

**TRANSPORTATION PLANNING BOARD
CONSULTATION PROCEDURES
WITH RESPECT TO
TRANSPORTATION CONFORMITY REGULATIONS
GOVERNING TPB PLANS AND PROGRAMS**

May 20, 1998

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**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS**

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I. INTRODUCTION

The August 15, 1997 FEDERAL REGISTER contains the revised regulations on air quality conformity, prepared jointly by the US Environmental Protection Agency (EPA) and the US Department of Transportation (DOT). Section 93.105 of those regulations specifies requirements relating to interagency consultation. The regulations require: (1) the specification of procedures to be undertaken by transportation agencies with air quality agencies before making conformity determinations, and (2) the specification of procedures to be undertaken by air quality agencies with transportation agencies before developing applicable implementation plans. The consultation procedures must be formally adopted as a state implementation plan (SIP) revision and submitted by the state air management agencies to US EPA and US DOT by August 15, 1998.

As the metropolitan planning organization (MPO) for the Washington, D.C. - Maryland - Virginia metropolitan area, the National Capital Region Transportation Planning Board (TPB) directs the continuing, comprehensive transportation planning process, carried out cooperatively by the states and local communities in the region. Air quality activities included among those responsibilities involve assessment of transportation conformity of TPB plans and programs.

The Metropolitan Washington Air Quality Committee (MWAQC), consisting of state and local representatives throughout the Washington, D.C.-Maryland-Virginia metropolitan statistical area (MSA), represents the air quality planning structure organized to meet requirements of the 1990 Clean Air Act Amendments. MWAQC operates under authority delegated to it by the Governors of Maryland and Virginia and the Mayor of the District of Columbia to meet the deadlines for attaining national air quality standards and ensuring their maintenance thereafter. (MWAQC's structure, roles and responsibilities are contained in Appendix A).

This report, developed in consultation with state and local air agencies, EPA, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), presents the consultation procedures which the TPB will follow in assessing conformity of its plans and programs. These procedures will also provide the basis for the state air agencies to make the required revisions to their state implementation plans.

II. CONTEXT

There are three different types of activity for which the TPB is responsible and for which conformity assessments must be considered; the TPB also acts in consultation to MWAQC regarding certain state implementation plan (SIP) requirements. These lead role activities include: (1) the annual preparation of the transportation improvement program (TIP) or update of the TIP or the region's long range transportation plan, for which a systems level conformity assessment is required, (2) an amendment of the plan or program for which a systems level analysis is not warranted, and (3) the annual preparation of the Unified Planning Work Program (UPWP).

TPB LEAD ROLE

A. Preparation of program or update of plan

Of these three types of activity, the most detailed conformity assessment, in terms of required analytical procedures, information dissemination and policy review, includes the annual preparation or significant update of the transportation program or a significant update of the regional plan. The 1990 Clean Air Act Amendments specified that a detailed and comprehensive technical analysis be conducted to ensure that such transportation proposals conform to clean air requirements. Accordingly, a detailed assessment of travel demand and emissions is conducted, in which an explicit comparison of emissions levels with SIP requirements is performed. Extensive coordination among technical, policy and citizen committees in the transportation, environmental and metropolitan development functional areas is also performed. Where needed, public forums are also conducted to explain specific project inputs, technical methods and results of the analyses.

B. Plan or program amendment

An amendment of a transportation plan or program may be sufficiently important to warrant a systems level analysis, in which case the above procedures are followed. Other amendments may be exempt from conformity analyses, in which case a systems level assessment is not required. Such cases, other than those projects specifically identified as 'non-regionally significant' (see Appendix A), still have project review requirements. The results of such project reviews are contained within the TPB resolution adopting the plan or program amendments. Regionally significant actions undergo TPB's "30 day notice period," i.e., project information materials and a notice of intent to program the actions are presented at one month's TPB meeting and, assuming no adverse comments are received, are acted upon at the next month's TPB meeting.

C. Preparation of UPWP

The third relevant activity is the preparation of the UPWP. This annual document lists all planning studies in the region, including the TPB work program. This document sets the direction for data collection, model

updates and can potentially affect future conformity assessments.

MWAQC LEAD ROLE

The TPB also acts in a consultation role to MWAQC regarding the analysis of mobile source strategies and SIP development.

III. OVERVIEW OF CONSULTATION PROCEDURES

This section presents the consultation procedures which TPB follows to ensure that state and local air agencies, appropriate federal agencies, and the public are informed of, and have an opportunity to comment upon, transportation projects, work activities and conformity assessments of TPB plans and programs.

The September 1994 version of the procedures resulted from: draft materials prepared by, and interagency discussion at, the April 27, 1994 joint work session sponsored by the TPB and the Metropolitan Washington Air Quality Committee (MWAQC); discussion at the May 5, 1994 meeting of MWAQC's subcommittee on conformity; discussion of the conformity regulations at TPB meetings starting in January 1994 and continuing each month since then; subsequent comments on the draft materials received from affected agencies. Revised procedures based upon the August 1997 amended rule are being prepared, with opportunities for review and comment based upon the consultation process developed in 1994 expanded to further involve the public.

The consultation procedures are based upon the premise (and explicit guidance from MWAQC's subcommittee on conformity) that the agencies with which the TPB consults should be afforded the opportunity to participate in decision-making at each step of the planning process. As materials relevant to conformity assessments are prepared, whether this includes project listings and descriptions or proposed work programs, notice of such information which is sent to TPB members is sent to the "consultation agencies". The mailing includes the relevant TPB meeting agendas and public forum announcements, at which the materials will be discussed, to enable participation by the consultation agencies in these meetings and forums. In addition, TPB staff also routinely present and discuss the conformity milestone material to MWAQC's Conformity Subcommittee at its monthly meetings.

This process occurs through the maintenance of a mailing list of consultation agencies which includes MWAQC committee members, i.e., all state and local air agencies, and EPA, FHWA, and FTA. In response to the August 1997 amended rule, this process will be expanded to include the TPB's Citizen Advisory Committee and MWAQC's Air Quality Public Advisory Committee. Agendas and meeting materials for the monthly meetings of the TPB, TPB Program Committee and the TPB Technical Committee are reviewed and notice of relevant items is sent to each agency on the mailing list to enable consultation.

Time lines delineating the schedules for this fiscal year's TPB plans and programs which are relevant to conformity are presented as Exhibits 1-3 and illustrate the typical sequence and timing of such activities in a given fiscal year. Exhibit 1 shows the schedule for the preparation of the FY99-2004 TIP, as well as an update of the long range plan. The row headings reflect all major planning steps for which consultation is warranted, starting with the original project solicitation document sent to programming agencies (i.e., state departments of transportation, local jurisdiction's departments of public works, WMATA and other transit operating agencies) which requests inputs to the plan and program. The various dates reflect proposed TPB meetings which will form the basis for consultation. Execution of this schedule is designed to enable the

adoption of the TIP and amended plan in July of each year. TPB staff will present and discuss at the MWAQC Conformity Subcommittee's monthly meetings the conformity material developed at these milestone points, as requested.

Exhibit 2 is shown for illustration purposes only, since amendments are not generated according to a schedule. The time line shows the review process steps and identifies a '30 day plus' review period before any programming action would be taken.

Exhibit 3 delineates the preparation of the FY99 UPWP. This process starts with the initial outline of the TPB work program in November and concludes with adoption by the TPB in March.

