

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE AIR)	RESOLUTION NO. 10- 4150 ^A
QUALITY CONFORMITY DETERMINATION)	
FOR THE 2035 REGIONAL TRANSPORTATION)	Introduced by Chief Operating Officer
PLAN AND THE 2010-2013 METROPOLITAN)	Michael Jordan with the Concurrence of
TRANSPORTATION IMPROVEMENT)	Council President David Bragdon
PROGRAM.)	

WHEREAS, clean air contributes to the health of Metro residents and their quality of life; and

WHEREAS, the federal Clean Air Act and other federal laws, including CFR 93.100 through CFR 93.128 contain air quality standards designed to ensure that federally supported activities meet air quality standards, and these federal standards apply to on-road transportation plans, programs and activities in the Metro area; and

WHEREAS, Chapter 340, Division 252, Transportation Conformity, of Oregon Administrative Rules was adopted to implement section 176(c) of the federal Clean Air Act, as amended, and these rules also apply to Metro area on-road transportation plans, programs and activities; and

WHEREAS, these federal and state regulations require an air quality conformity determination whenever the Regional Transportation Plan (RTP) is updated and require that the transportation improvement program conform to the air quality regulations consistent with the 2035 RTP; and

WHEREAS, in December, 2009, the Metro Council approved, subject to air quality conformity determination, the update of the 2035 RTP, as stated in Resolution No. 09-4099, For the Purpose of Accepting the Draft 2035 Regional Transportation Plan, with the Following Elements for Final Review and Analysis for Air Quality Conformance: the Transportation Systems Management and Operations Action Plan; the Regional Freight Plan; the High Capacity Transit System Plan and the Regional Transportation Functional Plan; and

WHEREAS, in August, 2007, the 2008 - 2011 Metropolitan Transportation Improvement Program (MTIP) was approved by the Metro Council by Resolution No. 07-3824, For the Purpose of Approving an Air Quality Conformity Determination For the 2008-2011 Metropolitan Transportation Improvement, assuming the 2004 Regional Transportation Plan Financially-Constrained System; and

WHEREAS, the Air Quality Conformity Determination dated March 22, 2010, included in Exhibit A and attached hereto, demonstrates that the financially-constrained system of the 2035 RTP and the timing and design of the projects included in the 2010-2013 MTIP can be built and the resulting total air quality emissions, to the year 2035, are forecast to be substantially less than the motor vehicle emission budgets, or maximum transportation source emission levels; now, therefore,

BE IT RESOLVED that the Metro Council hereby:

1. Approves the air quality conformity determination attached to this resolution as Exhibit A.

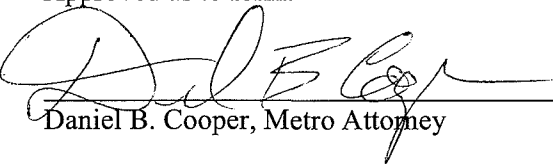
2. Directs the Chief Operating Officer to forward the Air Quality Conformity Determination dated ~~March 22~~ May 14, 2010, to the Federal Highway Administration and Federal Transit Administration for approval.

ADOPTED by the Metro Council this 10th day of June, 2010.

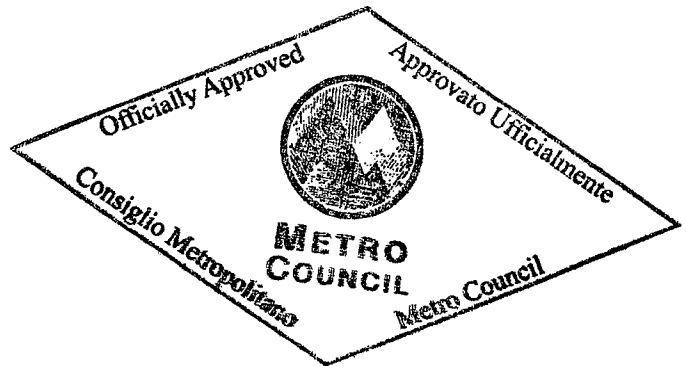


David Bragdon, Council President

Approved as to form:



