

**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002**

**RESOLUTION ON AGREEMENT BETWEEN THE NATIONAL CAPITAL REGION TRANSPORTATION
PLANNING BOARD AND THE CALVERT-ST. MARY'S METROPOLITAN PLANNING
ORGANIZATION AND CALVERT COUNTY, MARYLAND**

WHEREAS, the National Capital Region Transportation Planning Board (TPB) is the officially designated Metropolitan Planning Organization (MPO) for the Metropolitan Washington area; and

WHEREAS, the TPB's planning area is part of the Washington, DC-MD-VA 8-Hour Ozone Nonattainment area, as shown on the map in Attachment A, and as such, is subject to regional air quality conformity analysis of its Transportation Plans and Transportation Improvement Programs (TIPs); and

WHEREAS, the Washington, DC-MD-VA 8-Hour Ozone Nonattainment area also includes Calvert County, and transportation projects within Calvert County have been included in TPB's regional air quality conformity analysis as appropriate; and

WHEREAS, the Calvert-St. Mary's Metropolitan Planning Organization (C-SMMPO) is the newly officially designated MPO for Southern Maryland, whose planning area includes Calvert County, as shown on the map in Attachment B; and

WHEREAS, under federal surface transportation legislation (23 U.S.C. § 134 and 49 U.S.C. § 5303) related to MPO Consultation in Plan and TIP Coordination for Nonattainment areas, "If more than one metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. § 7401 et seq.), each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs" and

WHEREAS, the TPB and the C-SMMPO have agreed to consult with the Maryland Department of Transportation (MDOT) in the coordination of their respective plans and TIPS; and

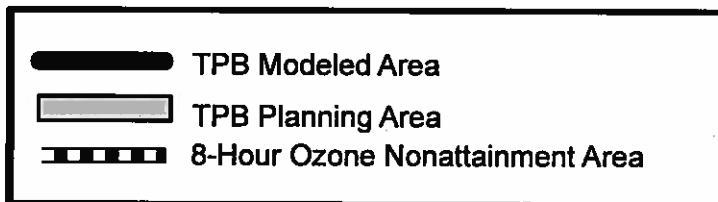
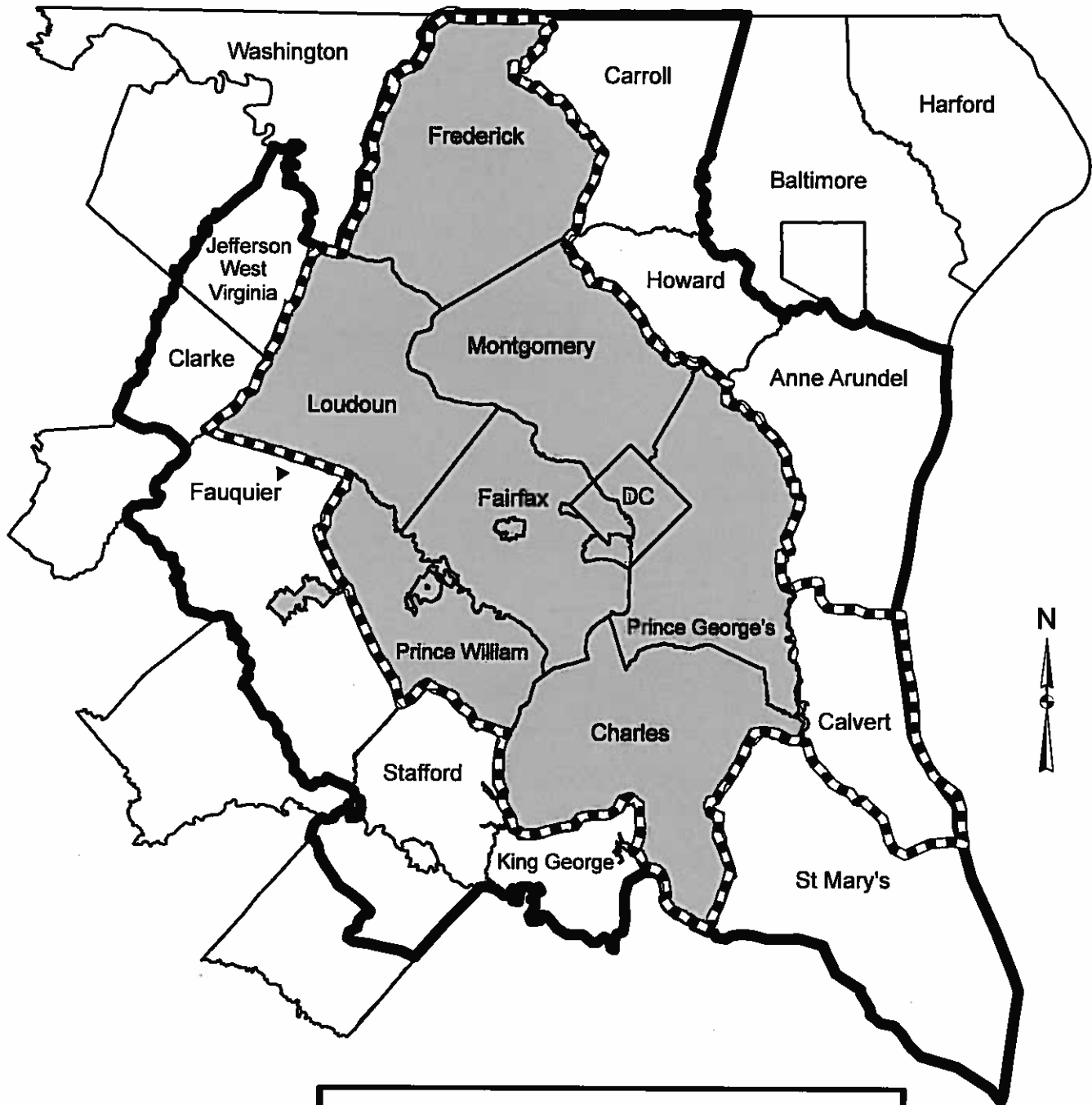
WHEREAS, the TPB, the C-SMMPO, and Calvert County have agreed to a process where C-SMMPO will develop Plans and TIPs to include Calvert County projects, and the TPB will continue to include these Calvert County projects in its regional air quality conformity analysis;

