Eligible areas outside of MPOs have received an “off the top” allocation of \$65,000 per year, typically spent in one obligation of funds accumulated over several years.

5) How much of that CMAQ funding comes to the RVMPO?

The RVMPO currently receives approximately \$2.5 million per year to implement transportation projects which address air quality issues. Amounts change slightly each year consistent with the rate of annual growth of overall federal transportation funding to the state. In general, the funds have grown slightly over time and with no changes in the sub-allocation formula would be approximately \$2.8 million by the end of the current federal authorization bill in 2020.

6) What is currently happening with CMAQ in Oregon and why is this discussion happening now?

The Oregon Transportation Commission (OTC) has elected to make the CMAQ program a local program, allowing federal funds to go to eligible local governments. The CMAQ program is a reimbursement program requiring non-federal matching funds of 10.27%, with a higher match rate for projects that are public-private partnerships. In Oregon, the only areas that qualified for CMAQ funds until recently are:

- Portland Metro area (CO maintenance area)
- Medford/ Ashland Metro area (CO maintenance, PM-10 maintenance area)
- Klamath Falls (CO and PM-10 maintenance area)
- La Grande (PM-10 nonattainment area)
- Lakeview (PM-10 nonattainment area)
- Oakridge (PM-10 nonattainment area)
- Grants Pass (CO and PM-10 maintenance area)

It was noted during the 2005 Statewide CMAQ Committee funding allocation meetings, which even though the Salem and Eugene-Springfield areas are designated as nonattainment or maintenance for CO, these areas did not qualify for CMAQ funding due to the following reason:

Areas which were designated nonattainment prior to December 31, 1997, but were not classified in accordance with [the Clean Air Act, Sections 181(a), 186(a) or 188(a) or (b)] are not eligible to receive CMAQ funds. These include but are not limited to areas that were formerly considered as ozone “transitional” and “incomplete data” areas and CO “not classified” areas.

FHWA recently made a determination that the Eugene and Salem regions are eligible to receive CMAQ funding.

1. Eugene/Springfield is eligible because it’s PM-10 Maintenance Area. It became eligible in June 2013, the effective date of its PM-10 Maintenance Plan. This supersedes previous policy which said: Areas that were designated nonattainment prior to Dec. 31, 1997 but were not classified in accordance with the Clean Air Act—sections 181(a), 186(a), or 188(a) or (b)—are not eligible to receive CMAQ funds.

2. Salem is eligible at least through March 2017 because it’s an Unclassified CO Maintenance Area that has prepared and filed a maintenance plan. It became eligible in March 2009, the effective date of its CO Limited Maintenance Plan. As with Eugene, this supersedes previous policy which said: Areas that were designated nonattainment prior to Dec. 31, 1997 but were not classified in accordance with the Clean Air Act—sections 181(a), 186(a), or 188(a) or (b)—are not eligible to receive CMAQ funds. The Salem and Eugene MPOs have now requested ODOT to update the state distribution method to account for their eligibility. ODOT is considering how to update the distribution process and is expected to propose a process in the very near future.

7) If new places become eligible for CMAQ funding, does that mean the State of Oregon receives more CMAQ funding?

No, the federal transportation reauthorization does not increase or decrease the level of CMAQ funding each state receives based on the current air quality conditions and newly eligible areas.

8) How soon can the RVMPO be affected/impacted by the outcomes of the statewide CMAQ allocation discussions?

The impacts to the funding amounts will be determined by the Oregon Transportation Commission when they adopt a new distribution process, including the date the new process will go into effect.

9) How can the RVMPO contribute to the conversation about the statewide CMAQ funding allocation?

To date, ODOT has communicated a general description to undergo a process over the summer and looks to bring forward to the OTC a new recommendation on how to allocate CMAQ funds in the state by autumn 2016.

As ODOT prepares to define a more specific process proposal, the RVMPO may consider sending a message to ODOT asking that there be adequate time to consider options.

After Mr. Moore's explanation of the issue, upcoming OTC meetings, and speaking about the Policy Committee letter, the Council members discussed their support for the Policy Committee's letter and position. Comments and concerns included:

- PM10 emissions.
- Local political advocacy and support at the State level?
- How Salem and Eugene became eligible for inclusion in CMAQ funding.
- The locations of PM2.5 problem areas and the prevalence of wood stoves.
- Mike Montero – Specific, regional factors to be brought to the OTC/State's attention -
 - a. Unique, topographic problems within the region that create particular air quality challenges, as well as associated public health issues due to this naturally occurring situation.
 - b. **VOLUNTARY**, regional efforts being made to mitigate air quality problems (EXAMPLE: I&M Testing Program).
 - c. The Rogue Valley area is the only area in the State mandated to do **dispersion modeling**.
 - d. The region is economically hamstrung for putting certain types of industrial users into the region, as opposed to other areas of the State where this is not a problem.

