

AGENDA ITEM #8: 2040 LRTP AND FY 2018-2021 TIP TRANSPORTATION CONFORMITY ANALYSIS: DRAFT REPORT
Chris Voigt, VDOT

Transportation Conformity is the link between air quality improvement and transportation planning and is the framework to ensure that emissions produced by future traffic do not exceed levels prescribed by the Environmental Protection Agency (EPA). Federal requirements to address transportation conformity for the 1997 National Ambient Air Quality Standard (NAAQS) for ozone, for which the Hampton Roads region had been in “maintenance” status, were revoked by the EPA effective April 6, 2015 (Federal Register, Volume 80, Number 44, March 6, 2015). With the revocation of the 1997 NAAQS for ozone, transportation conformity was no longer required for the Hampton Roads region.

On April 23, 2018, FHWA and FTA issued *Interim Guidance on Conformity Requirements for the 1997 Ozone NAAQS*, in response to the US Court of Appeals for the DC Circuit February 16, 2018 decision in *South Coast Air Quality Management District v. EPA*, No. 15-1115, which struck down portions of the *2008 Ozone NAAQS SIP Requirements Rule* concerning the ozone NAAQS. According to the *FHWA-FTA Interim Guidance*, any updates and amendments to the Long-Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP) for projects “not exempt from transportation conformity may not proceed until transportation conformity with the 1997 ozone NAAQS is determined.” The *FHWA-FTA Interim Guidance* is intended to stay in effect until further clarification is received from the EPA regarding possible impacts.

Based upon the *FHWA-FTA Interim Guidance*, the HRTPO Board approved the initiation of Transportation Conformity on the 2040 LRTP and the FY 2018-2021 TIP at its May 17, 2018 meeting. Additionally, in order to expedite the transportation conformity analysis process and avoid unintentional project delays, the HRTPO Board approved a Resolution authorizing TTAC to approve the project list for the conformity analysis (and any related planning assumptions), and to initiate the public review of the draft analysis.

At its June 6, 2018 meeting, TTAC approved the list of regionally-significant projects for the 2040 LRTP and FY 2018-2021 TIP for transportation conformity analysis; the conformity analysis work was initiated with an Interagency Consultation Group (ICG) meeting held during the June 6, 2018 TTAC meeting. The analysis has been completed in draft form and documents that all applicable regulatory requirements, including the emission budget tests, are satisfied. A finding of conformity for the 2040 LRTP and FY 2018-2021 TIP is therefore proposed. The draft documents (enclosed) are being made available for public review from August 1, 2018 through August 15, 2018.

Upon TTAC and HRTPO Board approval, VDOT will transmit the final air quality conformity analysis to the Federal Highway Administration (FHWA) to initiate the 45-day federal review and approval process. It is anticipated that FHWA, in coordination with the Federal Transit Administration and in consultation with the U.S. Environmental Protection Agency, will provide their finding of conformity by mid-October 2018.

Mr. Christopher Voigt, VDOT Senior Environmental Engineer, will brief the TTAC on the draft air quality conformity analysis and recommendation for a finding of conformity.

Enclosure 8: Hampton Roads, Virginia Eight-Hour Ozone Maintenance Area – Regional Conformity Analysis: 2040 Long-Range Transportation Plan and FY 18-21 Transportation Improvement Program Draft Report

RECOMMENDED ACTIONS:

- A. Approve the initiation of the public review of the draft transportation conformity analysis and finding of conformity for the 2040 LRTP and FY 2018-2021 TIP.
- B. Recommend HRTPO Board approval of the draft transportation conformity analysis and finding of conformity for the 2040 LRTP and FY 2018-2021 TIP, subject to no adverse comments received during the public review period.