Daniel B. Cooper, Metro Attorney



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Exhibit A to Resolution 10-4150A

Air Quality Conformity Determination
May 14, 2010

2035

REGIONAL TRANSPORTATION PLAN

and

2010–13

METROPOLITAN TRANSPORTATION
IMPROVEMENT PROGRAM

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4150A, FOR THE PURPOSE OF APPROVING THE AIR QUALITY CONFORMITY DETERMINATION FOR THE 2035 REGIONAL TRANSPORTATION PLAN AND THE 2010-2013 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.

Date: May 18, 2010

Prepared by: Mark Turpel

BACKGROUND

Overview

Federal regulations require that at least every four years the transportation plan be updated with a new time horizon, updated jobs and housing forecasts and updated information about available funds, including federal funds, for the new time period. The updated transportation plan, (known as the Regional Transportation Plan, or RTP, in the Metro area) with these new factors taken into consideration, must then be evaluated to determine if it meets the federal Clean Air Act and state air quality regulations. In addition, the transportation improvement program (called the Metropolitan Transportation Improvement Program or MTIP in the Metro area) must be re-conformed, or re-evaluated, against the air quality standards within six months of the adoption of the new transportation plan. These air quality analyses – known as air quality conformity determinations - must demonstrate compliance with all federal and state determined air pollutants for the area so that the region, the Oregon Department of Transportation and local jurisdictions can continue to be eligible to receive federal funds for transportation projects within the region.

The Metro area is in compliance with the standards for all air pollutants regulated by federal and state regulations. However, the current status of air quality in the Metro region is that it is a “maintenance” area for Carbon Monoxide. That is, while the region has greatly reduced Carbon Monoxide levels and has not exceeded maximum levels since 1989, it still must monitor Carbon Monoxide levels and complete air quality conformity determinations for Carbon Monoxide emissions from on-road transportation sources. The way that this analysis is done is that the region’s projected growth to the transportation plan horizon year (2035) and the transportation investments included in the financially constrained RTP (of which the MTIP is a subset) are estimated in Metro’s travel forecast model. These travel results are then used with the Environmental Protection Agency’s approved MOBILE 6.2 air quality model to determine air pollutant levels from on-road sources. These emission levels are then compared with the motor vehicle emission budgets, or maximum air pollution levels of Carbon Monoxide from on-road transportation sources, as determined by the Oregon Environmental Quality Commission based on the analysis and recommendations of the Oregon Department of Environmental Quality.

Carbon Monoxide Conformity Determination

Exhibit A to Resolution No. 10- 4150A, “For the Purpose of Approving the Air Quality Conformity Determination for the 2035 Regional Transportation Plan and the 2010-2013 Metropolitan Transportation Improvement Program,” is the Air Quality Conformity Determination that includes a Carbon Monoxide emission analysis of on-road transportation sources from the region based on the 2035 RTP and 2008-2011 MTIP.

The analysis shows that federal and state air quality standards for Carbon Monoxide can easily be met now and in the future in the Metro region considering the combined emissions generated from on-road

vehicles using: 1) the existing transportation system, and, 2) the projects included in the 2010-13 Metropolitan Transportation Improvement Program; and, 3) all of the other improvements included in the financially constrained system of the 2035 Regional Transportation Plan; and 4) all other local transportation projects that are considered regionally significant.

Accordingly, approval of the air quality conformity determination can be considered.

If approved, the conformity determination must be forwarded to the Federal Highways Administration and Federal Transit Administration, who, after conferring with the Environmental Protection Agency, may approve the conformity determination.

Summary of Comments Received and Responses/Recommendation Actions

During the period of March 22, 2010 through May 6, 2010 (45 days), a public and technical comment period was provided for the Air Quality Conformity Determination. No public comments were received, but comments were received from a number of public agencies including EPA, Federal Highway Administration, Federal Transit Administration, Oregon Department of Environmental Quality, Oregon Department of Transportation, TriMet and SW Washington Clean Air Agency. Attachment 1 to this summarizes the comments received and provides responses and recommended actions that have been incorporated into Exhibit A to this resolution.

