



October 31, 2007

To: Metropolitan Policy Committee

From: Susan Payne

Subject: Item 4c: Air Quality Conformity Determination for 2031 Regional Transportation Plan and the FY08-11 Metropolitan Transportation Improvement Program

**Action Requested:** Approve Resolution 2007-10 adopting the Air Quality Conformity Determination for the 2031 RTP and FY08-11 MTIP.

### **Issue Summary**

Due to the status of the Eugene-Springfield area as a US-EPA designated “maintenance area” for carbon monoxide (CO), an air quality conformity determination (AQCD) is required whenever the Regional Transportation Plan (RTP) or Metropolitan Transportation Improvement Program (MTIP) is updated, or every 3 years, whichever comes first. Thus, a conformity determination must be adopted by MPC as part of the approval process for the 2031 RTP and the FY08-11 MTIP. USDOT must also accept the conformity determination before the plan and program can become operative.

Projects funded or approved by FHWA or FTA, or projects requiring federal action, must be from or be consistent with a conformed RTP. The MTIP is based on the RTP, and, for the same reasons, must also be conformed. In the event of a conformity lapse, use of Federal-aid funds is restricted.

### **Status**

The AQCD was prepared based on the project lists of the 2031 RTP and the FY08-11 MTIP, and was reviewed by MPC on October 11. The analysis shows that CO emissions, based on estimated future vehicle miles traveled and congested speeds within the region, will remain well below the limit set by USEPA, and that the RTP and MTIP meet the CO budget test.

The public comment period on the AQCD closed on October 29; all requirements of the MPO’s Public Participation Plan were followed. Five comments were received: three were made at the public hearing on October 11, and two letters were received (Attachment 1). Staff responses to the comments are included as Attachment 2. Interagency consultation and agency review have been completed, and TPC has unanimously recommended approval of the AQCD by the MPC.

The FY08-11 Statewide TIP is expected to be approved by OTC at their meeting on November 14, 2007, and shortly thereafter by USDOT. At that time, the current FY06-09 STIP and MTIP will become void. Projects that are federally funded or that require federal action such as a NEPA decision must be included in the FY08-11 STIP – and such projects can only be advanced into the STIP through a conformed and valid MTIP.

**Conclusion/Recommendation**

Responses to the rules of OAR-340-252, 40 CFR 93 and the SAFETEA-LU law have been made and are documented in Exhibits A and B to Resolution 2007-10 (Attachment 3). The 2031 RTP and the FY08-11 MTIP have thereby been shown to conform to all requirements.

MPO staff recommends the MPC adopt Resolution 2007-10 adopting the Air Quality Conformity Determination for the 2031 RTP and FY08-11 MTIP.

Attachment 1: Letters received concerning Air Quality Conformity Determination

Attachment 2: Responses to Comments Received

Attachment 3: Resolution 2007-10

Exhibit A: Air Quality Conformity Determination - report

Exhibit B: Air Quality Conformity Determination - appendices