



January 3, 2025

Ms. Cecilia Ho  
Air Quality and Noise Team Leader  
Federal Highway Administration (FHWA), Office of Natural Environment  
1200 New Jersey Avenue SE  
Washington, DC 20590

Subject: Comments on the Interim Congestion Mitigation and Air Quality Improvement (CMAQ) Program Guidance

Dear Ms. Ho,

On behalf of the Association for Commuter Transportation (ACT) and its 1,700 members across the country, we appreciate the opportunity to provide feedback on the Federal Highway Administration's (FHWA) Interim Congestion Mitigation and Air Quality (CMAQ) Program Guidance under the Bipartisan Infrastructure Law (BIL). As an organization dedicated to advancing transportation demand management (TDM) strategies across the United States, ACT commends FHWA's commitment to updating CMAQ guidance in alignment with recent legislative changes. We are encouraged by many aspects of the Interim Guidance, including the expanded project eligibility and emphasis on cost-effectiveness and community equity.

To further strengthen the CMAQ Program's capacity to support impactful TDM strategies, we respectfully submit the following recommendations below. We believe these enhancements would increase the effectiveness of CMAQ funding, better align it with modern TDM goals, and maximize its positive impact on air quality, congestion mitigation, and equitable access to sustainable transportation options.

We request that the latest CMAQ guidance be further clarified in Section V(C)(8)(e) on the use of incentives. While we appreciate the inclusion of incentives into the guidance, we believe the language is too vague and should share more explicit intentions of its use (Page 35, Section e, Paragraph 1).

We recommend that FHWA explicitly include broad-based TDM programs in the list of eligible projects, encompassing initiatives like telework promotion, flexible work hours, commuter benefits, and integrated mobility hubs that combine shared micromobility, transit access, and parking management. Recognizing these programs under CMAQ would provide agencies with greater flexibility to implement multi-faceted TDM approaches that adapt to shifting transportation needs.

Much like the specificity in Section V(B) on what programs do not qualify for CMAQ funding, we recommend a similar list is given for qualifying incentive scenarios and would be happy to work with you on incorporating specific incentives into the guidance.

To make the language clearer, we suggest the following (in italics): "There *may be circumstances* where the use of an incentive *may be eligible*....An incentive *may also be an eligible project* cost as part of an eligible CMAQ project or program if it is demonstrated that the incentive itself directly contributes to an emissions benefit....The

eligibility determination on CMAQ eligible projects that use incentives *would need to be reviewed and determined on a case-by-case basis.*” (Page 35, Section e, Paragraph 1).

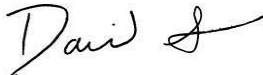
Additionally, we believe the word “requires” should be used instead of “encourages” in the following sentence: “The FHWA *encourages* State and local agencies to consider CMAQ eligible projects that also address roadway safety...” (Page 4, Section 2, Paragraph 3). This, as well, adds more clarity to the directions given.

As uncertainty lies ahead for the future of CMAQ guidance, we urge you to further clarify this interim guidance to set a formidable standard. With CMAQ guidance being critical for the dispersion of TDM funds, ACT strongly believes in bolstering this guidance. TDM practices lead to more efficient modes of transportation, cleaner air, less congestion, and a strong economy. If properly clarified, we believe this guidance could further the reach of TDM practices.

We kindly request your response to our list of potential incentives and encourage you to clarify the language in the incentive section based on the aforementioned results. If you have any questions, please follow up with ACT’s Government Affairs and Policy Manager, Emma Wasserman ([ewasserman@actweb.org](mailto:ewasserman@actweb.org)).

Sincerely,

David Straus

A handwritten signature in black ink that reads "David Straus". The signature is written in a cursive, flowing style.

Executive Director