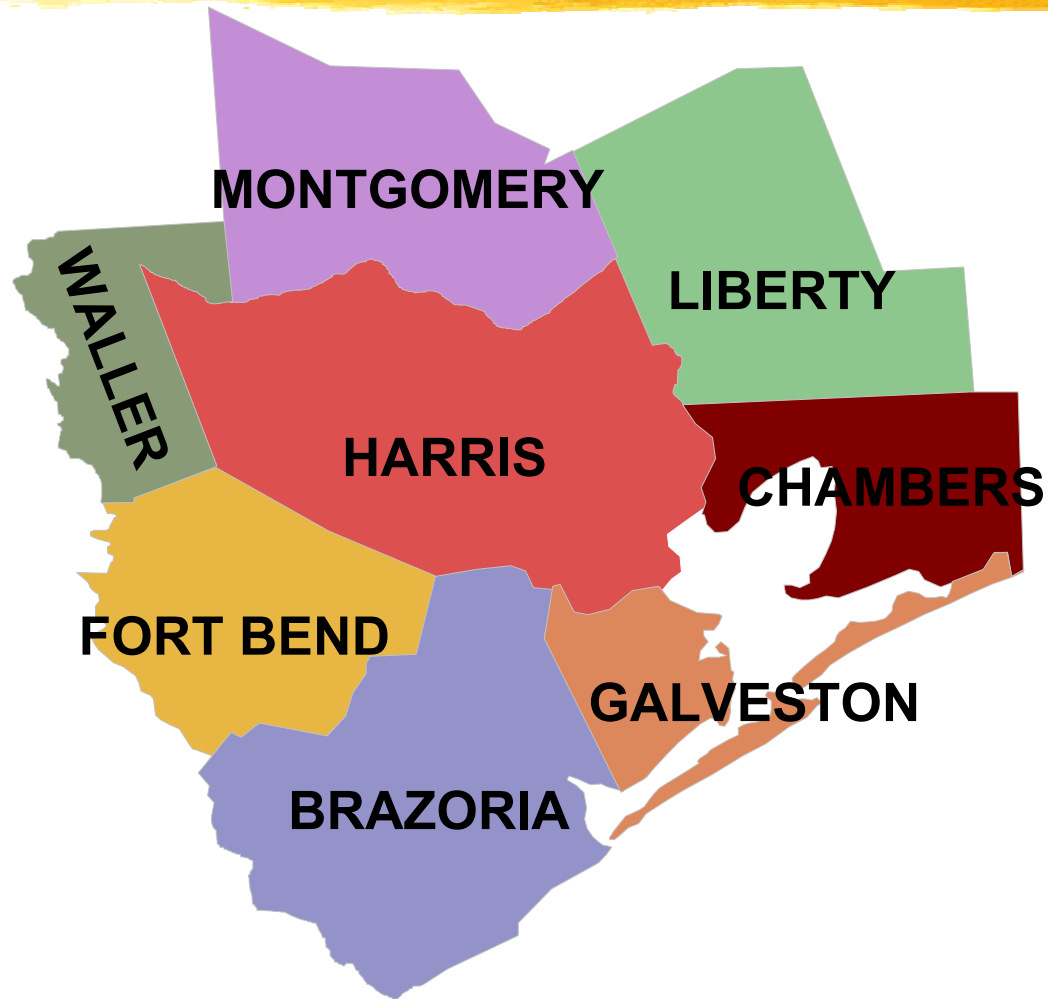




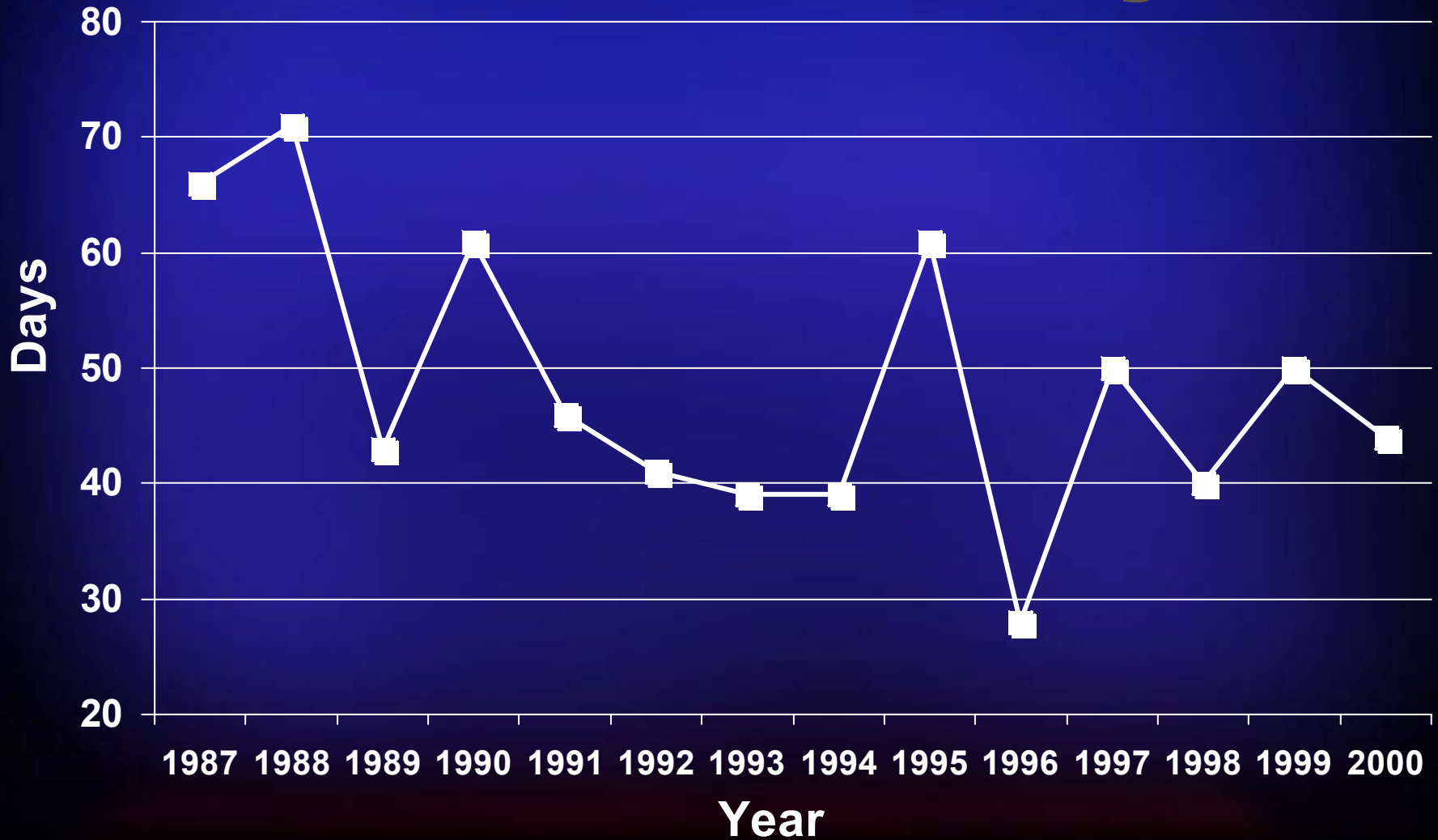
Potential Effects of Transportation Conformity Litigation on Regional Mobility