EXHIBIT 1

2/11/98

**TPB PUBLIC INVOLVEMENT & INTERAGENCY CONSULTATION SCHEDULE
FY99-2004 TIP & CLRP**

1997		1998						
NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY

1. Project Solicitation	*	*							
2. Conformity Work Scope		*	*	*	*				
3. Receive Project Submissions & Document; Receive Comments				*	*				
4. Development of TERMS									
A. Travel Mgmt. Subcommittee: Receipt / Analysis of Measures	*	*	*	*					
B. Preparation of Short List				*	*	*			
C. Programming Agencies: Projects and Emissions Results						*			
5. Execute Conformity						*	*		
6. Document Conformity Results								*	
7. Review Comments & Finalize Report									*
11/19/97 TPB Meeting									
12/17/97 TPB Meeting									
1/21/98 TPB Meeting									
2/18/98 TPB Meeting									
3/18/98 TPB Meeting / Public Forum									
4/15/98 TPB Meeting									
5/20/98 TPB Meeting									
6/11/98 TPB Citizens Advisory Committee / Public Forum									
6/17/98 TPB Meeting									
7/9/98 TPB CAC / Public Forum									
7/15/98 TPB Meeting									

* TPB Meetings and Public Forums
TERMs = Transportation Emissions Reduction Measures

EXHIBIT 2

TIME LINE AND CONSULTATION ELEMENTS FOR AIR QUALITY CONFORMITY ASSESSMENTS

	1997						1998						
	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY
B. Plan or Program Amendment (Requests for amendments which are not in the "non-regionally significant" category; October / November time frame is shown as an illustration)													
Following receipt of a request for an amendment:													
Document request and place on next TPB Agenda as an information item								2/06					
TPB mailout and CAC Meeting (start 30+ day review period)								2/12					
TPB meeting								2/18					
Receive Comments; Review & Finalize: Place on TPB Agenda as Action Item or Consent Agenda: TPB Mailout and CAC meeting									3/12				
TPB Action; Transmittals									3/18				

Dates shown are illustrative, i.e., plan and program amendments may occur throughout the year; the chart indicates that a 30 day public review will take place before action by the TPB.

EXHIBIT 3

TIME LINE AND CONSULTATION ELEMENTS FOR AIR QUALITY CONFORMITY ASSESSMENTS

	1997						1998						
	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY
C. Preparation of UPWP													
Outline UPWP Report					*	12/17							
Receive Comments & Prepare Draft Report							1/21						
Receive Comments & Finalize								2/18					
TPB Action, Transmittals									3/18				

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 Dates shown indicate TPB meetings which represent opportunities for consultation agencies to comment upon each major planning step associated with preparation of the Unified Planning Work Program.

* Distributed to TPB Technical Committee at November 7 meeting

IV. SPECIFIC ELEMENTS OF CONSULTATION PROCEDURES

This section presents verbatim the text of the consultation sections of the conformity regulations, as published in August 1997. Following each regulation element is a narrative discussion (in boldface print) of how it is addressed by the TPB procedures.

Sec. 93.105 Consultation.

(a) General.

The implementation plan revision required under Sec. 51.390 of this chapter shall include procedures for interagency consultation (Federal, State, and local), resolution of conflicts, and public consultation as described in paragraphs (a) through (e) of this section. Public consultation procedures will be developed in accordance with the requirements for public involvement in 23 CFR part 450.

- (1) The implementation plan revision shall include procedures to be undertaken by MPOs, State departments of transportation, and DOT with State and local air quality agencies and EPA before making conformity determinations, and by State and local air agencies and EPA with MPOs, State departments of transportation, and DOT in developing applicable implementation plans.

The procedures outlined below represent consultation to be undertaken by transportation agencies with air agencies before making conformity determinations. These procedures will provide a basis for the state air agencies preparation of 8/15/98-required SIP revisions on conformity.

Consultation procedures undertaken by air agencies with transportation agencies in developing the regional air quality plan are contained in the July 1991 resolution certifying MWAQC to prepare a revised air quality plan for the District of Columbia, Maryland and Virginia area under the Clean Air Act Amendments of 1990 (contained as Appendix A).

- (2) Before EPA approves the conformity implementation plan revision required by Sec. 51.390 of this chapter, MPOs and State departments of transportation must provide reasonable opportunity for consultation with State air agencies, local air quality and transportation agencies, DOT, and EPA, including consultation on the issues described in paragraph (c)(1) of this section, before making conformity determinations.

Ample opportunity is provided for consultation with state air agencies, local air quality and transportation agencies, DOT and EPA and the public before these

procedures will be finalized and forwarded to the state air agencies for their development of the required implementation plan revisions. As described in Chapter III of this report, this consultation will extend to both the establishment of long term interagency consultation procedures (through interaction with EPA, FHWA, and FTA and with MWAQC and their conformity subcommittee and the public), as well as review of inputs and technical methods to be used in analysis of the FY99 TIP and updated long range plan.

(b) Interagency consultation procedures: General factors.

- (1) States shall provide well-defined consultation procedures in the implementation plan whereby representatives of the MPOs, State and local air quality planning agencies, State and local transportation agencies, and other organizations with responsibilities for developing, submitting, or implementing provisions of an implementation plan required by the CAA must consult with each other and with local or regional offices of EPA, FHWA, and FTA on the development of the implementation plan, the transportation plan, the TIP, and associated conformity determinations.

The TPB, as the metropolitan planning organization for the National Capital region, is responsible for directing the continuing transportation planning process carried on cooperatively by the states and local communities in the region. The MWAQC is the regional air quality planning organization for the Washington MSA and, under responsibilities delegated to it by the District of Columbia, Maryland and Virginia, conducts planning activities to meet requirements of the 1990 Clean Air Act Amendments.

MPO consultation procedures for the development of conformity determinations are identified in Chapters II and III of this report, including the time lines indicating specific deliverables and schedules for TPB meetings and consultation. MWAQC consultation procedures are described in Appendix A.

- (2) Interagency consultation procedures shall include at a minimum the following general factors and the specific processes in paragraph (c) of this section:

- (i) The roles and responsibilities assigned to each agency at each stage in the implementation plan development process and the transportation planning process, including technical meetings;

The development of the transportation plan, TIP and associated air quality conformity assessment is a collaborative process with all relevant agencies participating through the TPB technical, policy and consultation processes.

Regarding MPO activities and responsibilities, the TPB has the lead role in air quality conformity technical analysis and policy decision-making; MWAQC, and the specific state and local air agencies which make up the committee, and the EPA, FHWA and FTA, have a review and comment role, including identifying appropriate issues for policy discussion and resolution.

- (ii) The organizational level of regular consultation;

The organizational level of consultation will be the TPB, MWAQC and its member agencies, EPA, FHWA, and FTA, referred to hereafter as the “consultation agencies” (listed in Appendix A).

- (iii) A process for circulating (or providing ready access to) draft documents and supporting materials for comment before formal adoption or publication;

TPB staff will provide notice (and copies upon request) of any and all such materials to the consultation agencies on a monthly basis, as requested. “Milestone” conformity elements are shown in Exhibits 1-3.

- (iv) The frequency of, or process for convening, consultation meetings and responsibilities for establishing meeting agendas;

Consultation opportunities which have been identified to date are illustrated in Exhibits 1-3.

- (v) A process for responding to the significant comments of involved agencies; and

Staff will prepare responses to significant comments received from the consulting agencies on each aspect of the conformity process and will distribute such responses to the consultation agencies.

- (vi) A process for the development of a list of the TCMs which are in the applicable implementation plan.

