

ORAL ARGUMENT NOT YET SCHEDULED  
**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**State of California, et al.,**

Petitioners,

v.

**United States Environmental  
Protection Agency, et al.,**

Respondents.

No. 18-1114, consolidated with  
18-1118, 18-1139, 18-1162

On Petition for Review of Final Action of the  
United States Environmental Protection Agency

**UNOPPOSED MOTION BY THE NATIONAL LEAGUE OF CITIES;  
THE U.S. CONFERENCE OF MAYORS; CITY OF NEW YORK, NY;  
LOS ANGELES, CA; CHICAGO, IL; KING COUNTY, WA; COUNTY  
OF SANTA CLARA, CA; SAN FRANCISCO, CA; MAYOR AND  
CITY COUNCIL OF BALTIMORE, MD; OAKLAND, CA;  
MINNEAPOLIS, MN; BOULDER COUNTY, CO; PITTSBURGH, PA;  
ANN ARBOR, MI; WEST PALM BEACH, FL; SANTA MONICA, CA;  
CORAL GABLES, FL; AND CLARKSTON, GA FOR LEAVE TO  
PARTICIPATE AS *AMICI CURIAE***

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Pursuant to Fed. R. App. Pro. 29(a)(3) and D.C. Cir. Rule 29(b), The National League of Cities; The U.S. Conference of Mayors; The City of New York, NY; Los Angeles, CA; Chicago, IL; King County, WA; County of Santa Clara, CA; San Francisco, CA; Mayor and City Council of Baltimore, MD (“Baltimore”); Oakland, CA; Minneapolis, MN; Board of County Commissioners of Boulder County, CO (“Boulder County”); Pittsburgh, PA; Ann Arbor, MI; West Palm Beach, FL; Santa Monica, CA; Coral Gables, FL; and Clarkston, GA (hereinafter, “Local Government Coalition”) respectfully move for leave to participate as *amici curiae* in support of the Petitioners State of California et al.

Counsel for all petitioners in these consolidated cases have provided the consent of their clients to amicus participation by the Local Government Coalition. Counsel for federal respondents and movant intervenors in support of respondents have stated that they do not oppose the motion.

In support of this motion, the Local Government Coalition states as follows:

1. Climate change poses a grave threat to many cities and localities, and to their human populations, all across the United States. The unprecedented scope of climate change-related impacts to human health, the environment, built infrastructure, natural resources and local economies is by now well established. These impacts include increases in heat-related deaths, poor air quality and

exacerbated health problems, longer droughts that combine with increased temperatures and water evaporation rates to strain water supplies, heightened wildfire risk, sea level rise, and increasingly frequent and severe storms that pose immediate threats to human welfare and critical infrastructure, damaged and disappearing coastlines, and degraded ecosystems and reduced ecosystem services function in urban and non-urban areas alike. The light-duty motor vehicle greenhouse gas emission and fuel economy standards promulgated by the federal Environmental Protection Agency (“EPA”), the National Highway Traffic Safety Administration (“NHTSA”), and the California Air Resources Board (“CARB”) (hereinafter, “Clean Car Standards”)<sup>1</sup> are essential for addressing these extraordinary risks insofar as they control emissions from one of the largest emission sources in the country.

2. The Local Government Coalition consists of leading national local government associations and cities and counties from around the country. The National League of Cities (NLC) is the oldest and largest organization representing municipal governments throughout the United States. Its mission is to strengthen and promote cities as centers of opportunity, leadership, and governance. Working in partnership with 49 State municipal leagues, NLC serves as a national advocate

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<sup>1</sup> EPA & NHTSA, 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards; Final Rule, 77 Fed. Reg. 62624 (Oct. 15, 2012).

for more than 19,000 cities and towns, representing more than 218 million Americans. Its Sustainable Cities Institute serves as a resource hub for climate change mitigation and adaptation in its member cities. The U.S. Conference of Mayors (USCM) is the official non-partisan organization of U.S. cities with a population of more than 30,000 people (approximately 1,400 cities in total). USCM is home to the Mayors Climate Protection Center, formed to assist with implementation of the Mayors Climate Protection Agreement whereby over 1,000 mayors have pledged to reduce their cities' greenhouse gas emissions below 1990 levels. Individual members of the Local Government Coalition include sixteen cities and counties from across the United States which vary considerably in terms of geography, size, and demographics.