Compliance with SAFETEA-LU

In December 2009, with the Metro Council adoption of Resolution No. 09-4099, "For the Purpose of Accepting the Draft 2035 Regional Transportation Plan, with the Following Elements for Final Review and Analysis for Air Quality Conformance: the Transportation Systems Management and Operations Action Plan; the Regional Freight Plan; the High Capacity Transit System Plan and the Regional Transportation Functional Plan," the region took action, in part, based on following the requirements of the federal transportation act. The lone outstanding gap is the air quality conformity determination.

Now that the air quality conformity analysis has been completed by the region, final action on the 2035 RTP and 2010-2013 MTIP may be considered consistent with all federal transportation regulations.

ANALYSIS/INFORMATION

1. **Known Opposition** None.

2. Legal Antecedents

Federal regulations include:

- Clean Air Act, as amended [42 U.S. C. 7401 and 23 U.S.C. 109(j)], as amended].
- US EPA transportation conformity rules (40 CFR, parts 51 and 93).

State regulations include:

- Oregon Administrative Rules for Transportation Conformity, (OAR Chapter 340, Division 252).
- 2006 State Implementation Plan (SIP).
- 2006 Portland Area Carbon Monoxide Maintenance Plan and 2007 Portland Area Ozone Maintenance Plan.

Metro legislation includes:

- Resolution No. 03-3381A, “For the Purpose of Adopting the 2004-2007 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area” adopted by the Metro Council on December 11, 2003.
- Resolution No. 03-3382A-02, “For the Purpose of Adopting the Portland Area Air Quality Conformity Determination for the 2004 Regional Transportation Plan and 2004-2007 Metropolitan Transportation Improvement Program” adopted by the Metro Council on January 15, 2004.
- Resolution No. 05-3529A, “For the Purpose of Allocating \$62.2 Million of Transportation Priorities Funding for the Years 2008 and 2009, Pending Air Quality Conformity Determination” adopted by the Metro Council on March 24, 2005.
- Resolution No. 05-3589A, “For the Purpose of Amending the Regional Transportation Plan to Move the I-205 Northbound Onramp/Airport Way Interchange Improvement From the Illustrative List to the Financially Constrained List” adopted by the Metro Council on June 9, 2005.
- Resolution No. 07-3824, “For the Purpose of Approving An Air Quality conformity Determination for the 2008-2011 Metropolitan Transportation Improvement Program” adopted by the Metro Council on August 16, 2007.
- Resolution 07-3831B, “For the Purpose of Approving The Federal Component of the 2035 Regional Transportation Plan (RTP) Update, Pending Air Quality Conformity Analysis” adopted by the Metro Council on December 13, 2007.
- Resolution No. 09-4099 “For the Purpose of Accepting the Draft 2035 Regional Transportation Plan, With the Following Elements, For Final Review and Analysis For Air Quality Conformance: The Transportation System Management and Operations Plan; The Regional Freight Plan; The High Capacity Transit System Plan; and The Regional Transportation Functional Plan” adopted by the Metro Council on December 17, 2009.

3. **Anticipated Effects:** Approval of this resolution allows for funding of proposed transportation projects in the 2010-2013 MTIP and advancing the goals of the 2035 Regional Transportation Plan. With approval, staff will submit the Air Quality Conformity Determination and findings to the U.S. Department of Transportation for approval.
4. **Budget Impacts:** None directly by this action. Upon approval of this action, some of the projects included in the 2010-2013 Metropolitan Transportation Improvement Program would provide partial funding support for some of the region’s transportation planning activities that might otherwise have a reduced scope, be delayed or not be undertaken.

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 10- 4150A.