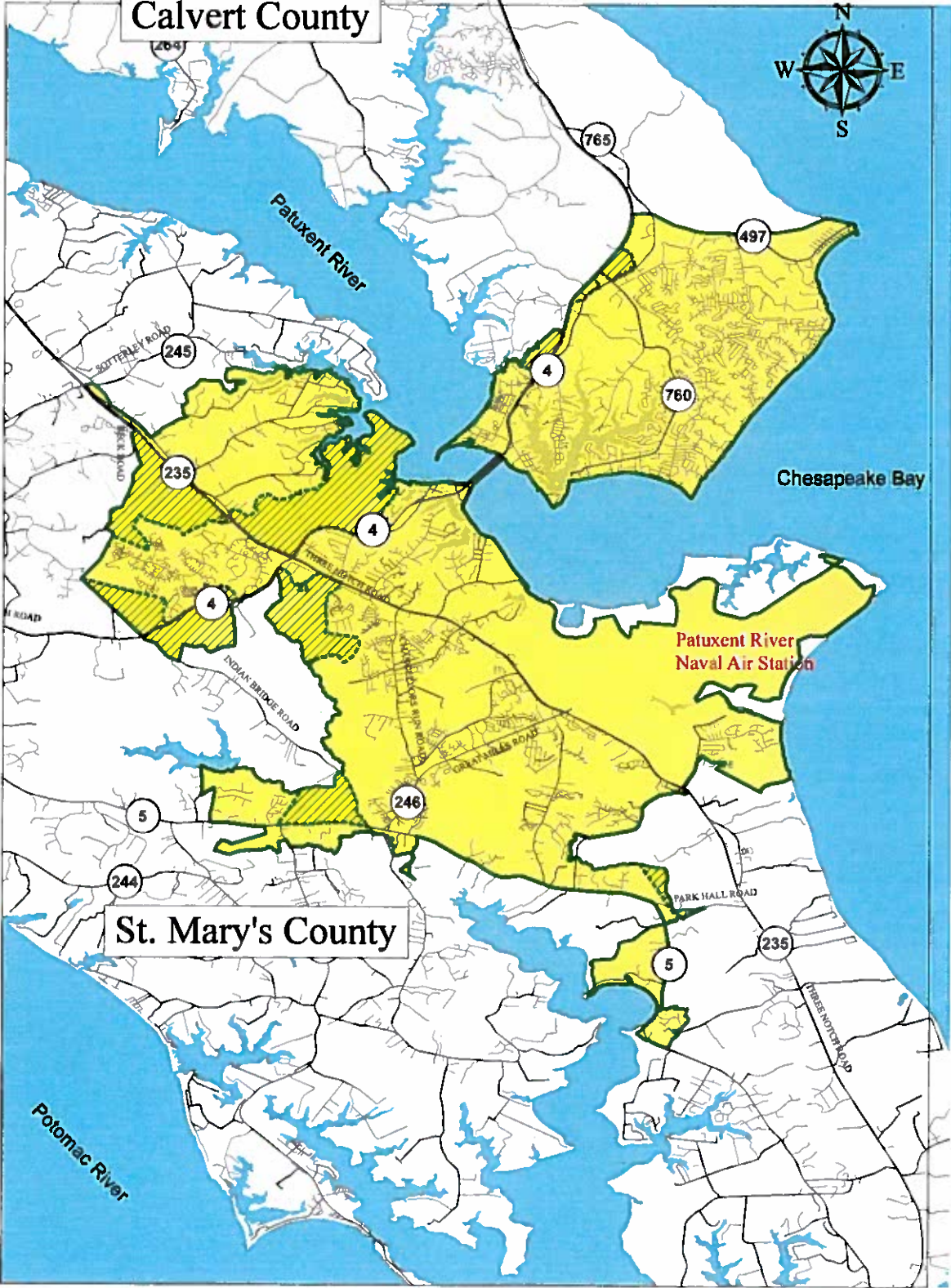
NOW, THEREFORE, BE IT RESOLVED THAT THE NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD approves execution, by its Chairman, of the attached *Agreement between the National Capital Region Transportation Planning Board (TPB) and the Calvert-St. Mary's*