Lily Elizabeth Wells, AICP

Houston-Galveston-Brazoria Ozone Nonattainment Area

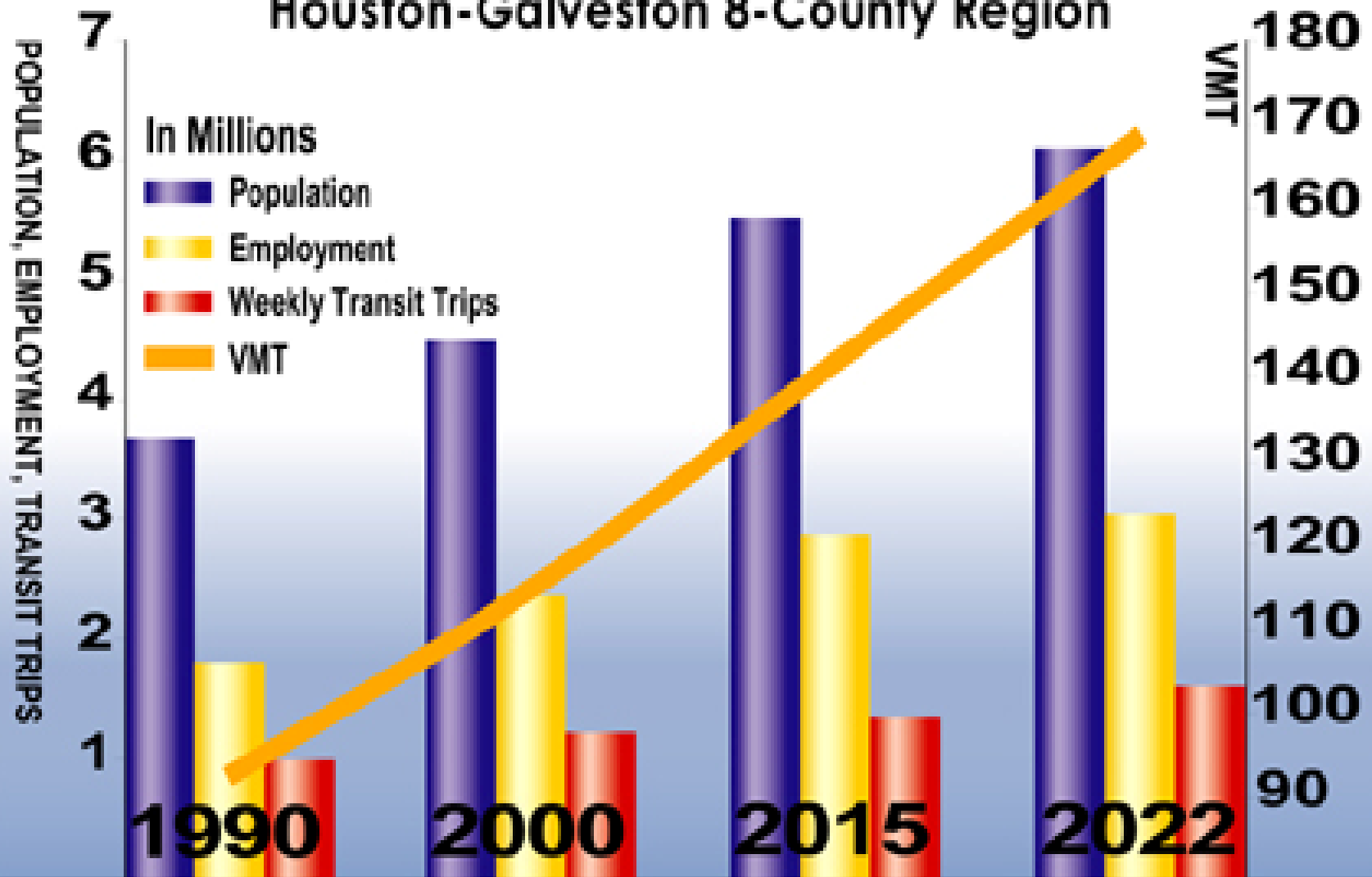