Attachment 1 to the Staff Report for Resolution No. 10-4150A

Summary of Comments on Air Quality Conformity Determination

A 45-day public comment period was held from March 22 through May 6, 2010 on the Air Quality Conformity Determination for the 2035 Regional Transportation Plan (RTP) and 2010-2013 Metropolitan Transportation Improvement Program (MTIP). Comments were received from representatives of the Environmental Protection Agency, Federal Highway Administration, Federal Transit Administration, Oregon Department of Environmental Quality, Oregon Department of Transportation, TriMet and the SW Washington Clean Air Agency.

This attachment summarizes all comments received and recommended actions. Unless otherwise noted, all responses and recommended actions are incorporated in the final conformity determination (May 14, 2010).

Environmental Protection Agency (Claudia Vaupel)

Comment	Response/Recommended Action
Page 1, paragraph 2, sentence 1: “analyses” should be “analyzes”	Amend as requested.
Page 3, paragraph 4, sentence 1: consider changing “...seven air pollutants for which standards are established...” to “...six air pollutants for which seven standards are established...”	Amend as requested.
Page 7, paragraph 5, sentence 2: consider changing “...for development the...” to “...for developing the...”	Amend as requested.
Page 10, paragraph 5, sentence 2: consider changing “... models to estimate of the ...” to “... models to estimate the...”	Amend as requested.
Page 10, paragraph 5, sentence 3: consider changing “... an public discussion ...” to “... a public discussion...”	Amend as requested.
Page 11, paragraph 2: consider explaining in this paragraph that there is a 2-year grace period before MOVES 2010 is required to be used in new regional emissions analyses for transportation conformity determinations. Although your forecasts are well below your current MVEB, we encourage you to test MOVES 2010 against your current MVEB to determine whether you will need a SIP revision before the end of the grace period.	Amend as requested. Metro discussions are underway about how best to initiate the agency’s MOVES transition.

Federal Highway Administration (Jazmin Casas)

Comment	Response/Recommended Action
Page 2 – Regulatory and Process Background section – Why not add a flow chart of the process? Good opportunity for visualization and most importantly easier read for the public.	Amend as requested.
Both MAPS – In general, hard to read. Unless the pollutants cover the metro area, what if identified the Ozone and CO specific areas on the map?	Pollutants are regional average – no further geographic breakdown. Map for Carbon Monoxide made larger, but also will look to see about a better base map

Attachment 1 to the Staff Report for Resolution No. 10-4150A

Comment	Response/Recommended Action
	that is more readable for future documents.
Latest Planning Assumptions – See 93.110 (c) – The conformity determination for each transportation plan and TIP must discuss how transit operating policies (including fares and service levels) and assumed transit ridership have changed since the previous conformity determination. See 93.110 (d) The conformity determination must include reasonable assumptions about transit service and increase in transit fare and road and bridge tolls over time. <i>Missing fare information.</i>	Additional information provided in this section. Transportation model makes assumptions based on TriMet information about future transit fares and service.
Latest Planning Assumptions – Document process used to update planning assumptions? How often? (this information might be documented in “modeling” type of documentation but would also be appropriate here).	Documentation of adoption of planning assumptions is included in this section. Added reference in modeling section to this section.
Latest Planning Assumptions – Are there different planning assumptions for CO and Ozone? Are these differences explained and documented?	Same model and assumptions used for all reported pollutants. Added a note to this effect
Great job documenting the public involvement process.	No change needed.
Consultation via e-mail seems efficient and productive.	No change needed.

Federal Transit Administration (Ned Conroy)

Comment	Response/Recommended Action
Based on my review, the report provides excellent documentation of the AQ conformity determination for both the 2035 RTP and the 2010-13 TIP.	No change needed.

