



**HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION
BOARD RESOLUTION 2021-06**

A RESOLUTION OF 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; and

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; and

WHEREAS, on May 21, 2020, the HRTPO Board approved the HRTPO Fiscal Year (FY) 2021-2024 Transportation Improvement Program (TIP); and

WHEREAS, on June 17, 2021, the HRTPO Board approved and adopted the fiscally-constrained Hampton Roads 2045 Long-Range Transportation Plan (LRTP); and

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; and

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); and

WHEREAS, the Hampton Roads region is in "attainment" of all current applicable NAAQS; and

WHEREAS, federal requirements to address transportation conformity for the 1997 ozone NAAQS, 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April 6, 2015 (Federal Register, Volume 80, Number 44, March 6, 2015) making transportation conformity requirements no longer applicable for the Hampton Roads region; and

WHEREAS, on February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit issued its decision in *South Coast Air Quality Management District v. EPA* (South Coast II) and held that transportation conformity determinations must be made in areas designated as “orphan” areas – defined as areas that were 1) designated as either nonattainment or maintenance areas for the 1997 ozone NAAQS, and 2) designated as attainment areas for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked; and

WHEREAS, based on the definition above, the Hampton Roads region was designated an orphan area and conformity requirements for the 1997 ozone NAAQS were once again applicable to Hampton Roads; and

WHEREAS, on April 23, 2018, in response to the South Coast II court decision, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) issued *Interim Guidance on Conformity Requirements for the 1997 Ozone NAAQS*, which specified that any updates and amendments to the LRTP and TIP for projects “not exempt from transportation conformity may not proceed until transportation conformity with the 1997 ozone NAAQS is determined”; and

WHEREAS, in November 2018, EPA issued “*Transportation Conformity Guidance for the South Coast II Court Decision*” that eliminated modeling requirements for orphan areas (given the revocation of the applicable 1997 ozone NAAQS), which substantially streamlined the reinstated conformity requirements for those areas.

NOW, THEREFORE, BE IT RESOLVED, the HRTPO Board approves the initiation of transportation conformity on the Amended 2045 Long-Range Transportation Plan (LRTP) and the FY 2021-2024 Transportation Improvement Program (TIP); and

BE IT FURTHER RESOLVED that the HRTPO Board authorizes the Transportation Technical Advisory Committee (TTAC) to approve the fiscally-constrained project list for transportation conformity (and any related planning assumptions), and to initiate public review of the draft Regional Conformity Assessment.

APPROVED and ADOPTED by the Hampton Roads Transportation Planning Organization Board at its meeting on the 21st day of October, 2021.



Donnie R. Tuck
Chair

Hampton Roads Transportation
Planning Organization



Robert A. Crum, Jr.
Executive Director

Hampton Roads Transportation
Planning Organization