The TPB annual work program contains an element which addresses mobile source planning and emissions analysis (Mobile Emissions Analysis in the FY99 UPWP). As part of these work activities, through the oversight of the Travel Management Subcommittee and in consultation with MWAQC committees, staff prepares mobile source emissions inventories to reflect different control strategy proposals and also identifies and analyzes potential transportation emissions reduction measures (TERM)s for

consideration in state air quality implementation plans and air quality conformity assessments. Based upon these evaluations, emissions mitigation needs, consultation, and the transportation programming process, measures are selected for implementation or for further planning as TERMS. Those TERMS which are subsequently included in applicable state implementation plans will become Transportation Control Measures (TCMS).

(c) Interagency consultation procedures: Specific processes.

Interagency consultation procedures shall also include the following specific processes:

(1) A process involving the MPO, State and local air quality planning agencies, State and local transportation agencies, EPA, and DOT for the following:

(i) Evaluating and choosing a model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses;

The assessment of conformity involves use of the latest planning assumptions to compute mobile source emissions. Specific models, methods, and data sets which have changed from the previous year's analysis are identified, reviewed and evaluated each year and incorporated into the work program for air quality conformity assessment, as appropriate. An opportunity for review by other agencies will be afforded through notice and availability of such materials, i.e., proposed conformity work program and model documentation, to the consultation agencies.

(ii) Determining which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP;

Documentation of project inputs to the conformity analysis is explicit and is included among the project listings available for public and interagency review. "Regionally significant" projects among the

submissions are identified by TPB staff based upon the scale of each project and its relationship to the facilities contained in TPB networks. Facilities in the TPB highway networks are keyed to FHWA's functional classification of roads. TPB networks include nearly a 100% representation of interstate, other freeway and expressway, principal and minor arterials; additionally, some local and collector facilities are included for network continuity purposes. Any highway facility advanced to the plan or program which is consistent with this level of detail is coded into the transportation networks relevant to the study and included explicitly in the analysis.

Facilities contained in TPB transit networks reflect a.m. peak hour service. This includes all fixed guideway service (Metrorail and commuterrail), major bus service (both public and private, local and express), and supporting services such as park and ride lots and parking at train sessions. Any transit service or facility advanced to the plan or program which is consistent with this level of detail is coded into the transit networks.

This documentation of highway and transit facility inputs is included among the reports presented for public and interagency review and at appropriate meetings and TPB work sessions, which are conducted specifically to inform the public and consultation agencies of project submissions to the plan and/or program. Following the release of these project submissions, reviewers have a 30 day period to identify changes appropriate to the "regional significant" classification. Identification and any subsequent recommendations for including other transportation projects as regionally significant should be reviewed and approved by the TPB Technical Committee for recommendation to the TPB.

As part of the response to project solicitation in preparation of a new plan or program, programming agencies routinely identify any projects which have undergone a significant change in design concept or scope since the previous TIP or plan conformity assessment. In assembling project submissions, TPB staff will identify any projects which may be considered to have a change in design concept and scope and will advise project sponsors about the implications of such changes. Consultation will take place on individual projects where there is a question of regional significance.

Details regarding the total set of projects advanced as plan or program elements, and their designation as regionally significant or otherwise, are also documented in an appendix to the air quality conformity report and represent a conformity milestone element.

- (iii) Evaluating whether projects otherwise exempted from meeting the requirements of this subpart (see Secs. 93.126 and 93.127) should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason;

TPB staff reviews each project submission as to its status with respect to conformity characteristics, including whether it is exempt from conformity or from regional emissions analyses, and treats and documents each project accordingly. During the project review phase associated with either preparation of, or amendments to, a plan or program any exempt project, other than those identified as “non-regionally significant” (see Appendix B), which for any reason should be treated as non-exempt, should be so identified by the consultation agencies. Any such projects will then be reviewed by the TPB Technical Committee. Their recommendation, either concurring in or rejecting the non-exempt designation, will then be forwarded to the TPB for consideration and action.

- (iv) Making a determination, as required by Sec. 93.113(c)(1), whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether State and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs. This process shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures;

As part of project solicitation for preparation of a new plan or program, a request will be made to programming agencies to report on their implementation of TCMs. The request will seek information on whether any problems exist with the schedule of implementation or previously programmed TCMs and on the priority which each programming agency places upon the implementation of TCMs. This information will become a part of the material provided at the TPB work sessions conducted as part of the

preparation of new transportation improvement programs. Where disputes exist regarding such identification, resolution at the policy level may be required.

- (v) Identifying, as required by Sec. 93.123(b), projects located at sites in PM₁₀ non-attainment areas which have vehicle and roadway emission and dispersion characteristics which are essentially identical to those at sites which have violations verified by monitoring, and therefore require quantitative PM₁₀ hot-spot analysis;

The Washington region does not currently violate PM₁₀ standards. New PM standards have been adopted and monitoring systems are being implemented nationwide to determine adherence to the new standards. As these systems are implemented and results become available, the TPB and MWAQC will consult as to the whether the region would be declared non-attainment for PM, and the implications and corresponding procedures for project level conformity analysis. Should such project level analysis be required it will be the responsibility of the appropriate state and/or local air agency in each jurisdiction to notify implementing agencies and other project sponsors of such analytical and subsequent procedural/consultation requirements.

- (vi) Notification of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in Sec. 93.126 or Sec. 93.127; and

This is addressed through notification of the consultation agencies of all project programming activities.

- (vii) Choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas, as required by Sec. 93.109(g)(2)(iii).

This does not apply to any areas within the National Capital Region.

- (2) A process involving the MPO and State and local air quality planning agencies and transportation agencies for the following:
 - (i) Evaluating events which will trigger new conformity determinations in addition to those triggering events established in Sec. 93.104; and

Additional events which currently trigger new conformity determinations include such elements as the introduction of a new emission factor model, revised land activity forecasts, or revisions to the SIP. It is the responsibility of the consultation agencies to identify and bring to the attention of the TPB any such additional actions which would trigger a new conformity determination. Upon notification of such a possible additional action, the TPB will evaluate the conditions, consult with MWAQC and document its findings.

- (ii) Consulting on emissions analysis for transportation activities which cross the borders of MPOs or nonattainment areas or air basins.

Coordination at the technical and policy levels takes place now in Maryland: (1) between the Washington and Baltimore non-attainment areas at the MPO level and with the Maryland Department of the Environment and the Maryland Department of Transportation, and (2) for the southern Maryland area under a separate agreement under the MWAQC planning structure (see Appendix C). Such coordination also takes place now in Virginia: (1) between the Washington area and the Virginia attainment and non-attainment areas at the MPO level with the Virginia Department of Environmental Quality and with the Virginia Department of Transportation, and (2) for the Stafford County area under a separate agreement with the Fredericksburg Area Metropolitan Planning Organization (see Appendix D). In each case, it is the responsibility of the state and affected local jurisdictions to identify any additional relevant issues and bring them to the attention of all affected policy bodies. Should issues be identified by the consultation agencies, they should similarly be brought to the attention of all affected policy bodies.

- (3) Where the metropolitan planning area does not include the entire nonattainment or maintenance area, a process involving the MPO and the State department of transportation for cooperative planning and analysis for purposes of determining conformity of all projects outside the metropolitan area and within the nonattainment or maintenance area.

Such a case now exists in Maryland and has been addressed through the development of a separate agreement between the TPB, the state of Maryland and the Tri-County Council for Southern Maryland, as shown in Appendix C.

Stafford County, Virginia is included in the DC-MD-VA non-attainment area and is a member of the Fredericksburg Area MPO (FAMPO). A separate agreement has been prepared between the TPB and FAMPO on consistency and conformity

of plans, programs and projects, as shown in Appendix D.

