



Our Children's Earth Foundation | 100 First Street, Suite 100-367, San Francisco, CA 94105

NEWS RELEASE

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BAY AREA TRANSPORTATION PROJECTS HALTED TO PROTECT AIR QUALITY

San Francisco, California -- On Sunday, the Bay Area will be ineligible for new federal highway money, due to excessive air pollution. For the second time this year the Bay Area is in a transportation conformity lapse, which could halt more than \$2 billion of federal money into the Bay Area. The lapse is the result of a lawsuit brought by environmental groups challenging a U.S. Environmental Protection Agency decision that would have allowed new transportation projects to continue even though the Bay Area does not meet the National Standard for ozone.

For the better part of 30 years, the Bay Area has been in violation of the National Standard for ozone, a pollutant which is known to cause asthma, increased susceptibility to respiratory infections and decreased lung function. Children are especially vulnerable to the health impacts of excessive ozone levels. Ozone results from emissions from industrial sources, consumer products and motor vehicles. Motor vehicles create roughly half the ozone in the Bay Area.

"New statistics from the World Health Organization show that in the United States, air pollution annually kills nearly twice as many people as do traffic accidents and that deaths from air pollution equal deaths from breast cancer and prostate cancer combined," said Tiffany Schauer, executive director of Our Children's Earth Foundation. "The MTC is not making it easy for people to make alternative choices to driving and as a result our children's health is at risk."

Reducing the rate of growth in driving is the only remaining aspect of the air emissions equation that has serious untapped potential to clean up the air. The Metropolitan Transportation Commission (MTC) is responsible for transportation planning in the Bay Area, but has consistently refused to act to decrease the rate of growth in driving. A coalition of environmental groups, including Our Children's Earth Foundation, Transportation Solutions Defense and Education Fund and Communities for a Better Environment has filed four lawsuits to try to ensure that the law is enforced. One ended in a consent decree with EPA that produced the January conformity lapse. A second victory resulted in a Federal Court order requiring MTC to increase regional transit ridership by 15% over 1982-83 levels.

In March, a third case challenging EPA's determination that the motor vehicle emissions portion of the 2001 Ozone Plan was legally adequate was joined by Sacramento Metropolitan and Yolo-Solano Air Quality Management Districts. Challengers point out that the Ozone Plan identifies the need to reduce Bay Area emissions of volatile organic compounds by 26 tons per

day, but fails to provide measures to accomplish that. The Ninth Circuit Court of Appeals issued a stay of the EPA's finding of adequacy, pending its review, indicating that it believes petitioners have legitimate claims.

This action by the Court prevents MTC from adopting a new Transportation Improvement Program (TIP). The expiration of the current TIP on Saturday, without a new TIP already adopted, produces a conformity lapse. The Court is expected to decide the case within the next two months.

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