Mr. Montero brought up the possibility of submitting a letter on behalf of the PAC to substantiate their expressed concerns on this issue. Glen Anderson and the rest Council members went on record as endorsing Mike Quilty's concerns about the availability of accurate data, not currently available. Mr. Moore pointed out page 2 of the CMAQ printout in response to a question about the history of Eugene/Salem's desire to be part of the CMAQ funding allocations. The Policy Committee letter was provided for the Council member's information.

On a motion Mike Montero, seconded by Glen Anderson, the PAC directed Staff to write a letter to the Policy Committee articulating their additional concerns about the CMAQ funding issue. The motion passed by unanimous voice vote.

6. Air Quality (PM 2.5)

Dan Moore made a presentation on air quality and related, local PM 2.5 issues, including a short Power Point summary of the issue. **NOTE:** The area's AQMA is used for analysis purposes.

During the June 14th TRADCO meeting, there was discussion about a recent presentation by the Oregon Department of Environmental Quality (ODEQ) concerning Medford's PM 2.5 levels. ODEQ has been soliciting comments for a statewide workgroup in preparing a report for the legislature. Mr. Moore was asked to follow-up with ODEQ to find out more information, and how exceeding the PM 2.5 standard might affect the Medford area. Below are responses from ODEQ.

ODEQ

Medford is currently just below the daily standard for PM2.5. ODEQ determines if an area is above the standard by monitoring for PM2.5 throughout the year and taking the 98th percentile value for that year. Then ODEQ averages the 98th percentiles for the last three years to compare with the standard. This happens every year to determine if an area is in violation of the standard. When an area has been designated as an in attainment, nothing regulatory happens for each year when it violates the standard. What ODEQ really has to watch out for is the EPA re-designations that happens every 10 years or so (ODEQ does not know exactly when EPA will

start re-designation). During re-designation, EPA selects a three year span to determine whether an area is above or below the standard. If they are above the standard, they re-designate the area as non-attainment. ODEQ does not know which three year period the EPA will use. If an area is designated as non-attainment, the state, county, city, and EPA will have to work on a State Implementation Plan (SIP) that will require the area to take actions to lower PM_{2.5} emissions. Once the area comes in below the standard, a maintenance plan is designed to keep you there.

The impact of non-attainment: Mr. Moore shared a document ODEQ found on line that summarizes the impact. Medford was in non-attainment for PM₁₀ and is in a maintenance status now, so the Medford area has experienced this already. As for the standard, EPA revisited the standard in 2012 and kept the daily standard at 35ug/m³. They did lower the annual average standard from 15ug/m³ to 12ug/m³. Medford is in danger of violating the daily standard. ODEQ has not heard of any talk of lowering the daily standard to 30ug/m³, but EPA always looks at new health data and this is always on the table. Since EPA did not lower the daily standard in 2012, it would be surprising if they lowered it in the next few years, but ODEQ does not have any inside information on this.

The EPA web page on the PM_{2.5} standard is: <https://www3.epa.gov/pmdesignations/>

Additional comments from ODEQ:

- EPA, under the Clean Air Act is supposed to review the PM_{2.5} standard every 5 years. As mentioned, EPA last reviewed the standard in 2012, and the next review is supposed to occur by 2017, but sometimes EPA does not complete its review within the 5 year timeframe. EPA has started its review process.
- EPA, in previous reviews of the standard has considered dropping the standard down to 30ug/m³, but as mentioned above, EPA did not do so in 2012. It's hard to predict what EPA will do, since it is based on the latest available health effects information, but ODEQ has mentioned the 30ug/m³ level to many communities as a caution and perhaps even a goal for communities to target to ensure they do not have to worry about a nonattainment designation.
- If Medford were to exceed the standard in the near future (and EPA has not changed the standard), then Medford could develop a voluntary "PM plan" that would identify any strategies the community is putting in place to bring levels down. That would give EPA the assurance that the area is working diligently to address the PM levels and would not designate the area as nonattainment. ODEQ has developed similar plans with the communities of Lakeview and Prineville, since they are violating the standard right now but have not yet been designated nonattainment by EPA. However, if EPA were to revise the standard, then federal law requires that any area not meeting the standard, even if they've developed a voluntary PM plan, would have to be designated as nonattainment.