- (4) A process to ensure that plans for construction of regionally significant projects which are not FHWA/FTA projects (including projects for which alternative locations, design concept and scope, or the no-build option are still being considered), including those by recipients of funds designated under title 23 U.S.C. or the Federal Transit Laws, are disclosed to the MPO on a regular basis, and to ensure that any changes to those plans are immediately disclosed.

The TPB will request that members identify all non-FHWA/FTA projects, transportation facilities and their design concept and scope, including facilities where detailed design features have not yet been decided and determine which ones meet the definition of regionally significant for regional emissions modeling.

- (5) A process involving the MPO and other recipients of funds designated under title 23 U.S.C. or the Federal Transit Laws for assuming the location and design concept and scope of projects which are disclosed to the MPO as required by paragraph (c)(4) of this section but whose sponsors have not yet decided these features, in sufficient detail to perform the regional emissions analysis according to the requirements of Sec. 93.122.

Where assumptions are required to be made regarding the design or scope of certain projects, the information regarding the assumed location and design concept and scope of such projects will be developed by the state agency or local jurisdiction in cooperation with the project sponsor. In the course of preparing project submissions to an updated plan or a new TIP, the affected programming agency will submit the relevant information in conjunction with all other project inputs. These project submissions will be included as a part of the public and interagency review material and will be included in the documentation materials.

- (6) A process for consulting on the design, schedule, and funding of research and data collection efforts and regional transportation model development by the MPO (e.g., household/ travel transportation surveys).

The Unified Planning Work Program (UPWP), which contains descriptions of all such MPO work activities, has previously been developed in a November to March time frame. Consultation agencies will be notified, as shown in Exhibit 3, of the development of the upcoming year's UPWP and will have review and comment ability. The execution of the resulting work program is reported and monitored throughout the year through the TPB process, e.g., the TPB Technical Committee and subcommittee structure, and reports to the TPB. Consultation agencies will have an ongoing opportunity through these reports to review and comment upon

progress of the work program.

- (7) A process for providing final documents (including applicable implementation plans and implementation plan revisions) and supporting information to each agency after approval or adoption. This process is applicable to all agencies described in paragraph (a)(1) of this section, including Federal agencies.

A process which addresses major updates of TPB plans and programs currently exists and is documented in Appendix E. Additional processes to address plan and program amendments and preparation of the UPWP are described in Chapters II and III of this report.

- (d) Resolving conflicts.

Conflicts among State agencies or between State agencies and an MPO shall be escalated to the Governor if they cannot be resolved by the heads of the involved agencies. The State air agency has 14 calendar days to appeal to the Governor after the State DOT or MPO has notified the State air agency head of the resolution of his or her comments. The implementation plan revision required by Sec. 51.390 of this chapter shall define the procedures for starting the 14-day clock. If the State air agency appeals to the Governor, the final conformity determination must have the concurrence of the Governor. If the State air agency does not appeal to the Governor within 14 days, the MPO or State department of transportation may proceed with the final conformity determination. The Governor may delegate his or her role in this process, but not to the head or staff of the State or local air agency, State department of transportation, State transportation commission or board, or an MPO.

As a published regulation, the above process defines the procedures for resolution of conflicts and will be in force should such a conflict arise in any state.

- (e) Public consultation procedures.

Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with these requirements and those of 23 CFR 450.316(b). Any charges imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.95. In addition, these agencies must specifically address in writing all public comments that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been

properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.

TPB's extensive public involvement process is utilized to conduct consultation with the public. A copy of these procedures, adopted on September 21, 1994, is attached as Appendix F. In addition, consistent with current practice regarding interagency consultation procedures, notice of items relevant to air quality conformity which are contained in the monthly meetings of the TPB and its committees will also be mailed to the TPB Citizen Advisory Committee and MWAQC's Air Quality Public Advisory Committee. All public comment/consultative meetings are open to the public including members of TPB's Citizen Advisory Committee and MWAQC's Air Quality Public Advisory Committee.

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APPENDIX A

MWAQC's structure, roles and responsibilities; list of agencies and public groups involved in the consultation process

Adopted: July 22, 1992
Amended: September 14, 1994
Amended: November 29, 1995
Amended: July 24, 1996

BYLAWS
of the
Metropolitan Washington Air Quality Committee

Section 1: NAME

The name of this committee is the Metropolitan Washington Air Quality Committee (MWAQC).

Section 2: AUTHORITY

The authority of the MWAQC is derived from the certifications made by the Governors of Maryland and Virginia and the Mayor of the District of Columbia pursuant to Title I, "Provisions for Attainment and Maintenance of National Ambient Air Quality Standards," of the Clean Air Act Amendments of 1990.

The principal mandates of the MWAQC are to prepare, according to the provisions of Title I of the Clean Air Act Amendments of 1990, the following documents for transmittal to and consideration by the Government of the District of Columbia, the State of Maryland, and the Commonwealth of Virginia suitable for inclusion in their air quality State Implementation Plans:

1. A plan demonstrating attainment of the federal ozone standard by November, 1999 and maintenance of the standard for ten years thereafter (State Implementation Plan submittals due November, 1994 to EPA);
2. A plan demonstrating a 15% reduction in emissions of volatile organic compounds from 1990 levels by the year 1996 (State Implementation Plan submittals due November, 1993 to EPA);
3. An inventory of wintertime emissions of carbon monoxide for the year 1990 (State Implementation Plan inventory due November 1992); and
4. Other inventories of emissions as may be required by the U.S. EPA.

Section 3: MISSION

The MWAQC has been established to conduct interstate air quality attainment and maintenance planning for the Washington, D.C.-Maryland-Virginia Metropolitan Statistical Area.

In fulfilling its mission, the MWAQC shall:

1. Formulate, adopt and submit to the Government of the District of Columbia, the State of Maryland and the Commonwealth of Virginia a proposed regional air quality plan for ozone control suitable for incorporation into air quality State Implementation Plans (SIP's).

2. Develop an air quality maintenance plan for ozone control which includes measures and implementation commitments for consideration and incorporation into SIP's and implementation by the states, local governments and the U. S. EPA.
3. Fulfill any other functions and obligations necessary for the promulgation and maintenance of regional air quality policies, plans or programs as may be assigned to it by federal or state statute, policy or regulation or by request of a local jurisdiction. The MWAQC shall develop appropriate policies and procedures to implement these requirements.

In executing its policy and plan preparation functions, the MWAQC shall:

1. Periodically review interim products and progress in the plan's development.
2. Coordinate its activities with relevant planning efforts of the National Capital Region Transportation Planning Board, the Metropolitan Washington Council of Governments' (COG) Environmental Policy Committee, the Tri-County Council for Southern Maryland, state air quality and transportation agencies, and the region's local governments.
3. Develop and approve a public participation and education program.
4. Provide assistance and policy direction in the planning process to achieve cooperation in developing plan recommendations and facilitate the resolution of interjurisdictional policy issues.
5. Facilitate plan implementation by fulfilling an advocacy role for plan elements in appropriate forums.
6. After adoption of the plan, periodically assess whether new information, including demographic and emissions forecasts, warrants the plan's revision and, working with the appropriate jurisdictions and agencies, prepare revisions and modifications of the plan to the District of Columbia, the State of Maryland and the Commonwealth of Virginia.