Department of Environmental Quality (DEQ) Transportation Coordinator (Dave Nordberg)

Comment	Response/Recommended Action
Inside cover; and pg. 2, paragraph 4: JPACT’s role in transportation planning is described as making recommendations to the Metro Council. It would be more accurate to say JPACT operates as the area’s Metropolitan Planning Organization subject to the ratification or rejection of Metro Council.	No change needed. This wording is the same as that for the RTP
Pg. 5, paragraph 1: “As of January 2008” may be better expressed as “2010.”	Amend as requested.
Pg. 9, table entry 1: The size of the Columbia River Crossing project is cited as “10,000 vehicles per hour each direction...” It would be helpful to know how many lanes of traffic this volume represents.	Highway capacity manual cites freeway lane capacity as about 2,000 vehicle per hour but this can vary greatly depending on a number of factors.
Pg. 11, paragraph 3, line 3: The first Ozone Maintenance Plan is no longer in effect. It may be best to remove that reference.	Amend as requested.

Attachment 1 to the Staff Report for Resolution No. 10-4150A

Comment	Response/Recommended Action
<p>Appendix H: DEQ appreciates Metro's effort to estimate the future emissions of transportation pollutants that are not mandated by conformity rules. These estimates include ozone, air toxics and greenhouse gases and are likely to be useful in assessing future trends. To minimize possible doubt, it would be good to itemize the regulatory conditions that are assumed in these projections. That is, do they include the effects of:</p> <ul style="list-style-type: none"> • California's vehicle emissions standard (Oregon LEV or Pavley), • EPA's Mobile Source Air Toxics rules • Ultra-Low-Sulfur Diesel • Oregon's Renewable Fuel Standard, and • DEQ's Vehicle Inspection (emissions testing) program. 	<p>The model uses the fleet mix as provided by DEQ.</p>

Oregon Dept of Transportation (Carole Newvine)

Comment	Response/Recommended Action
<p>Good job on organizing the supporting material in the appendices. I have no other comments.</p>	<p>No change needed.</p>

TriMet (Alan Lehto)

Comment	Response/Recommended Action
<p>I was under the impression that the TCMs were only required if we slipped from attainment. Is that not true?</p>	<p>There are TCMs that are required (those included on pages 12 through 20 of the Conformity Determination) and conditional TCMs that are addressed in Appendix I – concerning vehicle miles traveled per capita.</p>
<p>Add a reference to potential changes to required levels that could create more requirements, especially for ozone.</p>	<p>Amend as requested.</p>
<p>Update transit service hours to reflect "achievable capacity" as shown in "Bus Equiv Hrs (91011).xlsx" The determination service hours assume bus capacity are full buses, rather than achievable capacity (which is an estimate of how full transit vehicles can be over the course of the peak hour and is a better estimate of long-term carrying capacity in regular service – the calculation is based on an industry standard that basically says the achievable capacity is about 80% of stuffing the vehicles absolutely full every trip). In addition, the data used old projected numbers for some of 2008 and 2009 that have been updated to reflect actual hours.</p> <ul style="list-style-type: none"> • Some of the base numbers were slightly different: They were not adjusted for the fact that some MAX trains are single-car. The numbers have been updated to account for that. • The Streetcar hours were estimates. The numbers are now updated with the best available data. 	<p>Amend as requested.</p>

Attachment 1 to the Staff Report for Resolution No. 10-4150A

Comment	Response/Recommended Action
<p>Also "AQ TCM 2010-05-07.xls" has the new calculation. It goes back to 1991 now for future consistency. Feel free to excerpt whichever years you want to use. Note that the new numbers do change the annual average change – now just under 2% instead of 2.61%. This is unfortunate, but should hold up over time because the big change was the cars per train, which has been adjusted for all the years.</p>	<p>Revised table added to conformity determination.</p>

SW Washington Clean Air Agency (Laurie Hulse-Moyer)