Houston Ozone Exceedance Days



Demographic and Travel Trends

Houston-Galveston 8-County Region



Houston in 2022



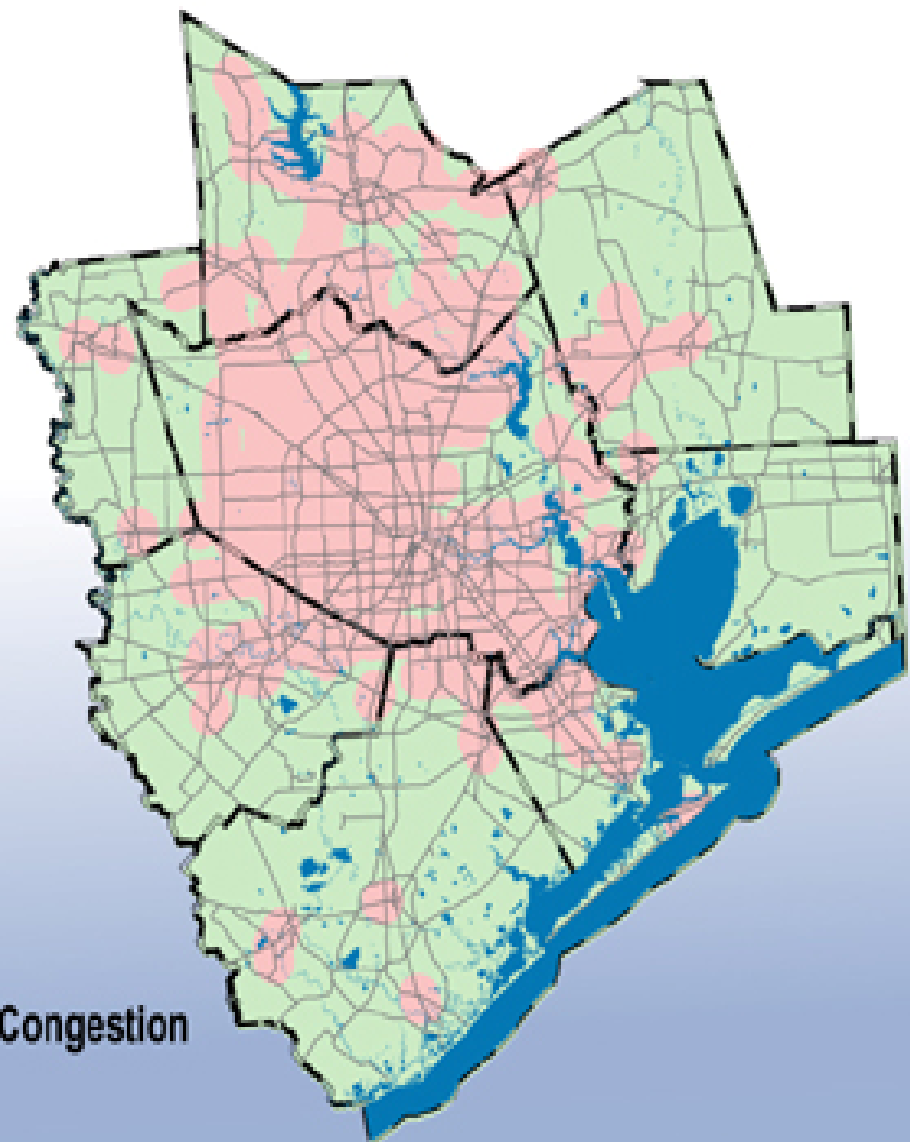
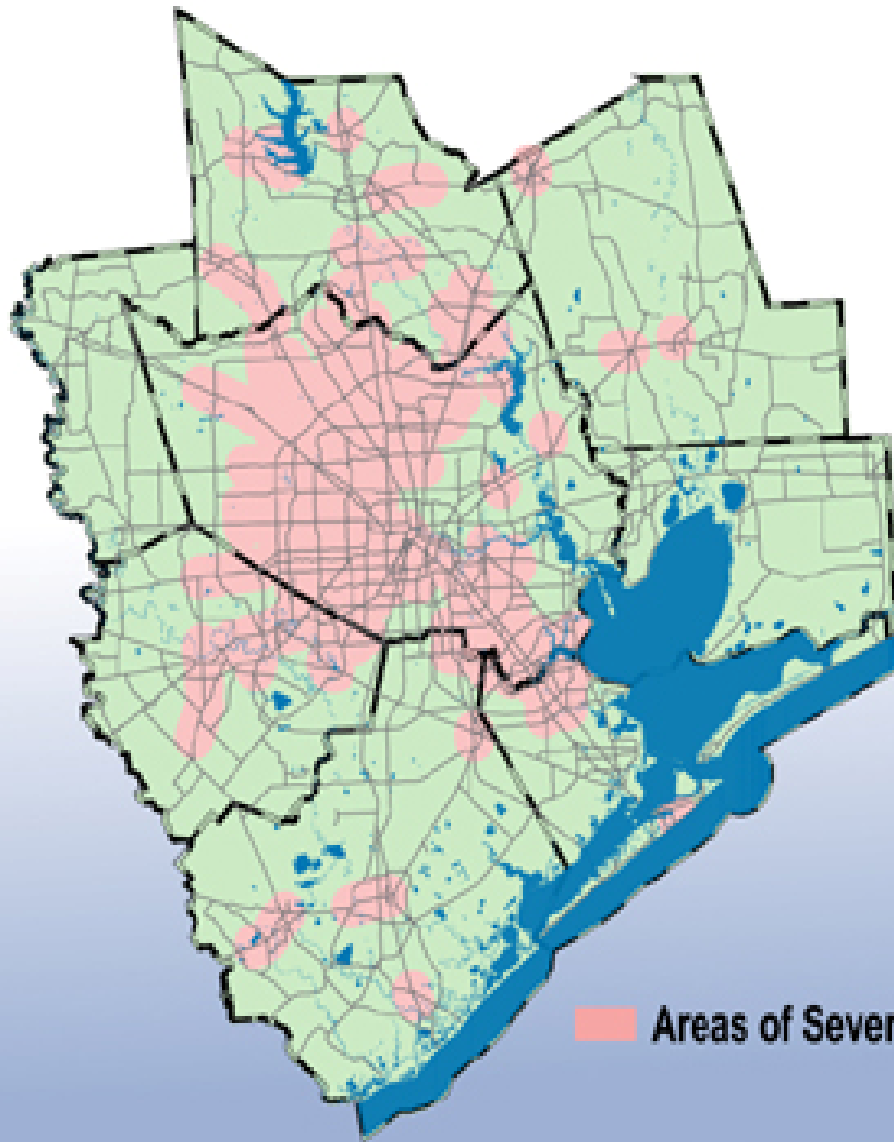
⌘ Population of 6.1 million