Section 4: MEMBERSHIP

Membership of the MWAQC shall consist of representatives appointed by the following governing bodies of the Washington, D.C.-Maryland-Virginia Metropolitan Statistical Area, state air quality and transportation agencies:

MWAQC BYLAWS

Page 3

Member	Number Of Representatives
District of Columbia	
Office of The Mayor	2
Council of the District of Columbia	2
Maryland	
City of Bowie	1
City of College Park	1
City of Frederick	1
Frederick County	1
City of Gaithersburg	1
City of Greenbelt	1
Montgomery County, Office of the County Executive	1
Montgomery County Council	2
Prince George's County, Office of the County Executive	1
Prince George's County Council	1
City of Rockville	1
City of Takoma Park	1
Calvert County	1
Charles County	1
Maryland General Assembly	2
Virginia	
City of Alexandria	1
Arlington County	1
City of Fairfax	1
Fairfax County	3
City of Falls Church	1
Loudoun County	1
Prince William County	1
Stafford County	1
Virginia General Assembly	2
State Air Management Directors	
District of Columbia Dept. of Consumer and Regulatory Affairs	1
Maryland Department of the Environment	1

MWAQC BYLAWS

Page 4

Virginia Department of Department of Environmental Quality 1

State Transportation Directors

District of Columbia Department of Public Works 1

Maryland Department of Transportation 1

Virginia Department of Transportation 1

**National Capital Region Transportation
Planning Board**

Chair, or the Chair's designee, of the National Capital Region
Transportation Planning Board 1

TOTAL 40

**Section 5: TERM OF MEMBERSHIP, METHOD OF APPOINTMENT, AND
ALTERNATES**

5.1: Term of Membership and Method of Appointment

Members shall serve until replaced by their respective appointing authority (or successor authority) or by resignation.

Appointments to the MWAQC shall be made by each appointing authority (or successor) as made the original appointment. Notification of appointments shall be made in writing to the Chair of the MWAQC, c/o the Metropolitan Washington Council of Governments.

5.2: Alternates

Alternates to voting members may be appointed at the discretion of the original appointing authority (or successor) and will serve until replaced. Alternates to members shall, as far as practical, be elected officials with the following exceptions:

- Mayor, District of Columbia
- County Executive, Montgomery County
- County Executive, Prince George's County
- State Air Management and Department of Transportation Members

Section 6: OFFICERS

6.1: Enumeration, Terms and Election of Officers

Election of officers shall be held at the first regular business meeting of the year, following this amendment to the bylaws, starting in calendar year 1995. Officers currently serving at the time of adoption of this bylaw amendment shall continue to serve until elections are held under this provision.

The office of Chair, Metropolitan Washington Air Quality Committee, shall be selected by the membership and shall serve a one year term, which may be renewed for a second year. There shall be three Vice Chairs elected by the membership who shall, likewise, serve a one year term concurrent with the Chair and whose terms may be renewed for a second year. There shall be one Vice-Chair each from the District of Columbia, Maryland and Virginia selected from the membership. The Chair shall be rotated among these jurisdictions in alphabetical order after completion of the term of the first Chair.

At the meeting preceding the election of the Chair and Vice Chairs, there shall be appointed by the Chair a Nominating Committee which shall propose a slate of officers for election by the membership. The Nominating Committee shall request a nomination from each caucus for consideration as Vice Chair. Officers shall assume their positions immediately upon election. There shall be a minimum of ten days notice of the list of nominees for officers transmitted to MWAQC members prior to the date of election.

6.2: Duties of Officers

The Chair of the MWAQC shall approve meeting agendas, preside at all meetings, appoint committees and subcommittees, and shall perform other such duties that the MWAQC may assign.

A Vice Chair, designated by the Chair, shall act to discharge the duties of the Chair in the absence or inability of the Chair to act.

Section 7: QUORUM, VOTING PROCEDURES, MEETINGS

7.1: Quorum

A quorum shall consist of twelve (12) members or designated alternates to include at least two (2) voting members from the District of Columbia, four (4) from Maryland and four (4) from Virginia. For Matters of Extraordinary Issues of Policy (Section 7.3) a quorum shall consist of a majority of the membership including at least four (4) voting members from each of the District of Columbia, Maryland and Virginia.

7.2: Voting Procedures

It is the goal of the MWAQC that all matters shall be resolved collegially through the development of consensus positions.

Simple majority vote of the members present (or designated alternates in case of absences) shall prevail on all motions, resolutions or election of officers, except in the case of matters of extraordinary issues of policy as defined in Section 7.3.

7.3: Matters of Extraordinary Issues of Policy

Matters of Extraordinary Issues of Policy shall require the majority approval of the representatives in attendance from each state's membership. The TPB Chair's vote shall be considered non-voting in cases of "Matters of Extraordinary Issues of Policy". These matters shall include:

1. Approval or revision of the regional air quality plan or components of the plan, including contingency measures (for example, individual control measures recommended for application regionally, allocation of emission reductions by state or by source, recommendation of air quality State Implementation Plan revisions affecting the non- attainment region.)
2. Approval of work programs and budgets.
3. Recommendations to alter membership of the MWAQC.
4. Initial approval of Bylaws, Amendments to Bylaws and Suspension of Bylaws.

A motion to make a resolution or other action of the committee (other than the four items above) subject to the voting provisions of Section 7.3 "Matters of Extraordinary Issues of Policy", may be made by any member; such motion shall require the majority approval of the representative in attendance from the membership of any one of Virginia, Maryland and the District of Columbia.

7.4: Meetings and Parliamentary Authority

The MWAQC shall meet at least four times per year, and more frequently as it deems necessary. The regular meeting date is established as the fourth Wednesday of the months of January, April, July and October at 12:00 Noon at the offices of COG. The meeting date, place and time may be otherwise determined by agreement.

Additional meetings may be called with ten days written notification (from the time the notice is sent) by the Chair or by written request of five members of the

MWAQC.

Roberts Rules of Order, Revised, shall be the parliamentary authority for the conduct of meetings of the MWAQC.

Section 8: COMMITTEES

8.1 Technical Advisory Committee (TAC)

There shall be established a Technical Advisory Committee (TAC) to advise and assist the MWAQC in planning for and maintaining the region's air quality. The Chair of the TAC shall be appointed by the Chair of MWAQC from among the members of MWAQC. Membership of the TAC shall consist of:

- The Air Management Directors of the District of Columbia, Maryland and Virginia or their designated representatives.
- Representatives from the Departments of Transportation of the District of Columbia, Maryland and Virginia.
- A representative of each local government with membership on the Metropolitan Washington Air Quality Committee.
- A representative of the Technical Committee to the National Capital Region Transportation Planning Board

The Technical Advisory Committee shall:

- a. Review and advise the MWAQC on the proposed draft of the air quality plan for submittal to the governments of the District of Columbia, the State of Maryland and the Commonwealth of Virginia.
- b. Recommend to the MWAQC an air quality work program and budget.
- c. Coordinate technical committees and working groups in executing work program elements.
- d. Receive and comment upon technical products developed during the planning process.
- e. Advise the MWAQC on potential technical and policy issues related to air quality as they arise and provide periodic status reports on the work program.

- f. Provide a coordinating mechanism among the MWAQC, the Mid-Atlantic Regional Air Management Association (MARAMA), the Ozone Transport Commission (OTC), and other agencies as appropriate.
- g. Report to MWAQC and the public on the daily air quality and air quality trends.
- h. Review and advise the MWAQC on the daily air quality forecasting during the ozone season.
- i. Provide technical review and recommendations to MWAQC on the Determinations of Conformity prepared by the staff of the Transportation Planning Board for the Transportation Improvement Plan (TIP) and its amendments and the regional Long Range Transportation Plan and its amendments.
- j. Execute any other duties as assigned by the MWAQC.

8.2: Executive Committee

The Chair, the three Vice Chairs and the Immediate Past Chair shall constitute an Executive Committee for MWAQC. The Executive Committee shall have such powers and shall perform such duties as MWAQC may delegate by resolution to it from time to time. In addition, the Executive Committee shall have authority to transact such business as is necessary from time to time in furtherance of the mission of MWAQC and which has been neither, by these Bylaws nor by action of the Board, delegated to any other officer, employee or committee, nor has been undertaken by MWAQC itself.

