

TPB R7-2009  
November 19, 2008

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

**RESOLUTION FINDING THAT THE 2008 CONSTRAINED LONG RANGE PLAN AND  
THE TRANSPORTATION IMPROVEMENT PROGRAM FOR FY 2009-2014 WITH  
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY FUNDED PROJECTS  
DELAYED OR REMOVED CONFORM WITH THE REQUIREMENTS OF  
THE CLEAN AIR ACT AMENDMENTS OF 1990**

**WHEREAS**, the National Capital Region Transportation Planning Board (TPB) has been designated by the Governors of Maryland and Virginia and the Mayor of the District of Columbia as the Metropolitan Planning Organization (MPO) for the Washington Metropolitan Area; and

**WHEREAS**, the U.S. Environmental Protection Agency (EPA), in conjunction with the U.S. Department of Transportation (DOT), under the Clean Air Act Amendments of 1990 (CAAA), issued on November 24, 1993 "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," and, over the years, subsequently amended these regulations and provided additional guidance, which taken together provide the specific criteria for TPB to make a determination of conformity of its financially Constrained Long Range Transportation Plan (CLRP) and Transportation Improvement Program (TIP) with the state implementation plans for air quality attainment within the Metropolitan Washington non-attainment area; and

**WHEREAS**, a work program was developed to address all procedures and requirements, including public and interagency consultation, and the work program was released for public comment on January 15 and approved by the TPB at its February 20, 2008 meeting; and

**WHEREAS**, on February 20, the TPB approved the major projects submitted for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009-2014 TIP, on February 29, the Virginia Supreme Court declared that the taxing ability of the NVTA was unconstitutional; and

**WHEREAS**, on July 16, the Board approved an FY 2009-2014 TIP which excluded those projects approved by the TPB in February that were either dependent on funding from the Northern Virginia Transportation Authority ( NVTA) or required a new air quality conformity determination; and

**WHEREAS**, a new air quality conformity analysis has been conducted for the 2008 CLRP and the amended FY 2009-2014 TIP with the NVTAF funded projects delayed or removed, but with all other projects approved by the TPB in February included; and

**WHEREAS**, in each year's update of the CLRP between 2000 and 2004, the TPB has explicitly accounted for the funding uncertainties affecting the Metrorail system capacity and levels of service beyond 2005 by constraining transit ridership to or through the core area to 2005 levels; and

**WHEREAS**, as a result of the "Metro Matters" commitments for Metro's near-term funding, the transit ridership constraint to or through the core area was applied in the 2005 CLRP conformity analysis using 2010 ridership levels rather than 2005 levels; and

**WHEREAS**, while in October 2008 federal legislation was enacted to authorize \$150 million per year for 10 years in funding for WMATA's capital and preventive maintenance projects, and, the legislatures of Maryland, Virginia, and District of Columbia are taking steps to identify the required dedicated local matching revenues and this additional revenue was not assumed to be available in the financial plan for the 2008 CLRP and the transit ridership constraint to or through the core area was applied in the 2008 CLRP conformity analysis using 2010 ridership levels ; and

**WHEREAS**, on October 9, 2008, the draft Air Quality Conformity Determination of the 2008 CLRP and the amended FY 2009-2014 TIP with the NVTAF funded projects delayed or removed, but with all other projects approved by the TPB in February included and web-based information were released for a 30-day public comment period and inter-agency review, and the no public comments were received; and

**WHEREAS**, the analysis reported in *Air Quality Conformity Determination of the 2008 Constrained Long Range Plan and the FY 2009-2014 Transportation Improvement Program for the Washington Metropolitan Region*, dated November 19, 2008 demonstrates adherence to all mobile source emissions budgets for volatile organic compounds, nitrogen oxides, carbon monoxide and fine particle emissions (PM<sub>2.5</sub>), and demonstrates that PM<sub>2.5</sub> emissions meet the requirement that such emissions are not greater than 2002 levels, meets all regulatory, planning and interagency consultation requirements, and therefore provides the basis for a finding of conformity of the plan and program with the requirements of the CAAA; and

**WHEREAS**, in the attached letter of November 5, 2008, MWAQC has provided favorable comments on the *Air Quality Conformity Determination of the 2008 Constrained Long Range Plan and the FY 2009-2014 Transportation Improvement Program for the Washington Metropolitan Region*, and also urged "... States and local governments to maintain their commitments to Transportation Emission Reduction Measures (TERMs) and other emission reduction measures to advance meeting the new ozone and particulate matter standards as soon as possible.";

**NOW, THEREFORE, BE IT RESOLVED THAT THE NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD** determines that the 2008 Constrained Long Range Plan and the amended Transportation Improvement Program for FY 2009-2014 with the NVTAF funded projects delayed or removed, but with all other projects approved by the TPB in February included conform with all requirements of the Clean Air Act Amendments of 1990.

**Adopted by the Transportation Planning Board at its regular meeting on November 19, 2008.**

# **Metropolitan Washington Air Quality Committee**

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November 5, 2008

Honorable Phil Mendelson, Chair  
National Capital Region Transportation Planning Board  
777 North Capitol Street, NE  
Washington, D.C. 20002

Dear Chair Mendelson:

The Metropolitan Washington Air Quality Committee (MWAQC) has reviewed the October 8, 2008 draft *Air Quality Conformity Determination Of The 2008 Constrained Long Range Plan And The FY2009-2014 Transportation Improvement Program For The Washington Metropolitan Region*. We are pleased the proposed transportation plan meets both the interim emissions tests and the proposed new motor vehicle emissions budgets for both the 8-hour ozone and PM<sub>2.5</sub> standards.

As allowed by EPA in the interim before 8-hour ozone and PM<sub>2.5</sub> mobile budgets are developed and approved, conformity for the 8-hour ozone standard is being tested against the 1-hour ozone mobile budgets in the region's approved SIP. For PM<sub>2.5</sub>, the region selected the build no greater than 2002 interim emissions test in this year's conformity analysis. We note that this analysis uses the same approach as the conformity determination for the 2007 CLRP and FY 2008-2013 TIP. The conformity analysis indicates that substantial reductions in transportation emissions will occur by 2010 and in succeeding years, resulting in transportation emissions well below the maximum allowable emission levels. These reductions were taken into account when establishing new motor vehicle emission budgets. We were pleased that conformity was also tested against the new proposed motor vehicle emission budgets in the 8-hour ozone and PM<sub>2.5</sub> State Implementation Plans submitted to EPA in 2007 and 2008, respectively.

As you're aware, the EPA recently promulgated more stringent National Ambient Air Quality Standard (NAAQS) for both 8-hour ozone and PM<sub>2.5</sub>. If the region is designated as a nonattainment area under these new standards, State Implementation Plans will be due to EPA in 2013. Additional emission reductions will very likely be needed to meet these new more stringent standards. For that reason and other reasons, we continue to strongly urge States and local governments to maintain their commitments to Transportation Emission Reduction Measures (TERMs) and other emission reduction measures to advance meeting the new ozone and particulate matter standards as soon as possible.

Thank you for the opportunity to comment on the draft conformity analysis. We look forward to working closely with you on making further improvements to the region's air quality.

Sincerely,



Hon. David Snyder, Chair  
Metropolitan Washington Air Quality Committee