


NRPC APPROVED MINUTES
NRPC TRANSPORTATION TECHNICAL ADVISORY COMMITTEE MEETING
01/11/17

Members Present:

Gordon Leedy, Town of Amherst

John Cashell, Town of Hudson

Tom Bayrd, Town of Hollis

Tom Young, Town of Litchfield

Lee Mayhew, Town of Lyndeborough

Dawn Tuomala, Town of Merrimack

Steve Dookran, City of Nashua

Wayne Husband, City of Nashua

Sara Marchant, City of Nashua

Camille Pattison, City of Nashua

Jeff Gowan, Town of Pelham

Scott Butcher, Town of Wilton

Others Present

Tim White, NHDES

Linda Dusenberry, NHDOT

Liz Strachan, NHDES

STAFF PRESENT:

Matt Waitkins, Field Data/Transportation Planner

Karen Baker, Program Assistant

CALL TO ORDER AND INTRODUCTIONS:

Waitkins opened the meeting at 12:08pm with introductions.

APPROVAL OF THE MINUTES FROM THE DECEMBER 14, 2016:

Waitkins referred to the minutes of December 14, 2016 included in the agenda packet as attachment 1. He asked if there were any corrections and if not, for a motion to approve. Gowan moved to approve the December 14, 2016 minutes with a second from Butcher. All were in favor with 1 abstention.

GUEST PRESENTATION: VOLKSWAGEN SETTLEMENT, TIM WHITE, NH DEPARTMENT OF ENVIRONMENTAL SERVICES

The U.S. EPA and the California Air Resources Board recently reached a settlement with Volkswagen and its related companies for allegations for violations of the Clean Air Act related to certain diesel vehicles. Under the settlement, states like New Hampshire could receive money for environmental projects. NHDES is seeking input on the use of settlement funds that may potentially come to New Hampshire.

White started off by informing the group that normal Regulatory EPA Emission tests are conducted on a dynamometer and run through a specific cycle of acceleration and braking. Researchers at West Virginia University decided to conduct some "real world" testing on a Volkswagen Jetta. The measured emissions levels that they came back with were far above the federal standards. The researchers reported their findings to the EPA who found "a sophisticated software algorithm" referred to as a "defeat device" let the vehicles exceed lawful NOx emissions levels on the road while blocking them when the car detected it was undergoing EPA emissions testing. This software uses steering angle, speed, engine run times, and atmospheric-pressure information that "precisely track the parameters of the federal test procedure used for emission testing," according to the EPA. The use of the defeat device allowed emissions of up to 40 times the federal standard during on-road use. Gowan asked if the study done by WVU was done on just Volkswagen. White said he was not aware but knows it started with Volkswagen and the results came a year later.

White provided an overview of the Consent Decree explaining that on June 28th, the US lodged with the Court a settlement that partially resolves allegations that Volkswagen violated the Clean Air Act by the sale of approximately 500,000 vehicles containing 2.0 liter diesel engines equipped with defeat devices with the

Consent Decree entered by the court on October 25, 2016. There are 3 major components of the settlement:

- Buyback or emissions modification on at least 85 percent of the subject vehicles (Appendices A & B)
- \$2.7 billion to fully remediate the excess NOx emissions from the subject vehicles (Appendix D) with an approximate amount of \$29 million that NH could see in the VW settlement
- Invest \$2 billion to promote the use of zero emission vehicles and infrastructure (Appendix C)

White noted that NH has not signed onto the agreement yet, but they did file their own lawsuit. The NH Attorney Generals advice to the state is to take the settlement rather than pursue through the lawsuit. Appendix D, the mitigation trust fund is being overseen by an independent trustee and is intended to:

- Fully mitigate the excess NOx emissions from the 2.0 liter vehicles with each beneficiary to receive an allocation of funds that can be used for any of the listed eligible mitigation actions. The allocation mainly based on the number of Volkswagen 2.0 Liter Subject Vehicles registered within the jurisdictions of the beneficiaries.

White stated that if NH decides to become part of the agreement, they would have to choose a trustee, have them put in place (TED-Trust Effective Date), certify as a beneficiary 60 days from TED, and 90 days after becoming a beneficiary to write Mitigation Plans. The hope is to see the money before the end of the 2017. White noted the components that would need to be included in the mitigation plans:

- Explain the Beneficiary's overall goal for the use of the Trust funds
- Describe the NOx reductions the Beneficiary expects its plan to achieve
- List the categories of Projects the Beneficiary intends to implement
- Explain how the Beneficiary will consider benefits to air quality in communities with a disproportionate air pollution burden and explain how it will seek and consider public input; and
- Make other statements to allow the public and the Trustee to better understand the goals of the plan

White noted that the allowed expenditure of the trust funds are decided by Trustee and the trustee decides whether projects requested for funding are allowable under the well-defined list; and the costs of the project are allowable. He also noted that Trust funds may be used for administrative costs but can't exceed 15% of allocation amount. White informed the group of eligible mitigation projects, all of which had requirements to qualify and can be found at the following link:

<http://www.des.nh.gov/organization/divisions/air/tsb/tps/msp/diesel-vehicles/documents/r-ard-16-07.pdf>

- Class 8 Local Freight Trucks and Port Drayage Trucks;
- School, Shuttle and Transit Buses;
- Freight Switchers;
- Ferries and Tugs ;
- Ocean Going Vessels Shorepower System;
- Class 4-7 Local Freight Trucks;
- Airport Ground Support Equipment;
- Forklifts and Port Cargo Handling Equipment;
- Light Duty Zero Emission Vehicle Supply Equipment (EVSE); and
- Diesel Emission Reduction Act projects.