8.3: Relationship with Other Committees

The Metropolitan Washington Air Quality Committee shall have full authority to define its supporting committee structure for technical and policy advice. Sources of policy and technical input include, but are not limited to:

- The Environmental and Public Works Directors Committee (EPWDC) and Regional Air Management Subcommittee (RAMS.)
- The National Capital Regional Transportation Planning Board and Transportation Planning Board Technical Committee.
- The Metropolitan Development Policy Committee (MDPC) and Planning Directors Technical Advisory Committee (PDTAC.)

- The Southern Maryland Air Quality Working Group.
- The Southern Maryland Transportation Planning Board.

8.4: Appointment of Other Subcommittees

The Chair, upon approval by the MWAQC, may appoint other subcommittees as deemed necessary for conducting its business.

Section 9: PUBLIC PARTICIPATION AND EDUCATION

All meetings of the MWAQC and its Technical Staff Coordination Committee shall be open to the public. Meetings shall be closed only in the case of matters dealing with personnel or litigation.

The MWAQC shall adopt a public participation and education program as part of its attainment planning and maintenance work program.

Section 10: STAFFING, CONTRACTING, ADMINISTRATION AND FINANCE

10.1: Staff

The technical and administrative staff of the Metropolitan Washington Council of Governments, as reflected in the annual work program and budget of the MWAQC, shall serve as the staff to the MWAQC in the conduct of the air quality planning process. Technical staff support to the MWAQC in support of Charles and Calvert Counties, Maryland will be provided, at their discretion, by the Tri-County Council for Southern Maryland. Technical staff support to the MWAQC will also be provided by Stafford County, VA.

10.2: Contractual Authority

The Metropolitan Washington Council of Governments, acting through its Board of Directors, shall serve as the contracting agent for obtaining consultant and other necessary contractual services requested by the MWAQC.

10.3: Administration and Finance

The Metropolitan Washington Council of Governments shall be the administrative mechanism for the application, receipt, expenditure, and accounting of funds supporting the work of the COG staff in the MWAQC air quality planning work program. The Tri-County Council for Southern Maryland shall be the administrative mechanism for the application, receipt, expenditure and accounting of funds supporting work of TCC staff on air quality planning on behalf of Charles and Calvert Counties, Maryland. The

Rappahannock Area Development Commission shall be the administrative mechanism for the application, receipt, expenditure and accounting of funds supporting work of the Stafford County, VA staff on air quality planning on behalf of Stafford County, Virginia.

The MWAQC shall, from time to time, adopt work programs and budgets for the execution of its work program. Local funds required as match for federal and state funds shall be apportioned to the general purpose local government members of the MWAQC on a pro rata population basis, in the same manner as in the annual budget process of the Metropolitan Washington Council of Governments. Contributions from local governments not members of the Metropolitan Washington Council of Governments may be provided in the form of in-kind services.

Section 11: AMENDMENTS

These Bylaws may be amended pursuant to the following procedures:

- a. With the approval of the majority of those voting members of the MWAQC present and voting, a proposal to amend the Bylaws introduced at any regular meeting of the Committee shall be recorded in the minutes, and
- b. A special written notice setting forth such proposal shall be mailed to every member of the MWAQC at least ten days before the next regular meeting.
- c. The amendment shall be acted upon at the next regular meeting following the meeting at which it was proposed. A majority of those present and voting from the District of Columbia, Maryland and Virginia, (as described in Sec. 7.3 of these Bylaws) will be required for approval.

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Consultation Organizations

Federal Agencies

- Environmental Protection Agency, Region III (Air Radiation & Toxics Division)
- Federal Highway Administration
- Federal Transit Administration

MWAOC Agencies

District of Columbia

- Council of the District of Columbia
- Department of Consumer & Regulatory Affairs (Environmental Regulation Administration)
- Department of Public Works
- Intergovernmental Relations
- Office of the Mayor
- Office of the City Administrator

Maryland

- Bowie City Council
- Calvert County Board of Commissioners
- Charles County Board of Commissioners
- College Park City Council
- Frederick County Board of Commissioners
- Gaithersburg City Council
- Greenbelt City Council
- Maryland Department of the Environment (Air and Radiation Management)
- Maryland Department of Transportation
- Maryland General Assembly
- Montgomery County Council
- Montgomery County (Office of the County Executive)
- Prince George's County Council
- Prince George's County (Office of the County Executive)
- Rockville City Council
- Takoma Park City Council
- Tri-County Council for Southern Maryland

Virginia

- Alexandria City Council
- Arlington County Board
- Fairfax City Council
- Fairfax County Board of Supervisors
- Falls Church City Council
- Loudoun County Board of Supervisors
- Prince William Board of County Supervisors
- Stafford County Board of Supervisors
- Virginia Department of Environmental Quality
- Virginia Department of Transportation
- Virginia General Assembly

Public Groups

- Air Quality Public Advisory Committee of the Metropolitan Washington Air Quality Committee (MWAQC)
- Citizen Advisory Committee of the National Capital Region Transportation Planning Board (TPB)

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APPENDIX B

TPB criteria for grouping of non-regionally
significant projects in the TIP

TPB R20-94
February 16, 1994

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

**RESOLUTION APPROVING CRITERIA FOR GROUPING CERTAIN
NON-REGIONALLY SIGNIFICANT PROJECTS IN
THE TRANSPORTATION IMPROVEMENT PROGRAM**

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, on September 15, 1993 the TPB approved an amendment to its Bylaws giving authority to the TPB Program Committee to:

- o Recommend for TPB approval criteria for grouping by function, geographic area, and work type, those non-regionally significant projects that are not of appropriate scale for individual identification in the transportation improvement program.

WHEREAS, this provision in the TPB Bylaws reflects section 450.324(i) of the final rules on Statewide and Metropolitan Planning issued by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) on October 28, 1993, which states:

- o "Projects proposed for FHWA and/or FTA funding that are not considered by the State and MPO to be of appropriate scale for individual identification in a given program year may be grouped by function, geographic area, and work type using applicable classifications under 23 CFR 771.117(c) and (d). In nonattainment and maintenance areas, classifications must be consistent with the exempt project classifications contained in the U.S. EPA conformity requirements (40 CFR par 51)."

WHEREAS, at the December 15, 1993 and January 19, 1994 meetings, the Board has reviewed initial sets of criteria; and at their February meetings, the Technical Committee and the Program Committee have reviewed these criteria and recommended that an initial set be approved by the TPB for use in the FY 1995-2000 Transportation Improvement Program.

NOW, THEREFORE, BE IT RESOLVED THAT the Transportation Planning Board approves an initial set of criteria, defined as those exempt project types in the EPA conformity rule designated with an asterisk in attachment A, for grouping non-regionally significant projects in the FY 1995-2000 Transportation Improvement Program.



METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

*Local governments working together
for a better metropolitan region*

MEMORANDUM

January 12, 1994

TO: Transportation Planning Board

FROM: Ronald F. Kirby *JK*
Director, Department of
Transportation Planning

RE: Criteria for Grouping Certain Non-Regionally Significant Projects in the
Transportation Improvement Program

At its September 15 meeting, the TPB approved an amendment to its bylaws giving authority to the TPB Program Committee to:

- Recommend for TPB approval criteria for grouping by function, geographic area, and work type those non-regionally significant projects that are not of appropriate scale for individual identification in the transportation improvement program.