Jackson County Health is very interested in seeing coordination among the county and the cities to reinvigorate the woodstove program to help address the PM_{2.5} issue. Jackson County and the cities have established programs and it should be effective to place a fresh emphasis on the outreach aspects in the coming winter seasons. Some of the recommendations from the local ODEQ presentations have been to include the desirability of providing funding for outreach efforts and other projects.

Finally, Mr. Moore asked ODEQ if the Rogue Valley area should be concerned about the PM_{2.5} standard. ODEQ thinks it's a concern, but the Medford-area has had the previous experience of dealing with nonattainment in the 1980's and we've already got the tools in place to address this. For example, both Jackson County and all the cities in the area have ordinances to require woodstove curtailment on poor air quality days. Now it's just a matter of going back and re-educating the public and making sure people are following the curtailment calls. This effort could involve sending informational letters to folks who are burning, and ODEQ has found in other communities that folks usually comply after receiving the letter. ODEQ also thinks if we were to revive the air quality committee it would be really helpful just to make sure all the cities are checking in

with each other and coordinating any outreach and education efforts. This could also include putting together a voluntary PM plan, if that's how the region wanted to proceed. Typically, you send a notification letter to EPA that you'd like to be part of the voluntary program and then you submit your plan to them. EPA usually requests that you develop a 5 year voluntary plan, with strategies for how you plan to reduce emissions, and provide annual updates to them. Here's more information on the program. <https://www.epa.gov/advance/advance-basic-information>

Mr. Moore shared his understanding that Jackson County Public Health, (Jackson Baures with Chad Peterson and Danielle Morvan) are very interested in seeing coordination among the County and the cities to reinvigorate the woodstove program. Beyond that effort, he is not aware of any other organization that has shown interest in organizing any other local efforts such as; developing a voluntary PM plan, or reconvening the Air Quality Committee. It depends upon who has the resources to help take the lead. ODEQ could offer technical assistance and support.

The presentation included charts and a graph that depicted the PM2.5 monitoring data. This helped tell the story about why there needs to be a focus on woodstoves and burning – you can see its influence in the data. The graph shows levels rise in the winter months (mid-October through end of February) all primarily due to woodstove smoke. The huge spike shown in the summertime is due to wildfires, which is not counted against the data that gets reported to EPA and determines if the area is over the standard. In other words, wildfire data can be excluded.

There are some ways that the RVMPO can help:

- Reducing the amount of winter road sanding material placed on the roadway. For example, the RVMPO could ask ODOT and the city and county public works departments in the areas to utilize de-icing agents and salt instead of sand, increased plowing of roads and sweeping up of cinders during storms, and reduced sanding to intersections only.
- Another idea would be in the contracts that cities and counties have with construction companies (or even in-house) would be to require anti-idling measures for construction equipment or other diesel powered engines.

The Council mentioned that the abolition of wood burning (for heat) might be a viable answer to reducing the PM 2.5 emissions in the AQMA. It was also observed that some of the EPA reduction suggestions were perhaps not the most effective in light of the conditions existing in our region.

7. MPO Planning Update –

- The Program Manager position has been offered to Carl Rosenbach. Negotiations are in process to formalize h
- The RTP update continues, and portions of the document will be brought to the PAC in September.
- Staff is working with ODOT/DLCD on development scenario planning with the goal of improving bike/ped opportunities and air quality.

8. Other Business -

- The regional Sierra Research information went to OTC.
- Staff will compose a memo on the CMAQ issue from the PAC to the Policy Committee.
- Jackson County Health Department will be doing a community outreach on wood burning issues.

9. Public Comment -

There were no public comments.

10. Next Meeting

The next meeting is scheduled for Sept. 20, 2016, in the RVCOG conference room, at 5:30 PM.

11. Adjournment

It was moved and seconded to adjourn the meeting. The motion passed unanimously by voice vote.

Meeting schedule:

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|---------------|--------------------------|
| RVMPOTAC | Wed., Aug. 10 @ 1:30 PM |
| RVMPOT Policy | Tues., July 26 @ 2:00 PM |