3. Members of the Local Government Coalition have already suffered from the impacts of climate change, which are especially disruptive to cities' and counties' concentrated and tightly interwoven communities, ecosystems, assets, and critical infrastructure systems.<sup>2</sup> For example, cities along the Atlantic coast

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<sup>2</sup> See U.S. Global Change Research Program (USGCRP), *2017: Climate Science Special Report: Fourth National Climate Assessment Volume 1* (2017), <https://bit.ly/2h2NEX1>; Kevin E. Trenberth et al., *Attribution of climate extreme events*, 5 *Nature Climate Change* 725 (2015), <https://go.nature.com/2LO0ppr> (linking climate change to destructive storms, including Hurricanes Katrina and Sandy and the 2013 Boulder County floods); EPA, *Climate Change Indicators in the United States: Heat-Related Deaths* (June 2015), <http://1.usa.gov/1SR6g7b>; William V. Sweet et al., Nat'l Oceanic & Atmospheric Admin., *2016 State of U.S.*

such as New York City and Baltimore are exposed to the climate risks of rising seas, extreme precipitation, and storm surge. Coastal cities in South Florida, including West Palm Beach and Coral Gables, face the additional risk of rising seas invading the limestone bedrock on which they sit and intruding into both groundwater and surface drinking water sources. In the Midwest, increasing temperatures, more frequent and intense heat waves, and more extreme precipitation events and flooding affect cities like Chicago and Ann Arbor. The City of Ann Arbor, for example, has experienced a 44% increase in precipitation falling during extreme weather events – rain that is flooding streets, overwhelming stormwater infrastructure, and disrupting the local economy. Cities and counties in the Western United States, including Los Angeles, San Francisco, Oakland, Santa Monica, Boulder County, King County, and Santa Clara County are also contending with the prospect of increased heat and drier summers as well as more extreme precipitation and flooding during the wet season. Boulder County was among the Colorado localities that suffered catastrophic flooding in 2013, an event that scientists have concluded is evidence of the increased risks associated with

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*High Tide Flooding and a 2017 Outlook* (June 2017), <https://bit.ly/2svZ9O2> (reporting on effects of flooding incident to sea level rise). *See also* Climate Central, *These U.S. Cities Are Most Vulnerable to Major Coastal Flooding and Sea Level Rise* (Oct. 2017), <https://bit.ly/2i69YyO> (ranking New York City as the most vulnerable); King County, *Climate Change Infographic*, <https://bit.ly/2Eh50g1> (last visited July 30, 2018).

climate change. Many of the cities and counties in this coalition have also been affected by record-setting droughts, as well as more frequent and severe wildfires and the poor air quality caused by those fires. In addition, communities on the Pacific coast are coping with rising sea levels that threaten infrastructure and disproportionately affect those who have the fewest resources to prepare for and respond to increased flooding.

4. The acute relevance of climate change to local governments' responsibilities and activities has led members of the Local Government Coalition to identify both the need to adapt to climate change and the costs of failing to act to mitigate it. Prompted by lived experience and by the prospect of future impacts, they have made efforts both to adapt to their changing climatic circumstances and to slow or eliminate their greenhouse gas emissions.<sup>3</sup> Withdrawal of the Clean Car

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<sup>3</sup> See, e.g., New York City Mayor's Office of Sustainability, *1.5°C: Aligning New York City with the Paris Climate Agreement* (2017), <https://on.nyc.gov/2n1JEcl>; City of New York, *Progress Report: OneNYC 2018* (2018), <https://bit.ly/2trxz3F>, at 78-90; City of Los Angeles, *3<sup>rd</sup> Annual Report (2017-2018) on Implementation of the Sustainable City pLAn* (2018) <https://bit.ly/2LDAK3l>; City of Chicago, *Chicago Climate Action Plan Progress Report: First Two Years* (2010), <https://bit.ly/2Lqdm9g>; City of Chicago, *Greenhouse Gas Inventory Report* (2015), <https://bit.ly/2nGfcVo>; King County, *Strategic Climate Action Plan* (2015) <https://bit.ly/2OolzJd>; County of Santa Clara Office of Sustainability, *County of Santa Clara Framework for Creating the Sustainability Master Plan* (2018), <https://bit.ly/2PcecE9>; City of San Francisco, *Climate Action Strategy Update* (2013), <https://bit.ly/2z8Apvh>; City of Baltimore, *Climate Action Plan* (2013), <https://bit.ly/2MneBqx>; City of Oakland, *Energy & Climate Action Plan Update* (2018), <https://bit.ly/2LVhzhB>; City of Minneapolis, *Climate Action Plan* (2013),