This provision in the TPB Bylaws reflects section 450.324(i) of the final rules on Statewide and Metropolitan Planning issued by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) on October 28, 1993, which states:

"Projects proposed for FHWA and/or FTA funding that are not considered by the State and MPO to be of appropriate scale for individual identification in a given program year may be grouped by function, geographic area, and work type using applicable classifications under 23 CFR 771.117(c) and (d). In nonattainment and maintenance areas, classifications must be consistent with the exempt project classifications contained in the U.S. EPA conformity requirements (40 CFR part 51)."

This memorandum recommends some initial criteria for implementing the new provision of the TPB bylaws. In accordance with federal MPO planning guidance, no opportunity for public comment would be required for TIP amendments that involve these non-regionally significant projects.

In order to be consistent with the federal guidance and other language in the TPB bylaws, the criteria should include for grouping only those projects which:

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- (1) Are consistent with the exempt project types listed in the final air quality conformity rule issued by the Environmental Protection Agency (see Attachment A).
- (2) Do not have "significant inter-jurisdictional effects in terms of financing, transportation service, location, staging, and/or socioeconomic, land use, or environmental impacts." This phrase is used in the introductory paragraph of the TPB bylaws to describe regional significance.

In response to a request by the TPB Program and Technical Committees, the Maryland Department of Transportation (MDOT) has suggested a set of project types for use in grouping of non-regionally significant projects, as shown in Attachment B. Using this suggestion, and general guidance from discussions at the TPB Program and Technical Committees, staff has proposed a set of project types for use in grouping of non-regionally significant projects by designating with an asterisk selected project types from the exempt projects section of the EPA conformity rule, as shown in Attachment A. These project types are identical to those suggested by MDOT, except that:

- (1) Certain project types suggested by MDOT do not appear in the EPA conformity listing, and therefore are not included in the staff proposal (specifically: wetlands replacement/mitigation; streetscape and urban reconstruction; and roundabouts). It is suggested that these latter project types could be included under some of those project types that are included in the EPA conformity listing. "Wetlands replacement/mitigation" and "streetscape and urban reconstruction" could be included under "plantings, landscaping, etc.," for example, and "roundabouts" could be included under "traffic control devices and operating assistance other than signalization projects."
- (2) Certain project types suggested by MDOT for grouping are not proposed by staff at this time because they appear to be potentially of regional significance (specifically: safety improvement program; truck size and weight inspection stations; advance land acquisitions; and transportation enhancement activities)
- (3) Certain mass transit project types have been added to the MDOT suggestion.

It is recommended that an initial set of criteria for grouping non-regionally significant projects in the Transportation Improvement Program (TIP) be established by designating (with an asterisk) certain exempt project types listed in the EPA conformity rule, as shown on Attachment A. If approved by the TPB, the initial set of criteria would be available for use in the development of the FY95-00 Transportation Improvement Program for grouping non-regionally significant projects.

It is important to note that submitting agencies would not be required to group projects by these project types. Rather, these criteria are designed only to provide options for those agencies that wish to use them.

ATTACHMENT A

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 93

[FRL--]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action establishes the criteria and procedures for determining that transportation plans, programs, and projects which are funded or approved under title 23 U.S.C. or the Federal Transit Act conform with State or Federal air quality implementation plans. This action is required under section 176(c)(4) of the Clean Air Act, as amended in 1990.

Conformity to an implementation plan is defined in the Clean Air Act as conformity to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards. In addition, Federal activities may not cause or contribute to new violations of air quality standards, exacerbate existing violations, or interfere with timely attainment or required interim emission reductions towards attainment. This final rule establishes the process by which the Federal Highway Administration and the Federal Transit Administration of the United States Department of Transportation and metropolitan planning organizations determine conformity of highway and transit projects.

EFFECTIVE DATE: This final rule is effective on (insert date 30 days after publication in the Federal Register).

ADDRESSES: Materials relevant to this rulemaking are contained in Docket No. A-92-21. The docket is located in room M-1500 Waterside Mall (ground floor) at the Environmental Protection Agency, Attention: Docket No. A-92-21, 401 M St. SW, Washington, DC 20460. The docket may be inspected from 8:30 a.m. to 12 p.m. and from 1:30 p.m. to 3:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Kathryn Sargeant, Emission Control Strategies Branch, Emission Planning and Strategies Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105. (313) 741-7884.

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

I. Authority

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 2 are exempt from the requirement that a conformity determination be made. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 2 is not exempt if the MPO in consultation with other agencies (see §93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. States and MPOs must ensure that exempt projects do not interfere with TCM implementation.

Table 2. - Exempt Projects

SAFETY

- * Railroad/highway crossing
- * Hazard elimination program
- Safer non-Federal-aid system roads
- * Shoulder improvements
- * Increasing sight distance
- Safety improvement program
- * Traffic control devices and operating assistance other than signalization projects
- * Railroad/highway crossing warning devices
- * Guardrails, median barriers, crash cushions
- * Pavement resurfacing and/or rehabilitation
- * Pavement marking demonstration
- * Emergency relief (23 U.S.C. 125)
- * Fencing
- * Skid treatments
- * Safety roadside rest areas
- * Adding medians
- Truck climbing lanes outside the urbanized area
- * Lighting improvements
- * Widening narrow pavements or reconstructing bridges (no additional travel lanes)
- * Emergency truck pullovers

MASS TRANSIT

- * Operating assistance to transit agencies
- * Purchase of support vehicles
- * Rehabilitation of transit vehicles¹
- * Purchase of office, shop, and operating equipment for existing facilities
- * Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.)
- * Construction or renovation of power, signal, and communications systems
- * Construction of small passenger shelters and information kiosks
- * Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures)
- * Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way
- Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet¹
- Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR

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AIR QUALITY

- Continuation of ride-sharing and van-pooling promotion activities at current levels
- Bicycle and pedestrian facilities

OTHER

Specific activities which do not involve or lead directly to construction, such as:

- Planning and technical studies
- Grants for training and research programs
- Planning activities conducted pursuant to titles 23 and 49 U.S.C
- Federal-aid systems revisions

Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action

- * Noise attenuation
- * Advance land acquisitions (23 CFR 712 or 23 CFR 771)
- * Acquisition of scenic easements
- * Plantings, landscaping, etc.
- * Sign removal
- * Directional and informational signs
- Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities)
- * Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes

¹In PM₁₀ nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.

§93.135 Projects exempt from regional emissions analyses.

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 3 are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO or PM₁₀ concentrations must be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 3 is not exempt from regional emissions analysis if the MPO in consultation with other agencies (see §93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason.

Table 3. - Projects Exempt From Regional Emissions Analyses

- * Intersection channelization projects
- * Intersection signalization projects at individual intersections
- * Interchange reconfiguration projects
- * Changes in vertical and horizontal alignment
- Truck size and weight inspection stations
- Bus terminals and transfer points

ATTACHMENT B

Maryland Department of Transportation's Groupings of Non-Regionally Significant Projects for the FY 1995-2000 TIP

The grouping categories are based on MDOT's FY 1994-1999 Consolidated Transportation Program. The projects listed under the grouping categories are taken from the Environmental Protection Agency list of exempt projects in tables 2 and 3.