Comment	Response/Recommended Action
<p>EPA noticed it is proposing to approve the SIP and is asking for written comments on our portion of the Plan. See Federal Register/ Vol. 75, No. 86, dated Wednesday May 5, 2010, Proposed Rules.</p>	<p>No change needed. The May 6, 2010 Federal Register, page 24844 through 24848 provides notice of EPA intent to approve the Portland ozone plan.</p>
<p>I briefly reviewed this plan looking for consistency between your plan and the Vancouver Maintenance Plans for ozone and CO. In the paragraph below, you note that EPA has <u>approved</u> the Portland Ozone Maintenance Plan. It is my understanding that both ozone plans were still at EPA offices waiting for approval. EPA plans to approve the plans together because the airshed is the same for ozone purposes.</p>	<p>Amend as requested.</p>

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE AIR)	RESOLUTION NO. 10- 4150
QUALITY CONFORMITY DETERMINATION)	
FOR THE 2035 REGIONAL TRANSPORTATION)	Introduced by Chief Operating Officer
PLAN AND THE 2010-2013 METROPOLITAN)	Michael Jordan with the Concurrence of
TRANSPORTATION IMPROVEMENT)	Council President David Bragdon
PROGRAM.)	

WHEREAS, clean air contributes to the health of Metro residents and their quality of life; and

WHEREAS, the federal Clean Air Act and other federal laws, including CFR 93.100 through CFR 93.128 contain air quality standards designed to ensure that federally supported activities meet air quality standards, and these federal standards apply to on-road transportation plans, programs and activities in the Metro area; and

WHEREAS, Chapter 340, Division 252, Transportation Conformity, of Oregon Administrative Rules was adopted to implement section 176(c) of the federal Clean Air Act, as amended, and these rules also apply to Metro area on-road transportation plans, programs and activities; and

WHEREAS, these federal and state regulations require an air quality conformity determination whenever the Regional Transportation Plan (RTP) is updated and require that the transportation improvement program conform to the air quality regulations consistent with the 2035 RTP; and

WHEREAS, in December, 2009, the Metro Council approved, subject to air quality conformity determination, the update of the 2035 RTP, as stated in Resolution No. 09-4099, For the Purpose of Accepting the Draft 2035 Regional Transportation Plan, with the Following Elements for Final Review and Analysis for Air Quality Conformance: the Transportation Systems Management and Operations Action Plan; the Regional Freight Plan; the High Capacity Transit System Plan and the Regional Transportation Functional Plan; and

WHEREAS, in August, 2007, the 2008 - 2011 Metropolitan Transportation Improvement Program (MTIP) was approved by the Metro Council by Resolution No. 07-3824, For the Purpose of Approving an Air Quality Conformity Determination For the 2008-2011 Metropolitan Transportation Improvement, assuming the 2004 Regional Transportation Plan Financially-Constrained System; and

WHEREAS, the Air Quality Conformity Determination dated March 22, 2010, included in Exhibit "A" and attached hereto, demonstrates that the financially-constrained system of the 2035 RTP and the timing and design of the projects included in the 2010-2013 MTIP can be built and the resulting total air quality emissions, to the year 2035, are forecast to be substantially less than the motor vehicle emission budgets, or maximum transportation source emission levels; now, therefore,

BE IT RESOLVED that the Metro Council hereby:

1. Approves the air quality conformity determination attached to this resolution as Exhibit "A."

2. Directs the Chief Operating Officer to forward the Air Quality Conformity Determination dated March 22, 2010, to the Federal Highway Administration and Federal Transit Administration for approval.

ADOPTED by the Metro Council this 10th day of June, 2010.

Approved as to form:

David Bragdon, Council President

Daniel B. Cooper, Metro Attorney

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Exhibit A to Resolution No. 10-4150

Air Quality Conformity Determination

March 22, 2010

2035

REGIONAL TRANSPORTATION PLAN

and

2010–13

METROPOLITAN TRANSPORTATION
IMPROVEMENT PROGRAM



Metro | *People places. Open spaces.*

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10- 4150, FOR THE PURPOSE OF APPROVING THE AIR QUALITY CONFORMITY DETERMINATION FOR THE 2035 REGIONAL TRANSPORTATION PLAN AND THE 2010-2013 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.