White explained the purpose of the trust and the goal of each eligible Mitigation Action achieving NOx reductions in the US. He also noted that NH's Beneficiary Mitigation Plan must state their goal for the use of the funds. White stated that the NHDES Mitigation Plan is in the early forming stages and that they had two specific recommendations as this moves forward:

- Allow project proposals in all eligible categories to be put forth for consideration.
- Take advantage of the funds available to support the use of Zero Emission Vehicles throughout the state, essentially through installing charging infrastructure at key locations in the state to support tourism.

He added that states around us actively supporting sales of ZEVs and we want those vehicle owners to be able to come vacation in NH.

White said he is looking for input and any thoughts on specific goals for NH's plan on project selection criteria, including minimum project size, public fleets, requiring matching funds, using DERA funds, and operation within just NH or the region. Also, any input on determining the air pollution burden on traffic volume, demographics, population density, minority population, economic data and sensitivity of receptors. He explained that the Mitigation Plan must describe how we will consider the potential beneficial impact of the selected Mitigation Actions on air quality in areas that bear a disproportionate share of the air pollution burden within the state as well as what information or data should we take into account when determining whether an area bears a disproportionate burden?

White suggested that when quantifying project benefits they think about the process and tools that should be used for determining emissions benefits and if other benefits like improved mobility or economic benefits for certain populations be part of the selection criteria.

Lastly, White provided a timeline to the group and followed up by taking questions. He noted that we are waiting for a trustee to be appointed and to see if NH is participating.

- November 29, 2016 – public forum
- February 10, 2017 – comments due
- February 10, 2017 – Project Surveys due
- March/April – draft Beneficiary Mitigation Plan will be released for additional review and comment
- May/June – Final plan submitted to Trustee

Husband asked if we are in conformity. White said yes. He noted that Nashua and Manchester are in maintenance for carbon monoxide and this is limited to diesel emissions. Marchant commented that the City would never install charging stations if they had to pay for an electrician to install and asked about matching funds. White said there were no matching funds but to check out the Electrify American website.

Leedy asked if the Tesla charging stations were proprietary and also commented that the low chargers that Tesla also put in take longer to charge. Dookran commented that Tesla was going to start charging for charging this year. White noted that Level 1 & Level 2 charging and fast charging is all eligible. Dookran asked if a traffic management system would be an eligible project. White said that he did not think it would be eligible. Dookran asked if the State Government was going to want to dip into the money. White said yes. Dookran felt this would leave less for the communities. White said that they will pick the project with the most benefit to nitrous oxide.

Cashell asked if NHDES was doing anything with the illegal modification of diesel engine pickups that has become ramped. White said it's not going to be that simple but they will have to start looking at it and determine how to deal with it. There was further discussion on the illegal modification of the diesel pickups between Cashell, White, Waitkins and Gowan.

Dookran asked about the 15% eligible administration costs. White noted that there are specifics in the consent decree in regards to bookkeeping, etc. and that he would send the specifics.

Marchant asked if the funds would be passed from State to Municipality. White said they would be passed from the Trustee and that there will still some specifics to work out. Strachan said it would be one entity in NH, most likely the Attorney General's office. White noted that details will have to be submitted to the Trustee. Waitkins asked if the individual car owner would be part of this program. White answered that they are being handled under a different program. White also noted that there is a timeframe for which the cars have to be fixed and off the road. Dusenberry asked what percentage of money was that is coming to the State. White said the percentage is based on 5,000-6,000 cars. He added that if the State does not become a beneficiary, than the money will go back into the pot. Strachan noted that this goes back to 2009 vehicles. Leedy asked about bundling projects and replacement of vehicles and how projects would be administered in regards town fleets. He asked if they could pool resources to make a project if not enough town vehicles. White said they were just looking for input right now and those details would be worked out later.

STAFF UPDATES:

Waitkins informed the group that NRPC would be soliciting for projects for the NRPC MTP and to be included in the States Ten Year Plan. He noted that a letter would go out the end of the next week, and projects should be submitted by the end of February. He added that this is just for new projects only and that they would be looking to form a committee to score the projects. Lastly, we would need to have a prioritized list by mid-April. Waitkins also noted that NRPC would be happy to help with data maps. Gowan said an email with project prioritization info would be good.

Waitkins also informed the group that there would be a TIP amendment coming up. Dusenberry said it would be a small amendment with just a FY change from 2017 to 2020. Waitkins added that the TIP was adopted in response to a question from Leedy.

Waitkins also informed the group of the FTA 5311, 5310 Formula & POS, and 5305 funding solicitations currently available. Lastly, he noted that the New Hampshire Statewide Coordination of Community Transportation Services Plan is now accepting comments.

Gowan noted that the Stormwater Coalition group was going to poll communities for assistance and help regarding the MS4 permit and asked what the status of this is. Leedy stated that they may see the permit this month. Waitkins said he would follow up on this.

ADJOURN:

Motion to adjourn came from Leedy with a second from Young. The meeting ended at 12:55pm.