⌘ Vehicle miles traveled will increase by 82% (since 1990)

⌘ Fort Bend, Montgomery, and Waller counties will double in population

Congested Areas 2000

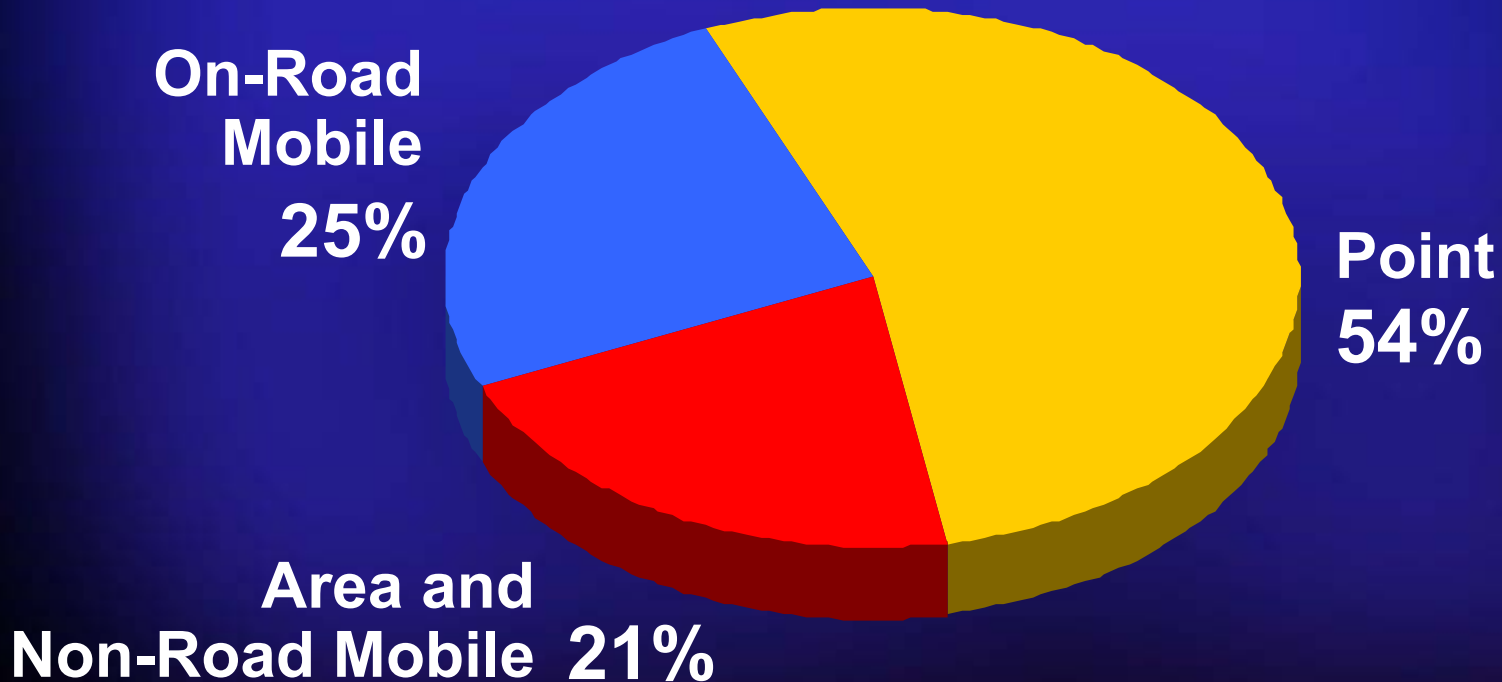
Congested Areas 2022



Areas of Severe Congestion

Regional Manmade Emissions Before SIP

1052 Tons NO_x per day



**What could prevent us from solving
our congestion problems?**



**⌘ The Litigation
“Detour”**

What Happened in Atlanta?



⌘ 44 road projects were killed (17 were allowed to proceed)

⌘ Atlanta lapsed, cutting off approximately \$700 million in road and highway projects

How did Atlanta React?



⌘ Developed a new transportation plan

☑ 2/3 of funding went to mass transit projects, bicycle trails, etc.

☑ 1/3 of funding went to existing road maintenance and new highway projects

Plaintiff Environmental Group's Reaction to New Plan



⌘ Filed another lawsuit



The Houston Experience?

Environmental Defense v. EPA



- ⌘ Filed lawsuit in 5th Circuit on Aug. 14, 2000**
- ⌘ Originally stayed until Feb. 22, 2001, again stayed until Mar. 26, 2001**
- ⌘ Parties are seeking another stay**
- ⌘ WHA, Fort Bend EDC, NHA, and BCCA Appeals Group filed motions to intervene**
- ⌘ Court did not grant intervention**
- ⌘ Other parties considered intervention**

What is the issue in the case?



⌘ Motor vehicle emissions budget too high

What is the motor vehicle emissions budget?



⌘ A number that represents the maximum amount of emissions allowed from all cars, trucks, and other on-road vehicles in a nonattainment area

