

November 6, 2003

To: Metropolitan Policy Committee

From: Tom Schwetz

Subject: Item 4a: Resolution 2003-02 approving Air Quality Conformity Determination for FY04-06 Metropolitan Transportation Improvement Program (MTIP)

## **Background**

An Update of the Metropolitan Transportation Improvement Program (MTIP) was adopted by MPC at its October 9<sup>th</sup> meeting. As part of the MTIP update process, staff indicated that an air quality conformity determination was required. That Conformity Determination is attached along with Resolution 2003-02. MPC will be asked to discuss the determination, hold a public hearing and adopt Resolution 2003-02.

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 Conformity Rule 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 MTIP. The ruling states that each MTIP must comply with all conformity requirements of the State Implementation Plan and the ruling in order to be found in conformance.

Each MTIP 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 MTIP must contain projects with reasonably

sound financial commitment. The MTIP, as adopted by MPC on October 9<sup>th</sup>, meets the financial constraint requirement.

Another requirement for plan conformity is that the MTIP 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 the FY04-05 MTIP conform to the carbon monoxide motor vehicle emissions budget as set forth in the Federal Register, Vol. 58, No 232, page 64163, December 6, 1993.

### **Public Review and Interagency Consultation**

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. The draft conformity determination was posted to the LCOG website and advertised as available for public review from September 19<sup>th</sup> through October 20<sup>th</sup>. No public comments have been submitted.

In addition, it is required under OAR 340-20-760 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 Highways Administration (FHWA). Currently TPC meets once a month.

TPC's review process parallels the public review process. It also has a 30-day comment period on the conformity determination. In accordance with this requirement, a draft document was provided to TPC on September 17<sup>th</sup>, with the comment period extending through October 16<sup>th</sup>. In addition, copies of the draft document were provided to the Federal Transit Administration, the Environmental Protection Agency, and the Oregon Department of Environmental Quality.

The Transportation Planning Committee, at its October 23, 2003 meeting, recommended adoption of the FY04-06 MTIP Air Quality Conformity Determination.

**Action Requested:** Review Air Quality Conformity Determination. Hold Public Hearing. Approve Resolution 2003-02.

### **Attachments:**

Attachment 1: Resolution 2003-02 Adopting FY04-06 MTIP Air Quality Conformity Determination

Attachment 2: FY04-06 MTIP Air Quality Conformity Determination