Standards would hinder local governments' work to slow and reduce their greenhouse gas emissions. It would also render their adaptation efforts less effective. Additionally, it could make their efforts to purchase clean fleet vehicles more expensive and reduce options for low and zero emission vehicles. The members of the Local Government Coalition thus have a uniquely well-informed view of the importance of the Clean Car Standards.

5. To help mitigate the impacts of climate change, members of the Local Government Coalition are working to reduce greenhouse gas emissions from their own operations and other sources within their jurisdiction. Reducing transportation emissions is essential to these efforts, as the transportation sector generates a substantial proportion of greenhouse gas emissions in these municipalities (in some cases as much as 57% of overall emissions).<sup>4</sup> The coalition members have

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<https://bit.ly/2ttPCXN>; Boulder County, *Environmental Sustainability Plan* (2012) <https://bit.ly/2JXP7K8>; City of Pittsburgh, *Climate Action Plan v. 3.0 (Draft)* (2017), <https://bit.ly/2fx2R1F>; City of Ann Arbor, *Climate Action Plan* (2012), <https://bit.ly/2NkRokX>; City of West Palm Beach, *Sustainability Action Plan* (2012), <https://bit.ly/2wklD59>; City of Coral Gables, *Sustainability Master Plan* (2015), <https://bit.ly/2vjI3lQ>. *See also Global Covenant of Mayors for Climate & Energy*, <https://bit.ly/2v1ec2c> (last visited July 27, 2018) (signed by Mayors or Leaders from New York, Los Angeles, Chicago, King County, San Francisco, Baltimore, Oakland, Minneapolis, Boulder, Pittsburgh, Ann Arbor, West Palm Beach, and Santa Monica); *We Are Still in Coalition*, <https://bit.ly/2AmLVil> (last visited July 27, 2018) (signed by New York City, Los Angeles, Chicago, King County, San Francisco, Baltimore, Oakland, Boulder, Pittsburgh, Ann Arbor, West Palm Beach, Santa Monica, and Clarkston); *County Climate Coalition*, <https://bit.ly/2MzczTX> (led by Santa Clara County).

<sup>4</sup> *See* City of Oakland (2018), *supra* note 3, at 9.

undertaken and plan to undertake a variety of initiatives aimed at reducing vehicle miles travelled (VMT), increasing the use of electric vehicles, and otherwise controlling transportation emissions, but they lack the authority to promulgate vehicle emission standards, which are one of, if not the most effective, tools for controlling emissions from this sector. These local governments therefore rely heavily on the Clean Car Standards to meet their emission reduction targets.

Consider the example of New York City, which aims to reduce greenhouse gas emissions 80% below 2005 levels by 2050. Transportation sources constitute 30% of the City's overall emissions, and roughly 90% of those emissions come from private vehicle travel.<sup>5</sup> The City is implementing strategies to reduce VMT and promote the uptake of electric vehicles, but it recognizes that these measures alone will not be sufficient to meet the 80x50 target. In particular, the City has found there is a need for "improved vehicle and efficiency standards" to help enable and accelerate emissions reductions from the transportation sector, and one of the action items in its climate action plan is to advocate for "aggressive federal regulation of GHG emissions" including more stringent vehicle efficiency standards."<sup>6</sup>

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<sup>5</sup> New York City Mayor's Office of Sustainability (2017), *supra* note 3, at 14, 16.

<sup>6</sup> *Id.* at 16, 26.