Metropolitan Planning Organization (C-SMMPO) and Calvert County, Maryland on the conformity analysis and determination of transportation plans, programs, and projects in Calvert County, Maryland document to ensure that transportation plans, programs, and projects in Calvert County are assessed for regional air quality conformity as is required in the Clean Air Act Amendments of 1990 (with subsequent amendments).





Adopted by the Transportation Planning Board at its regular meeting on January 20, 2016

ATTACHMENT A
TPB Transportation Planning Area and
Washington, DC-MD-VA 8-Hour Ozone Nonattainment Area





Legend

-  Boundary Line
-  Urbanized Area Boundary Incorporated into Adjusted Urbanized Area
-  Adjusted Urbanized Area
-  Metropolitan Planning Area

**Calvert - St. Mary's
Metropolitan Planning
Organization
Adjusted Urbanized Area
and
Metropolitan Planning Area**



Agreement between the National Capital Region Transportation Planning Board (TPB) and the Calvert-St. Mary's Metropolitan Planning Organization (C-SMMPO) and Calvert County, Maryland on the conformity analysis and determination of transportation plans, programs, and projects in Calvert County, Maryland

Recognizing that Calvert County, Maryland, is a member of the C-SMMPO and is included in the Washington DC-MD-VA 8-hour Ozone Nonattainment area, TPB and C-SMMPO and Calvert County agree upon the following procedures for ensuring that transportation plans, programs, and projects in Calvert County are assessed for regional air quality conformity as is required in the Clean Air Act Amendments of 1990 (with subsequent amendments):

