

June 3, 2004

To: Metropolitan Policy Committee

From: Tom Schwetz

Subject: Item 4c: Resolution 2004-04 approving Air Quality Conformity Determination for Regional Transportation Plan and FY04-06 Metropolitan Transportation Improvement Program (MTIP)

Action Requested: Review Air Quality Conformity Determination. Hold Public Hearing. Approve Resolution 2004-04.

Issue Summary

Amendments to the Regional Transportation Plan and the Metropolitan Transportation Improvement Program (MTIP) are under consideration by MPC at its June meeting. Because of these amendments, an air quality conformity determination is required. The body of the Conformity Determination report is attached along with Resolution 2004-04. The appendices are available on-line at <http://www.lcog.org/meetings/mpc.html>. MPC will be asked to discuss the determination, hold a public hearing and adopt Resolution 2004-04.

This memo provides additional background on associated state and federal requirements and summarizes results of the Conformity Determination.

State and Federal Conformity Requirements

On March 3, 1995 the Environmental Quality Commission (EQC) adopted a rule regarding the air quality conformity of transportation plans, programs and projects to Federal and State implementation plans. This rule establishes 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, Department of Environmental Quality (DEQ), the Oregon Department of Transportation (ODOT), and local agencies. By meeting the Oregon Transportation Conformity Rule for purposes of demonstrating air quality conformity, the federal standards are also met.

LCOG staff used the state rules to make a conformity determination on the RTP and the MTIP. Each plan and program must comply with all conformity requirements of the State Implementation Plan (SIP) in order to be found in conformity. In addition, the Transportation Conformity regulations and procedures must be satisfied.

In particular, the RTP and MTIP must be found to be consistent with the Federal ruling on demonstration of financial constraint as stated in OAR 340-252-0090. The financial constraint requirement states that each RTP and MTIP must contain projects with reasonably sound financial commitment. The RTP and MTIP, as previously adopted by MPC and as amended today, meet the financial constraint requirement.

Also, the RTP and MTIP must be consistent with the motor vehicle emissions budget as stated in OAR 340-252-0190. The attached document concludes that the emissions from projects listed in the RTP and the FY04-06 MTIP are well below the carbon monoxide motor vehicle emissions budget as set forth in the Federal Register, Vol. 58, No 232, page 64163, December 6, 1993. This requirement is thus met..

Public Review and Interagency Consultation

The state rule also requires establishment of a public involvement process. OAR 340-252-0060(4) requires a public comment period wherein citizens or interested parties can submit oral or written comments on the conformity determination. The draft report was posted to the LCOG website and advertised as available for public review from April 27th through May 26th. No public comments have been received.

In addition, it is required under OAR 340-252-0060 that conformity determinations be made according to the interagency consultation procedures. LCOG's Transportation Planning Committee (TPC) has been designated as the standing committee for the Central Lane MPO for purposes of interagency consultation. TPC membership includes representatives from Eugene, Springfield, Coburg, Lane County, Lane Transit District (LTD), Lane Regional Air Pollution Authority (LRAPA), the ODOT, and Federal Highway Administration (FHWA). A 30-day comment period is required for TPC review of the conformity determination. In accordance with this requirement, a draft document was provided to TPC on April 27th, with the comment period extending through May 26th.

Further, an interagency consultation was held on May 5th with FHWA, Federal Transit Authority (FTA), Environmental Protection Agency, ODOT, LRAPA and LCOG. The draft report was reviewed and comments provided. These comments are summarized in Appendix J of the conformity document, and the responses have been incorporated into the document.

- *Based upon the analysis that demonstrates that CO emissions in the region will remain within the limits set by the State Implementation Plan, and that the process required by the State and Federal Transportation Conformity rules has been satisfied, it has been determined that the RTP and MTIP for the region conform with the Clean Air Act.*

Thus, the Transportation Planning Committee at its May 27th meeting recommended adoption of the RTP and FY04-06 MTIP Air Quality Conformity Determination.

Attachments:

Attachment 1: Resolution 2004-04 Adopting RTP and FY04-06 MTIP Air Quality Conformity Determination

Attachment 2: RTP and FY04-06 MTIP Air Quality Conformity Determination