Many other members of the Local Government Coalition have established similar emission reduction targets and have likewise found that local measures alone are not sufficient to reduce transportation emissions in line with those targets. San Francisco, for example, has established a goal of reducing emissions 80% below 1990 levels by 2050 and has reduced emissions from other sectors by an average of 38%, but has only seen an 11% reduction in transportation emissions, which it attributes primarily to “higher fuel efficiency standards and cleaner vehicle fuels mandated by the State of California.”<sup>7</sup> Transportation emissions account for 45% of the emissions generated within San Francisco, and 91% of those emissions are from passenger vehicles,<sup>8</sup> so any rollback of the Clean Car Standards could significantly affect San Francisco’s ability to meet its emission reduction goal. Oakland, Baltimore, Ann Arbor, Santa Monica, Coral Gables, Boulder County, and King County have issued similar findings highlighting the importance of the Clean Car Standards in their greenhouse gas inventories, climate action plans, and sustainability plans.<sup>9</sup>

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<sup>7</sup> San Francisco Department of Environment, *2016 San Francisco Geographic Greenhouse Gas Emissions at a Glance* (2018), <https://bit.ly/2Ot2IfT>, at 13.

<sup>8</sup> *Id.* at 5.

<sup>9</sup> See, e.g., Boulder County, *GHG Inventory & SEP Analysis* (2013), <https://bit.ly/2NVZws8>, at 18 (finding that federal greenhouse gas and fuel economy standards were a primary driver of emission reductions in the transportation sector); City of Baltimore (2013), *supra* note 3, at 19 (noting that the clean car standards can contribute a significant percentage of overall predicted

Many members of the Local Government Coalition are also aiming to “green” their vehicle fleets, in part through the procurement of more efficient vehicles, and to promote the uptake of zero emission and alternative fuel vehicles by the public.<sup>10</sup> The Clean Car Standards can help cities and counties implement these

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GHG reductions in the city); City of Coral Gables (2015), *supra* note 3, at 24 (finding that increases in vehicle emissions were mitigated by federal emission standards); King County (2015), *supra* note 3, at 26 (finding that federal standards are needed to meet its goal of reducing emissions 50% below 2007 levels by 2030, with the federal standards accounting for approximately 20% of the overall emissions reductions needed to achieve this goal); City of Oakland (2018), *supra* note 3, at 4, 9, 21, 91 (noting that it intends to achieve emission reduction goals in part through more fuel efficient vehicles); City of Pittsburgh, *supra* note 3, at 62 (finding that increases in fuel efficiency have driven decreases in transportation emissions and that the EPA standards will help reduce on-road transportation emissions in line with the City’s goal of reducing those emissions 50% below 2003 levels by 2030.); City of Ann Arbor (2012), *supra* note 3, at 3 (finding that decreases in transportation sector emissions from 2000 through 2010 were likely driven by improvements in fuel efficiency).

<sup>10</sup> See, e.g., NYC Mayor’s Office of Sustainability (2017), *supra* note 3, at 22; City of Los Angeles, *Sustainability City pLAn: Transforming Los Angeles* (2017), <https://bit.ly/2Ot2RQk>, at 79; City of Chicago, *Climate Action Plan; Strategy 3: Improved Transportation Options* (2008), <https://bit.ly/1qbre4K>, at 31; County of Santa Clara Office of Sustainability, *2018 Semi-Annual Sustainability and Climate Action Report* (2018), at 31-33, <https://bit.ly/2wuaBJN>; County of Santa Clara Office of Sustainability, *Driving to Net Zero – Decarbonizing Transportation in Silicon Valley* (2014), <https://bit.ly/2PMsFI2> (the “Driving to Net Zero” initiative seeks to decarbonize transportation at both government and community levels through infrastructure planning that incentivizes the uptake of zero emission and alternative fuel vehicles); City of Oakland (2018), *supra* note 3, at 13, 50; City of Pittsburgh, *supra* note 3, at 62 (noting that it intends to achieve a 100% fossil fuel-free fleet by 2030); City of Ann Arbor, *Green Fleets*, <https://bit.ly/2MyZvOp>; City of West Palm Beach, *Energy Secure Cities Coalition*, <https://bit.ly/2wqZtxj>; City of Santa Monica, *15x15 Climate Action Plan* (2013), at 22, <https://bit.ly/2PdJf7a>; City of Coral Gables (2015), *supra* note 3, at 24.

planned fleet upgrades and support vehicle upgrades in the community by increasing the supply of energy efficient vehicle options on the market and lowering their cost.

Notably, the City of Coral Gables, which is also working to upgrade its fleet, found that procuring more fuel-efficient vehicles had one of the highest returns on investment (494%) of all climate and sustainability strategies evaluated.<sup>11</sup> This is because the emission savings from driving more efficient vehicles are substantial, and the costs of purchasing those vehicles are largely offset by reductions in fuel costs in the long term. The same is true for non-government consumers: many studies, including those conducted by EPA, have found that increasing vehicle efficiency also has the added benefit of reducing fuel costs for consumers.<sup>12</sup> The Clean Car Standards thus represent a “win-win” solution that can reduce transportation emissions at relatively low cost as compared with other emission reduction strategies.