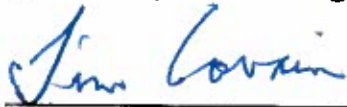
1. Transportation plans, programs, and projects in the C-SMMPO Metropolitan Planning Area (MPA) of Calvert County will be included in the Long Range Transportation Plan and Transportation Improvement Program developed by the C-SMMPO.
2. The C-SMMPO and Calvert County, in consultation with the Maryland Department of Transportation (MDOT), will submit the plan, program, and project inputs for Calvert and for the C-SMMPO MPA to the TPB for inclusion in each update of the TPB's regional air quality conformity analysis and determination for the Washington, DC-MD-VA 8-Hour Ozone Nonattainment area.
3. The timeframe for analysis and coordination will be outlined by the schedule in the TPB's *Call For Projects* document for each cycle.
4. The TPB's *Air Quality Conformity Scope of Work* will provide details regarding the steps taken to ensure compliance with the Federal Transportation Conformity Rule (40 CFR 51 and 93). For example, the TPB will coordinate with Calvert County and the State of Maryland to obtain all necessary analysis inputs and latest planning assumptions (e.g., land activity, vehicle registration data, etc.).
5. Project level conformity analyses will continue to be performed by the State, and assessed through the interagency consultation process, as is currently done for all state projects.
6. Calvert County will be involved in all aspects of the TPB's air quality conformity analysis and determination including its interagency consultation process:
 - Formal involvement for Calvert County on the TPB will be provided through MDOT, and through Calvert County's membership on the

Metropolitan Washington Air Quality Committee (MWAQC) and on the MWAQC Technical Advisory Committee.

- Informal involvement by Calvert County will be provided through participation by representatives of Calvert County in TPB committees and processes concerned with regional air quality conformity, including receipt of all materials and participation in all meetings, discussions, and reviews.
7. The TPB will provide copies of the conformity report to C-SMMPO and Calvert County at the completion of each conformity cycle. As relevant, portions of the TPB conformity report will be included in the C-SMMPO Plan and TIP documentation to demonstrate conformity.

This agreement will remain in effect for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) and all future NAAQS applicable to Calvert County.

Executed by the undersigned this _____ day of _____ 2016:



Tim Lovain, Chair
National Capital Region Transportation
Planning Board



Steven R. Weems, Chairperson
Calvert - St. Mary's Metropolitan
Planning Organization



Evan K. Slaughenhaupt Jr, President
Board of County Commissioners
Calvert County, Maryland

Approved for legal sufficiency

on January 27, 2016 by



County Attorney



Department of Community Planning and Building
INTEROFFICE MEMORANDUM

TO: Board of County Commissioners
VIA: Terry Shannon, County Administrator TLS
VIA: Thomas Barnett, Director of Community Planning and Building
FROM: Patricia Haddon, Principal Planner [Signature]
DATE: January 27, 2016
SUBJECT: Agreement between the National Capital Region Transportation Planning Board and the Calvert-St. Mary's Metropolitan Planning Organization and Calvert County, Maryland on the conformity analysis and determination to transportation plans, programs, and projects in Calvert County, Maryland

Background:

In their letter of July 24, 2015, to Dr. Kwame Arhin, Planning & Program Manager of the Federal Highway Administration, Maryland Division, the Calvert-St. Mary's Metropolitan Planning Organization (C-SMMPO) advised that they were coordinating the required air quality conformity analysis with the MPO for the National Capital Region, Transportation Planning Board (TPB), as Calvert County's portion of the C-SMMPO was within the non-attainment area for the 2008 8-Hour Ozone area within the National Capital Region.

Transportation plans, programs and projects in Calvert County must be included in the conformity analysis and determination carried out by the TPB for the Washington Metropolitan Statistical Area, as per a Proposal for Satisfying Federal Metropolitan Planning Requirements for Charles and Calvert Counties (Attachment A) and TPBs current resolution, adopted in 1993 (Attachment B.)

The TPB resolution (R23-93, Resolution Responding to Governor Schaefer's Letter Concerning the Metropolitan Planning Boundary in Maryland) which includes Calvert county in the TPB's air quality conformity analysis was the result of coordination between the State transportation air agencies and the Federal Highway Administration (FHA) and the Federal Transit Administration (FTA), in response to requirements in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

Discussion

Since the establishment and inclusion of Calvert County in the C-SMMPO, the TPB staff has initiated discussions with the Maryland Department of Transportation to review and update the 1993 resolution. Updates have resulted in the attached agreement between TPB, the C-SMMPO, and Calvert County to address analysis issues related to inclusion of C-SMMPO and Calvert County transportation plans, projects and programs in TPB's regional air quality conformity analysis. The agreement has been reviewed by the TPB, MDOT, the C-SMMPO, FHA and FTA, and the County Attorney, John Norris. The agreement requires BOCC approval and signature.