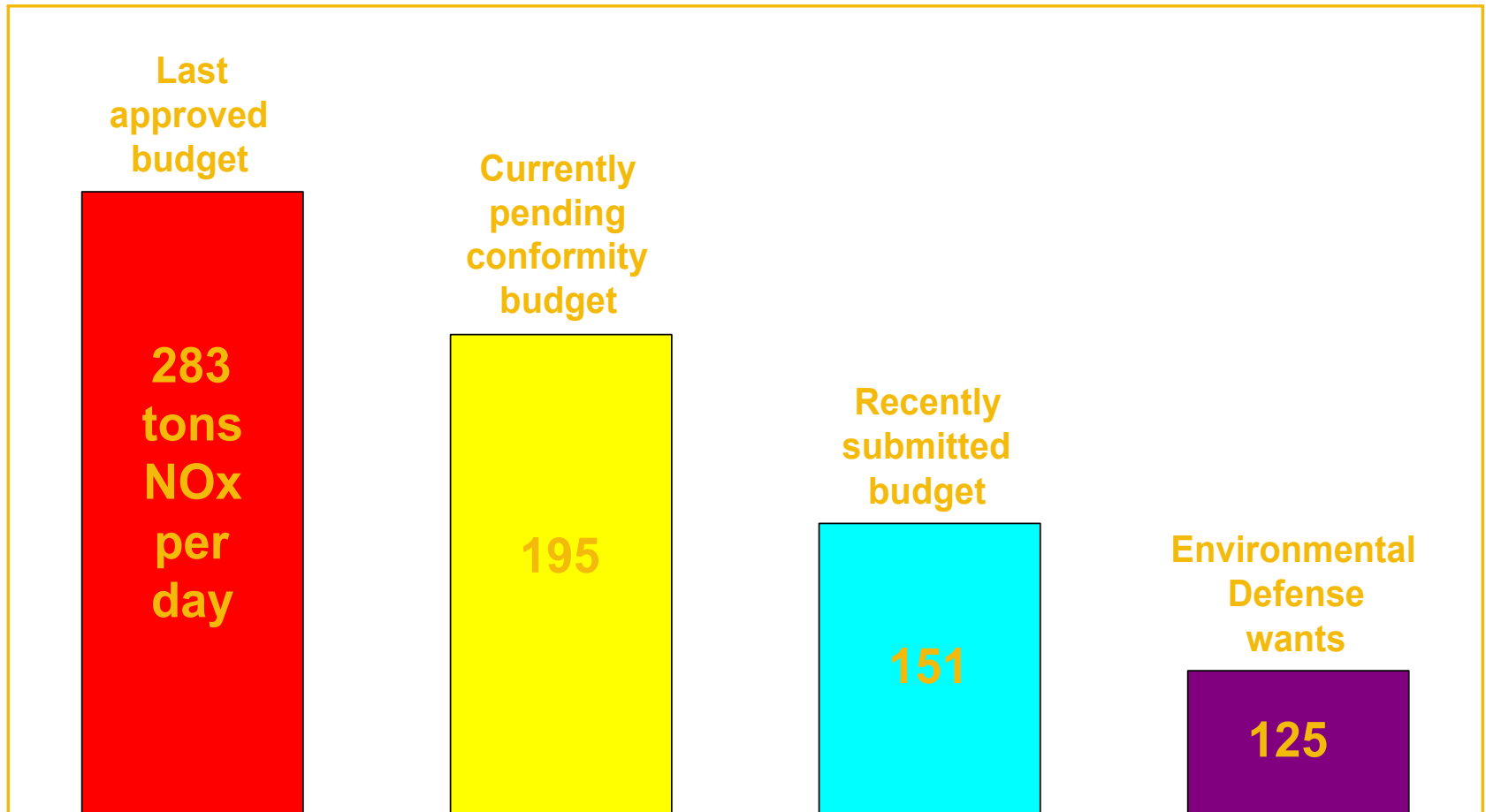
What is the budget used for?