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<sup>11</sup> Coral Gables (2015), *supra* note 3, at 46.

<sup>12</sup> See, e.g., David L. Green, *A Trillion Gallons of Gasoline* (Howard L. Baker Jr. Center for Public Policy, 2017), <https://bit.ly/2AAGXwL> (finding that fuel economy improvements to cars and light trucks since 1975 have saved U.S. drivers approximately \$4 trillion in fuel costs); EPA, *Regulatory Impact Analysis: Final Rulemaking for 2017-2025 Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards*, EPA-420-R-12-016 (2012) (finding that the 2017-2025 standards would deliver significant cost savings for consumers due to reduced fuel usage).

In light of these considerations, many municipalities have highlighted the need to work with federal and state regulators to make the Clean Car Standards more stringent. Like New York City, the cities of Chicago and Los Angeles both explicitly list “advocating for more stringent fuel efficiency standards” among the action items in their climate action plans,<sup>13</sup> and the City of Coral Gables is part of a coalition that advocates for improved fuel economy strategies around the nation.<sup>14</sup> Boulder County Public Health also recently co-published a report with Denver public health agencies advocating against the planned rollbacks to the federal standards and outlining the benefits of even more stringent standards.<sup>15</sup>

In sum: the members of the Local Government Coalition have demonstrated a strong interest in maintaining and improving the Clean Car Standards that are at issue in this case, and would be adversely affected by any action taken by the federal government to delay implementation of these standards or to make them less stringent.

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<sup>13</sup> City of Chicago (2008), *supra* note 10, at 31; City of Los Angeles (2017), *supra* note 10, at 79.

<sup>14</sup> Coral Gables (2015), *supra* note 3, at 24 (citing participation in the Southeast Florida Clean Cities Coalition).

<sup>15</sup> Boulder County Public Health et al., *Protecting Our Communities from Air Pollution: Health Risks of Proposed Rollbacks to the Federal Clean Car Standards and the Benefits of Adopting Advanced Clean Car Standards* (2018), <https://bit.ly/2LNhgIW>.

6. The Local Government Coalition’s view is widely representative of the diverse communities affected by the Clean Car Standards throughout the nation in addition to being well-informed. The majority of Americans live and/or work in urban and metropolitan areas like those represented by these local governments.<sup>16</sup> Notably, the thirteen *Amici* cities and three *Amici* counties listed above are home to over 22 million people, and many millions more live in cities that are members of the NLC and USCM.<sup>17</sup> The coalition also includes the three largest cities in the U.S. (New York, Los Angeles, and Chicago) as members. Given their commitments to reducing greenhouse gas emissions, the coalition members also have unique expertise on topics pertaining to the Clean Car Standards, including, among other things, whether high fuel efficiency vehicles are less safe than other automobiles and can provide input on whether safety concerns are a valid rationale for revisiting the Clean Car Standards.

7. The Local Government Coalition and its member local governments seek to participate as *amici curiae* to support their common view that the final action entitled “Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model

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<sup>16</sup> U.S. Conference of Mayors, U.S. Metro Economies (2013), <http://bit.ly/1fgVq8S>, (“In 2013, the nation’s metropolitan areas will contain 86% of total U.S. non-farm employment, 90% of real GDP and 85.7% of our country’s population.”).

<sup>17</sup> See U.S. Census Bureau, Population Division, Annual Estimates of the Resident Population for Incorporated Places of 50,000 or More; 2014 Population Estimates (May 2015).

Year 2022-2025 Light Duty Vehicles” published in the Federal Register on April 13, 2018 at 83 Fed. Reg. 16077 (“Action”) is not a valid exercise of EPA’s authority. The Local Government Coalition believes that this action violates the Clean Air Act and the Administrative Procedure Act because EPA failed to provide adequate factual support in the record to justify: (i) its withdrawal of the January 2017 Final Determination<sup>18</sup> that the 2022-2025 Light-Duty Vehicle Standards were appropriate, and (ii) its revised final determination that the 2022-2025 Light-Duty Vehicle Standards were not appropriate. In finalizing this Action, EPA also violated the requirements of 40 C.F.R. § 86.1818-12(h) which requires EPA to base its final determination on the appropriateness of the Light-Duty Vehicle Standards on a record that has been made available for public review and comment, a draft Technical Assessment Report, and detailed assessments of specific factors identified in 40 C.F.R. § 86.1818-12(h)(1).

