



**HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION
BOARD RESOLUTION 2018-04**

A RESOLUTION OF SUPPORT FROM THE HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION (HRTPO) AUTHORIZING THE HRTPO TRANSPORTATION TECHNICAL ADVISORY COMMITTEE TO APPROVE CERTAIN PROCESSES RELATED TO TRANSPORTATION CONFORMITY.

WHEREAS, the Hampton Roads Transportation Planning Organization (HRTPO), designated by the Governor of the Commonwealth of Virginia in accordance with Section 134, Title 23, United States Code (23 USC 134) and applicable federal and state regulations, is the policy body responsible for the urban transportation planning and programming process of the Hampton Roads metropolitan planning area;

WHEREAS, the Hampton Roads metropolitan planning area includes the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Isle of Wight, James City, and York; and portions of the City of Franklin and the Counties of Gloucester and Southampton;

WHEREAS, on July 21, 2016, the HRTPO Board approved and adopted the fiscally-constrained Hampton Roads 2040 Long-Range Transportation Plan (LRTP);

WHEREAS, transportation conformity is a Clean Air Act requirement that connects air quality and transportation planning activities to ensure that highway and transit project activities receiving federal funds are consistent with the purpose of the State Implementation Plan (SIP) for clean air;

WHEREAS, transportation conformity applies to areas that are designated “nonattainment” or “maintenance” for transportation-related criteria pollutants as specified under the National Ambient Air Quality Standards (NAAQS);

WHEREAS, the Hampton Roads region is currently in “attainment” of all applicable NAAQS;

WHEREAS, federal requirements to address transportation conformity for the 1997 NAAQS for ozone, for which the Hampton Roads region had been in “maintenance” status, were revoked by the Environmental Protection Agency (EPA) effective April 6, 2015 (Federal Register, Volume 80, Number 44, March 6, 2015), and that with the revocation of the 1997 NAAQS for ozone, transportation conformity was no longer required for the Hampton Roads region;

WHEREAS, On April 23, 2018, Federal Highway Administration (FHWA) and Federal Transit Administration (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 and that according to the FHWA-FTA Interim Guidance, any updates and amendments to the 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”; and



WHEREAS, The *FHWA-FTA Interim Guidance* is intended to stay in effect until further clarification is received from the EPA regarding possible impacts.

NOW, THEREFORE, BE IT RESOLVED, based upon the *FHWA-FTA Interim Guidance* and in order to expedite the transportation conformity analysis process and avoid unintentional project delays, the HRTPO Board approves the initiation of transportation conformity on the 2040 Long-Range Transportation Plan and the FY 2018-2021 Transportation Improvement Program; and

BE IT FURTHER RESOLVED that the HRTPO Board authorizes the Transportation Technical Advisory Committee to approve the project list for transportation conformity, any related planning assumptions, and to initiate the public review of the draft transportation conformity analysis.

APPROVED and ADOPTED by the Hampton Roads Transportation Planning Organization Board at its meeting on the 17th day of May, 2018.

Thomas G. Shepperd, Jr.
Chair
Hampton Roads Transportation
Planning Organization

Robert A. Crum, Jr.
Executive Director
Hampton Roads Transportation
Planning Organization