Date: April 29, 2010

Prepared by: Mark Turpel

BACKGROUND

Overview

Federal regulations require that at least every four years the transportation plan be updated with a new time horizon, updated jobs and housing forecasts and updated information about available funds, including federal funds, for the new time period. The updated transportation plan, (know as the Regional Transportation Plan, or RTP, in the Metro area) with these new factors taken into consideration, must then be tested to see if it meets the federal Clean Air Act and state air quality regulations. In addition, the transportation improvement program (called the Metropolitan Transportation Improvement Program or MTIP in the Metro area) must be re-conformed, or re-tested, against the air quality standards within six months of the adoption of the new transportation plan. These air quality analyses – known as air quality conformity determinations - must demonstrate compliance with all federal and state determined air pollutants for the area so that the region, the Oregon Department of Transportation and local jurisdictions can continue to be eligible to receive federal funds for transportation projects within the region.

The Metro area is in compliance with the standards for all air pollutants regulated by federal and state regulations. However, the current status of air quality in the Metro region is that it is a “maintenance” area for Carbon Monoxide. That is, while the region has greatly reduced Carbon Monoxide levels and has not exceeded maximum levels since 1989, it still must monitor Carbon Monoxide levels and complete air quality conformity determinations for Carbon Monoxide emissions from on-road transportation sources. The way that this analysis is done is that the region’s projected growth to the transportation plan horizon year (2035) and the transportation investments included in the financially constrained RTP (of which the MTIP is a subset) are estimated in Metro’s travel forecast model. These travel results are then used with the Environmental Protection Agency’s approved MOBILE6.2 air quality model to determine air pollutant levels from on-road sources. These emission levels are then compared with the motor vehicle emission budgets, or maximum air pollution levels of Carbon Monoxide from on-road transportation sources, as determined by the Oregon Environmental Quality Commission based on the analysis and recommendations of the Oregon Department of Environmental Quality.

Carbon Monoxide Conformity Determination

Exhibit "A" to Resolution No. 10- 4150, “For the Purpose of Approving the Air Quality Conformity Determination for the 2035 Regional Transportation Plan and the 2010-2013 Metropolitan Transportation Improvement Program,” is the March 22, 2010 Air Quality Conformity Determination that includes a Carbon Monoxide emission analysis of on-road transportation sources from the region based on the 2035 RTP and 2008-2011 MTIP.

The analysis shows that federal and state air quality standards for Carbon Monoxide can easily be met now and in the future in the Metro region considering the combined emissions generated from on-road vehicles using: 1) the existing transportation system, and, 2) the projects included in the 2008-2011

Metropolitan Transportation Improvement Program; and, 3) all of the other improvements included in the financially constrained system of the 2035 Regional Transportation Plan; and 4) all other local transportation projects that are considered regionally significant.

Accordingly, approval of the air quality conformity determination can be considered.

If approved, the conformity determination must be forwarded to the Federal Highways Administration and Federal Transit Administration, who, after conferring with the EPA, may approve the conformity determination.

Compliance with SAFETEA-LU

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Now that the air quality conformity analysis has been completed by the region, final action on the 2035 RTP and 2010-2013 MTIP may be considered consistent with all federal transportation regulations.

ANALYSIS/INFORMATION

1. **Known Opposition** None.

2. Legal Antecedents

Federal regulations include:

- Clean Air Act, as amended [42 U.S. C. 7401 and 23 U.S.C. 109(j)], as amended].
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3. **Anticipated Effects:** Approval of this resolution allows for funding of proposed transportation projects in the 2010-2013 MTIP and advancing the goals of the 2035 Regional Transportation Plan. With approval, staff will submit the Air Quality Conformity Determination and findings to the U.S. Department of Transportation for approval.
4. **Budget Impacts:** None directly by this action. Upon approval of this action, the some of the projects included in the 2010-2013 Metropolitan Transportation Improvement Program would provide partial funding support for some of the region’s transportation planning activities that might otherwise have a reduced scope, be delayed or not be undertaken.

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 10- 4150.