January 31, 2011

U.S. Environmental Protection Agency
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1200 Pennsylvania Avenue, NW
Washington, DC 20460
ATTN: Docket No. EPA-HQ-OAR-2010-0162

Docket Management Facility, M-30
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590
ATTN: Docket No: NHTSA-2010-0079

Office of Information and Regulatory Affairs
Office of Management and Budget
Attn: Desk Officer for EPA
725 17th Street, NW
Washington, DC 20503

Re: Docket Nos: EPA-HQ-OAR-2010-0162 and NHTSA-2010-0079, Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium and Heavy Duty Engines and Vehicles

On behalf of the 5,000 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer comments on the Notice of Intent issued by the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) concerning efforts to reduce greenhouse gas (GHG) emissions and increase the fuel efficiency standards for medium and heavy duty engines and vehicles published November 30 in the *Federal Register*.

ARTBA's membership includes public agencies and private firms and organizations that own, plan, design, supply and construct transportation projects throughout the country. Our industry generates more than $200 billion annually in U.S. economic activity and sustains more than 2.2 million American jobs.

ARTBA appreciates both EPA and NHTSA's goals of decreasing emissions generated by the burning of fossil fuels in automobile usage. There is already a well-documented history of reductions in fossil fuel emissions occurring through advances in automotive technology. According to the EPA, fuel economy is up 61 percent since 1975.

In 2009, the average personal vehicle got 21.1 miles per gallon, while its 1975 counterpart only managed 13.1 miles per gallon.[1] As America's fleet of vehicles become more and more fuel efficient, they will become less and less carbon emitting. For example, tighter fuel economy standards proposed in May 2009 by the Obama Administration is projected to reduce vehicle greenhouse gas emissions by an estimated 900 million metric tons between 2012 and 2016. This would be the equivalent of removing 177 million tons of today's automobiles from the nation's roadways.[2] Additionally, CO_2 emissions are down 38 percent since 1975: A 2009 model car or light-duty truck (SUV, minivan, pickup) generates 422 grams of CO_2 per mile compared a 1975 model car, which emitted 679 grams per mile.[3] For heavy-duty trucks and busses, once the nation's entire fleet is turned over as a result of EPA's recently passed Clean Diesel Truck and Bus Rule, NOx emissions will be reduced by 2.6 million tons annually.[4]

Further, data from the EPA and the Federal Highway Administration (FHWA) shows substantial progress towards emissions reductions in a growing economy. According to both agencies, despite substantial gains in population, employment, gross domestic product (GDP), number of drivers, number of vehicles, and vehicle miles traveled (VMT) since 1970, the nation's air quality has improved. Specifically, over the same time period, the transportation sector has reduced volatile organic compounds (VOCs) by 73 percent, nitrous oxides (NOx) by 41 percent, particulate matter (PM) by 50 percent, and carbon monoxide (CO) by 62 percent. NOx and VOCs are precursors to ozone and associated with GHGs and climate change. In heavy-duty gas vehicles alone, NOx emissions have decreased by 44 percent. As levels of VOCs and NOx continue to decrease, so will ozone and GHGs.

ARTBA encourages efforts to reduce emissions and improve fuel economy. It is inappropriate, however, to promulgate such proposals without acknowledging and attempting to mitigate the adverse effect they would have on other areas of federal responsibility. ARTBA is particularly concerned with the potential effect of EPA and NHTSA's proposed rule on revenues generated for the Highway Trust Fund (HTF). The HTF was created in 1956 as an investment construct by which users of the national highway infrastructure are charged a direct user fee to maintain and improve the system on which they rely. Currently, 18.3 cents are directed to the federal HTF from each gallon of gasoline purchased and federal highway investment accounts for 45 percent of the national capital investment in highway and bridge construction.

As fuel efficiency has increased and innovations in automotive technologies have progressed, revenues into the HTF have been negatively impacted. These positive developments in reducing the motor fuel usage, however, do not have to be inconsistent with the goal of meeting the nation's transportation infrastructure needs. Unfortunately, policymakers in the legislative and executive branches have not increased the per gallon rate of the federal motor fuels user fee since 1993 and as a result the revenues flowing into the HTF and their corresponding purchasing power has fallen further behind the documented needs of the nation's surface transportation

[1] Light-Duty Automotive Technology, Carbon Dioxide Emissions, and Fuel Economy Trends: 1975 Through 2009, U.S. Environmental Protection Agency, November 2009.
[2] Obama Administration National Fuel Efficiency Policy: Good For Consumers, Good For The Economy And Good For The Country, May 2009.
[3] Light-Duty Automotive Technology, Carbon Dioxide Emissions, and Fuel Economy Trends: 1975 Through 2009, U.S. Environmental Protection Agency, November 2009.
[4] U.S. Environmental Protection Agency, Clean Diesel Program Facts and Figures. Available at http://www.epa.gov/cleandiesel/documents/420f04040.htm.

system. This problem affects the amount of funding that all 50 states receive from the federal government to build and maintain their transportation infrastructure.

ARTBA encourages the development and use of more energy efficient vehicles. This proposal, however, should be expanded to ensure it does not dilute existing or future federal HTF revenues. This adjustment could include an increase in the federal motor fuels tax or some other method of generating federal revenues that will accurately capture the benefit received by users of the system and protect against the effects of inflation, increases in construction costs, and advances in fuel efficiency.

Further, to improve traffic flow and reduce emissions and fuel waste, we must increase surface transportation system capacity. VMT has grown by over 150 percent since the 1970s. In stark contrast, the number of new lane miles in the United States has increased by only six percent. Providing additional lane miles requires a significant investment in our nation's future and we must update the HTF to adequately reflect changing circumstances.

Congestion levels have grown significantly between 1982 and 2009. Since 1982, the number of hours per commuter spent in congested traffic in increased from 14 hours to 34 hours. In 2009 alone, congestion caused urban Americans to travel 4.8 billion hours more and to purchase an extra 3.9 billion gallons of fuel for a congestion cost of $115 billion.[5] Simply put, the nation's road system is falling far behind growth in usage. The direct consequence is rampant traffic congestion and, with it, unnecessarily increased emissions and pollution.

Insufficient capacity already produces specific bottlenecks cause 50 percent of total congestion on the nation's freeways. In 2004, a study of the nation's most severely congested highways highlighted the reality that significant reductions in emissions require a reduction in vehicle time traveled, not vehicle miles traveled. The study concluded that modest improvements to traffic flow at 233 bottlenecks would reduce carbon dioxide emissions by as much as 77 percent and conserve more than 40 billion gallons of fuel over a 20-year period.[6] These fuel savings translate directly into lower CO_2 emissions.

ARTBA appreciates the chance to offer these comments and looks forward to working with EPA and NHTSA to continue to improve emissions and fuel efficiency while also meeting the nation's transportation infrastructure needs.

Sincerely,

Pete Ruane

T. Peter Ruane
President & C.E.O.

[5] Texas Transportation Institute, 2010 "Urban Mobility Report,"2010.
[6] Unclogging America's Arteries, Effective Relief for Highway, Cambridge Systematics, Inc., February 2004