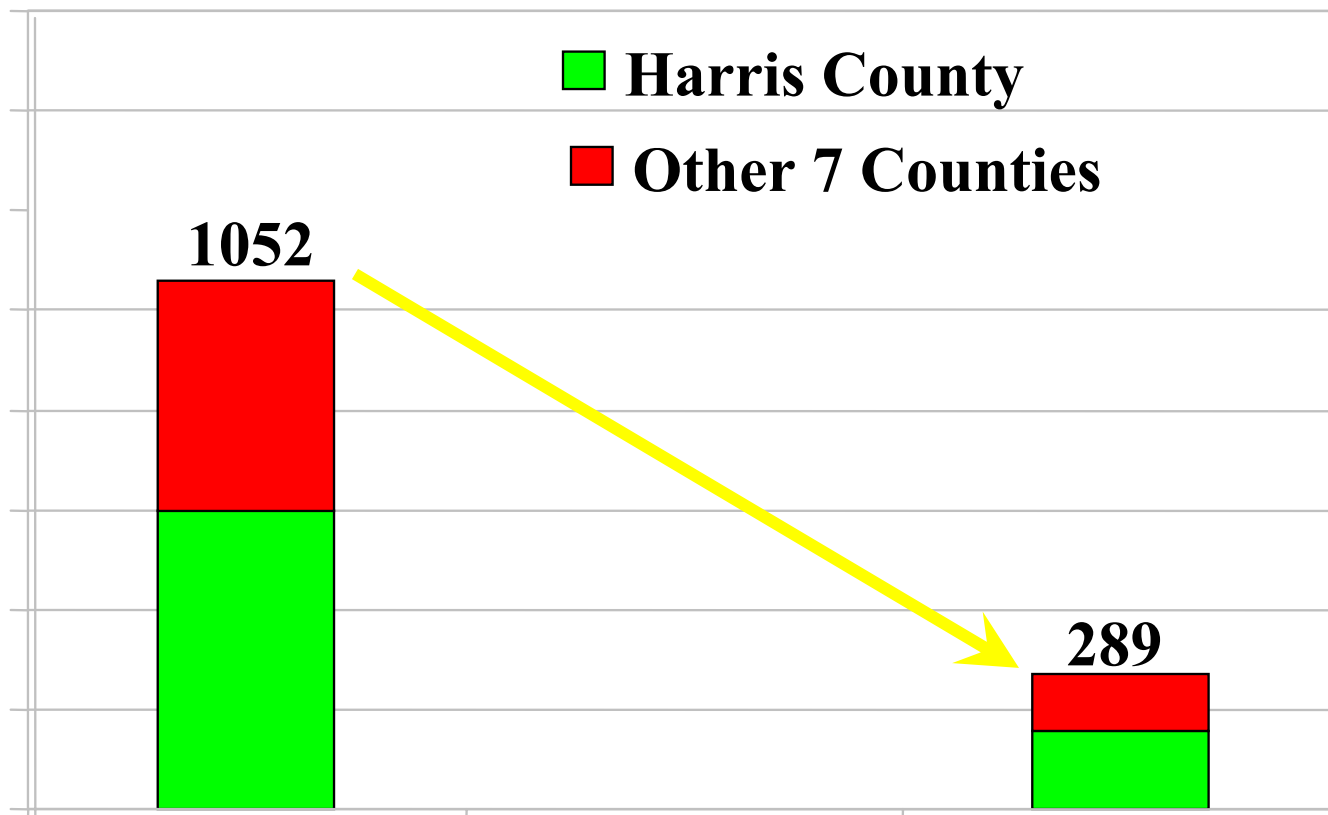
- ⌘ Budget is used to demonstrate that future road projects will not increase road capacity in a manner that interferes with attainment of the ozone standard
- ⌘ Demonstration must occur at least every 3 years
- ⌘ If no demonstration occurs, federal funding for new road construction and regionally significant road projects is cut off

Transportation Conformity

Approved, Submitted and Desired Budgets



2007 NOx Emissions by County



Goals of Environmental Defense



⌘ Use lawsuit as leverage to negotiate

- ☑ Further emissions reductions from mobile sources
- ☑ Adoption of additional alternative projects such as light-rail segments, bike trails, etc.
- ☑ Curtailment of certain “perimeter” road projects (Grand Parkway, I-10 Katy Freeway, Westpark Toll Road, Fort Bend Parkway Toll Road)

Proposed Settlement Terms



- ⌘ 156.6 tpd budget = “rate-of-progress”
- ⌘ 156.6 tpd conformity demonstration - June, 2002
- ⌘ 195 budget inadequate
- ⌘ Develop lower budget (additional TCMs)
- ⌘ Discontinue projects inconsistent with 151
- ⌘ Halt specific road projects

Settlement



- ⌘ EPA determined that the 195 tpd MVEB was not adequate
- ⌘ The submission by Texas of an MVEB for NO_x as part of its ROP SIP that limits NO_x in 2007 to 156.6 tpd
- ⌘ EPA approval of our determination of adequacy for the MVEB submitted by Texas as part of the Texas ROP SIP

Risks



- ⌘ No local entity is defendant in the lawsuit.
- ⌘ Conformity could lapse, halting road and highway construction.
- ⌘ Settlement may allow plaintiff environmental organizations to dictate which projects are built or not built.

Next Steps



- ⌘ **New MTP, Fall of 2001**
- ⌘ **Conformity to the 156.6 MVEB**
- ⌘ **Mobile6 issues**
- ⌘ **Environmentalists filed 'Intent to Sue' over validity of 283 MVEB**