

## **Agenda Item Number 10.B.**

### **Adopting the TransPlan Air Quality Conformity Determination**

**Presenter:** Tom Schwetz

**Action Recommended:** Approve Resolution 2002-07, Adopting the TransPlan Air Quality Conformity Determination.

#### **Issue Summary:**

Amendments to the December 2001 version of TransPlan related to the West Eugene Parkway (WEP) were adopted by the LCOG Board on July 25, 2002. At that time, the Federal Highway Administration and the Federal Transit Administration, in consultation with the Environmental Protection Agency, had approved the July 2001 Air Quality Conformity action by the LCOG Executive Committee. Staff indicated that an updated air quality determination based on the WEP amendments would be presented to the LCOG Board in September.

#### **Background:**

On March 3, 1995 the Environmental Quality Commission (EQC) adopted new rules regarding the air quality conformity of transportation plans, programs and projects to Federal and State implementation plans. These rules establish criteria and procedures for determining such conformity. With minor exceptions, this rule mirrors the federal rule language, providing more specificity around the roles and responsibilities of MPOs, air agencies, Dept. of Environmental Quality (DEQ), the Oregon Dept. of Transportation (ODOT), and local agencies. By meeting the state standards for purposes of demonstrating air quality conformity, the federal standards are also met.

LCOG staff, with assistance from ODOT, uses the state rules to make a conformity determination on the Eugene-Springfield long-range transportation plan, TransPlan.

The ruling states that each transportation plan must comply with all conformity requirements of implementation plans and the ruling in order to be found a conforming plan.

Each transportation plan must also be found to be consistent with the Federal ruling on demonstration of financial constraint as stated in OAR 340-20-790. The financial constraint requirement states that each plan must contain projects with reasonably sound financial commitment. TransPlan, as amended and adopted by the LCOG Board on July 25, 2002 (Resolution 2002-06), meets the financial constraint requirement.

Another requirement for plan conformity is that the transportation plan must be consistent with the motor vehicle emissions budget as stated in OAR 340-20-890. The attached document concludes that the emissions from projects listed in TransPlan conform to the motor vehicle emissions budget as set forth in the Federal Register, Vol. 58, No 232, page 64163, December 6, 1993.

### **Public Comment:**

The state ruling also requires public participation. OAR 340-20-760 (4) requires a 30-day public comment period where citizens of the public or interested parties can submit oral or written comments on the conformity determination and all supporting documentation. The comment period began on August 8, 2002 and went through September 6, 2002. No public comments have been submitted.

Along with public participation, it is required under OAR 340-20-760 that conformity determinations on transportation plans are made according to the interagency consultation procedures. LCOG's Transportation Planning Committee (TPC) has been designated as the standing committee for the Eugene-Springfield MPO for purposes of interagency consultation. TPC membership includes representatives from Eugene, Springfield, Lane County, Lane Transit District (LTD), Lane Regional Air Pollution Authority (LRAPA), the ODOT, and Federal Highways Administration (FHWA). Currently TPC meets once a month, with an optional second meeting monthly as needed.

The standing committee's review process parallels the public review process. It also has a 30-day comment period on the conformity determination and all supporting documentation. In accordance with this requirement, a draft document

was provided to TPC at its August 8, 2002 meeting, with the comment period extending through September 6, 2002, concurrent with the public comment period.

The Transportation Planning Committee, at its September 12, 2002 meeting, recommended adoption of the Air Quality Conformity Determination for TransPlan.

**ACTION RECOMMENDED:**

Hold Public Hearing.

Approve Resolution 2002-07, Adopting the TransPlan Air Quality Conformity Determination.