The Local Government Coalition further believes that the 2022-2025 Light-Duty Standards are in fact appropriate and, as discussed above, essential to local efforts to reduce greenhouse gas emissions. Through this unlawful Action, EPA is opening up these standards for revisions that will make the standards less stringent

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<sup>18</sup> EPA, Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emission Standards under the Midterm Evaluation, EPA-420-R-17-001 (Jan. 12, 2017).

and less environmentally protective. This would seriously harm the interests of the Local Government Coalition members.

Although some of the members of the State and Municipal Petitioners share the Local Government Coalition's concerns about and interests in climate change mitigation and adaptation, the Local Government Coalition is uniquely situated to offer the perspective of local governments nationwide, including cities and counties large, mid-size and small. As the Local Government Coalition would highlight in their *amici* filing, the 2022-2025 Light-Duty Vehicle Standards are very important to local governments, which stand on the front line of efforts to deal with climate change, both by adapting to its impacts and by developing innovative strategies for reducing greenhouse gas emissions.

8. D.C. Cir. Rule 29 permits the filing of a motion for leave to participate as *amicus curiae* up to seven days after the filing of the principal brief of the party being supported, but encourages the filing of a notice of intent as soon as practicable. *Amici* Local Government Coalition is filing this motion as soon as practicable, prior to the parties filing briefs addressing the merits of the case. If permitted to file an *amicus* brief, *amici* would file a document within the briefing schedule established by this Court for all briefs, including those filed by *amicus curiae* and within any proscribed word limitations. Local government *amici* would not submit a brief on the motion to dismiss now pending before the Court.

9. Counsel for the Local Government Coalition represents that the parties listed in the signature blocks below consent to the filing of this motion.

WHEREFORE, the proposed *amici* Local Government Coalition respectfully request leave to file a brief of *amici curiae* pursuant to the schedule and any other direction, including word limitations, established by the Court.

Dated: September 4, 2018

Respectfully Submitted,

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## **CERTIFICATE OF COMPLIANCE**

This motion complies with Federal Rules of Appellate Procedure 27(d)(1)&(2) and 29(a)(3) and D.C. Circuit Rule 29(b) because it meets the prescribed format requirements, does not exceed 5,200 words, and is being filed as promptly as practicable after the case was docketed in this Court. This motion also complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(5)&(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman.

/s/ Michael Burger

Dated: September 4, 2018

## **CERTIFICATE AS TO PARTIES AND AMICI CURIAE**

Pursuant to D.C. Circuit Rule 28(a)(1)(A), counsel certifies as follows: Except for the Local Government Coalition, all parties, intervenors, and amici appearing in this court are, to the best of my knowledge, listed in the Certificate as to Parties, Rulings, and Related Cases filed by the South Coast Air Quality Management District in its unopposed motion for leave to participate as amicus curiae in support of petitioners (dated August 3, 2018).

/s/ Michael Burger

Dated: September 4, 2018

## **CERTIFICATE OF SERVICE**

I certify that the foregoing MOTION BY THE NATIONAL LEAGUE OF CITIES; THE U.S. CONFERENCE OF MAYORS; CITY OF NEW YORK, NY; LOS ANGELES, CA; CHICAGO, IL; KING COUNTY, WA; COUNTY OF SANTA CLARA, CA; SAN FRANCISCO, CA; MAYOR AND CITY COUNCIL OF BALTIMORE, MD; OAKLAND, CA; MINNEAPOLIS, MN; BOULDER COUNTY, CO; PITTSBURGH, PA; ANN ARBOR, MI; WEST PALM BEACH, FL; SANTA MONICA, CA; CORAL GABLES, FL; AND CLARKSTON, GA FOR LEAVE TO PARTICIPATE AS *AMICI CURIAE*, Certificate of Compliance, and Certificate of Parties and Amici Curiae were served today on all registered counsel in these consolidated cases via the Court's CM/ECF system.

/s/ Michael Burger

Dated: September 4, 2018