Conclusion/Recommendation:

Staff requests the BOCC review and authorize signature of the attached agreement by the President of the County Commissioners, Evan Slaughenhoupt.

Attachments: 3

ATTACHMENT A

Proposal for Satisfying Federal Metropolitan Planning Requirements for Charles and Calvert Counties

The TPB proposes the conformity procedures defined in parts 1-4 below. These procedures affirm the practices that have been used for the past two years for the Metropolitan Washington Region non-attainment area as a means for assuring conformity in Charles and Calvert Counties.

1. The TPB agrees with Governor Schaefer that Charles and Calvert Counties not be a part of the planning area covered by the TPB.
2. Transportation plans, programs and projects in Charles and Calvert Counties will be excluded from the TPB's Long-Range Transportation Plan and six-year Transportation Improvement Program (TIP), and included in the statewide Long-Range Transportation Plan and state-wide Transportation Improvement Program (STIP) developed by the State of Maryland.
3. Transportation plans, programs and projects in Charles and Calvert Counties will be included in the conformity analysis and determination carried out by the TPB for the Washington Metropolitan Statistical Area (MSA). Conformity determinations concerning proposed added projects will be based on a system level analysis for the non-attainment area.
4. Charles and Calvert Counties will be involved in all aspects of the conformity analysis and determinations.
 - Formal involvement for Charles and Calvert Counties will be provided through the Maryland Department of Transportation on the TPB, and through Charles and Calvert Counties' membership on MWAQC and its Technical Staff Coordination Committee (TSCC).
 - Informal involvement by Charles and Calvert Counties will be provided through participation by their representatives in COG and TPB committees and processes concerned with conformity, including receipt of all materials and participation in all meetings, discussions, and reviews.

These procedures are subject to amendment should they be found in conflict with the final rule on conformity promulgated by the U.S. Environmental Protection Agency.

TPB R23-93
December 16, 1993

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D. C. 20002

RESOLUTION RESPONDING TO GOVERNOR SCHAEFER'S
LETTER CONCERNING THE METROPOLITAN PLANNING
BOUNDARY IN MARYLAND

WHEREAS, the National Capital Region Transportation Planning Board (TPB) is the officially designated Metropolitan Planning Organization (MPO) for the Metropolitan Washington area; and

WHEREAS, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 requires MPO boundaries to "at least include the boundaries of the non-attainment area, except as otherwise provided by agreement between the metropolitan planning organization and the Governor;" and

WHEREAS, in a letter of April 16, 1992, the Governor of Maryland presented a proposal to the TPB under which "the Washington area MPO boundaries should not be expanded to encompass Charles and Calvert Counties;" and

WHEREAS, on September 16, 1992, the Transportation Planning Board (TPB) requested that the Metropolitan Washington Air Quality Committee (MWAQC) consider and provide comments to the TPB on the implications of Governor Schaefer's request for air quality planning and conformity findings in the Metropolitan Washington Area; and

WHEREAS, there has been extensive coordination with the State Transportation Agencies and the State Air Quality Agencies, who are members of MWAQC, and with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA); and

WHEREAS, on December 9, 1992, the MWAQC adopted a set of recommendations to the TPB on responding to Governor Schaefer's request; and has transmitted those recommendations to the TPB; and

WHEREAS, the "Interim Guidance on the ISTEA Metropolitan Planning Requirements" issued by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) of April 6, 1992, contains the following guidance on Metropolitan boundaries:

"In non attainment areas, if the MPO and the Governor agree to exclude a portion of the nonattainment area, they must be able to demonstrate how conformity will be ensured in the excluded portion. Such proposals should be coordinated with FHWA, FTA, EPA, the state transportation agency, and the state air quality agency before a final decision is made".

NOW, THEREFORE, BE IT RESOLVED THAT: The National Capital Region Transportation Planning Board endorses the MWAQC recommendations as defined in Attachment A, agrees to respond favorably to the April 16, 1992 request of the Governor of Maryland, and also to transmit copies to the Federal Highway Administration, the Federal Transit Administration, and the Environmental Protection Agency.

Adopted by the Transportation Planning Board at its regular meeting on December 16, 1992.