Highways

Systems Preservation/Traffic Management Categories

1. Environmental Projects

- Noise attenuation
- Plantings, landscaping, etc.
- Wetlands replacement/mitigation

2. Safety and Spot Improvement

- Railroad/highway crossing
- Hazard Elimination Program
- Increasing site distance
- Safety improvement program
- Railroad/highway crossing warning devices
- Guardrails, median barriers, crash cushions
- Pavement marking demonstration
- Fencing
- Skid treatments
- Adding medians
- Lighting improvements
- Emergency truck pullovers
- Intersection channelization projects
- Change in vertical and horizontal alignment
- Emergency relief
- Safety roadside rest areas
- Repair of damage caused by natural disasters, civil unrest, or terrorist acts except projects involving substantial functional, locational, or capacity changes
- Truck size and weight inspection stations

3. Resurfacing and Rehabilitation

Shoulder improvements
Pavement resurfacing and/or rehabilitation
Widening narrow pavements (no additional travel lanes)

4. Bridge Replacement and Rehabilitation

Reconstructing bridges (no additional travel lanes)

5. Urban Reconstruction

Sign removal
Directional and informational signs
Intersection channelization projects
Intersection signalization projects at individual intersections
Interchange reconfiguration projects
Streetscape and urban reconstruction

6. Congestion Management

Traffic control devices and operating assistance other than signalization projects
Bicycle and pedestrian facilities
Continuation of ride-sharing and van-pooling promotion activities at current levels
Roundabouts

7. Advance Land Acquisitions

8. Transportation Enhancements Activities.

Acquisition of scenic enhancements
Plantings, landscaping, etc.

Transit

Historically, MDOT has not grouped transit projects. However, WMATA does minor groupings of projects and is satisfied with the current TIP process.

A number of exempt projects were not grouped because MDOT did not have sufficient experience with those types as related to the TIP. The projects are listed as follows:

Safer non-federal-aid system roads
Truck climbing lanes outside the urbanized area
Planning and technical studies
Grants for training and research programs
Planning activities conducted pursuant to titles 23 and 49 USC

Federal-aid systems revisions
Engineering to assess social, economic, and environmental effects of the proposed
action or alternatives to that action
Bus terminals and transfer points
All projects listed under the Mass Transit Category in table #2

The following types of projects would not be considered exempt:

Signal systemizations
Park-n-Ride lots

APPENDIX C

TPB/Maryland agreement on planning boundaries

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.

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.

APPENDIX D

TPB/FAMPO agreement on planning activities

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
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 FREDERICKSBURG AREA METROPOLITAN
PLANNING ORGANIZATION ON CONSISTENCY AND
CONFORMITY OF PLANS, PROGRAMS, AND PROJECTS**

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 Fredericksburg Area Metropolitan Planning Organization (FAMPO) is the officially designated Metropolitan Planning Organization for the Fredericksburg area; and

WHEREAS, Stafford County, Virginia is a member of the FAMPO, and is included in the Washington DC-MD-VA non-attainment area; and

WHEREAS, under the Clean Air Act Amendments of 1990, plans, programs, and projects for Stafford County are required to be included in the TPB's air quality conformity analysis and determination for the Washington non-attainment area; and

WHEREAS, under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)," if more than one metropolitan planning organization has authority within a metropolitan area or an area which is designated as a non-attainment area for ozone or carbon monoxide under the Clean Air Act, 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 programs;" and

WHEREAS, on June 16, 1993 the TPB executed an agreement with the Fredericksburg Area Metropolitan Planning Organization to ensure consistency and conformity of the plans, programs, and projects of the TPB and FAMPO; and

WHEREAS, in a letter of October 4, 1994 the Federal Highway Administration advised the Virginia Department of Transportation that "Either all of Stafford County has to be in one or the other metropolitan planning area, or part of Stafford County can be in FAMPO's metropolitan planning area and the other part in TPB's metropolitan planning area. None of the area of Stafford County can be in both metropolitan planning areas."; and

WHEREAS, Stafford County has requested that the County be designated as completely within the FAMPO's planning area;

NOW, THEREFORE BE IT RESOLVED THAT: the National Capital Region Transportation Planning Board (TPB) hereby executes amendments to its June 16, 1993 agreement, as defined in Attachment A, with the Fredericksburg Area Metropolitan Planning Organization (FAMPO), to reflect Stafford County's request, and ensure continued consistency and conformity of plans, programs, and projects of the TPB and FAMPO.

Adopted by the Transportation Planning Board at its regular meeting on December 21, 1994.

ATTACHMENT A

Agreement between the National Capital Region Transportation Planning Board (TPB) and the Fredericksburg Area Metropolitan Planning Organization (FAMPO) on Consistency and Conformity of Plans, Programs, and Projects

Recognizing that Stafford County, Virginia, is a member of the FAMPO and is included in the Washington DC-MD-VA non-attainment area for ozone, and has requested that it be designated as completely within the FAMPO's planning area, TPB and FAMPO have agreed upon the following procedures for ensuring consistency and conformity of their plans, programs, and projects:

1. The TPB agrees that Stafford County be designated as completely within the FAMPO's planning area and that Stafford County not be a part of the planning area covered by the TPB, and not be a member of the TPB. Transportation plans, programs and projects in Stafford County will be included in the Long-Range Transportation Plan and Transportation Improvement Program (TIP) developed by the Fredericksburg Area Metropolitan Planning Organization (FAMPO), and will not be included in the TPB's Long-Range Transportation Plan and six-year Transportation Improvement Program (TIP).
2. While TPB and FAMPO will develop their plans, programs, and projects separately, TPB and FAMPO will coordinate their data collection and analysis activities, and will consult with each other to ensure that their plans, programs, and projects are integrated and consistent.
3. In accordance with a mutually acceptable schedule, FAMPO will submit its plans, programs and projects for Stafford County to the TPB for inclusion in the TPB's air quality conformity analysis and determination for the Washington non-attainment area. In the event that the TPB is unable to make a conformity determination due to an issue relating to the plans, programs, or projects submitted by FAMPO for Stafford County, the TPB will return such plans, programs, or projects with a detailed explanation of the conformity issue for reconsideration by FAMPO.
4. Stafford County will be involved in all aspects of the TPB's air quality conformity analysis and determination.
 - Formal involvement for Stafford County will be provided through the Virginia Department of Transportation on the TPB, and through Stafford County's membership on MWAQC and its Technical Staff Coordination Committee (TSCC).

- Informal involvement by Stafford County will be provided through participation by representatives of Stafford County and FAMPO in COG and TPB committees and processes concerned with conformity, including receipt of all materials and participation in all meetings, discussions, and reviews.

APPENDIX E

Distribution and approval process of TIPs and
air quality conformity reports



Local governments working together for a better metropolitan region

MEMORANDUM

District of Columbia

Bowie

College Park

Frederick

Frederick County

Gaithersburg

Greenbelt

Montgomery County

Prince George's County

Rockville

Takoma Park

Alexandria

Arlington County

Fairfax

Fairfax County

Falls Church

Loudoun County

Prince William County

March 27, 1998

TO: State Technical Working Group

FROM: Gerald K. Miller, Chief
 Program Coordination
 Department of Transportation Planning

RE: The Distribution and Approval Processes for the TIP and CLRP

This memorandum describes the actions to be taken by the TPB and the state transportation agencies to submit the TIP, CLRP and associated air quality conformity determination to the federal agencies for their approvals.

Since the processes for approving the update of the Long Range Plan will be similar, I suggest that we also discuss those approval actions and finalize them soon.

TPB Actions

- The TPB determines that the region's TIP conforms with the CAAA air quality requirements and approves the region's TIP.
- The TPB sends six copies of the TIP and six copies of its air quality conformity report with a letter to Ms. Michelle Pourciau of DCDPW, Mr. Frederick Rappe of MDOT, and Mr. Kenneth Lantz of VDOT.

Each letter requests the governor/mayor or designee to approve the region's TIP and to incorporate it into the state's TIP. The letter also requests the agency to submit copies of the approved region's TIP and its air quality conformity report to the FTA regional office in Philadelphia and to the appropriate FHWA division office (in the District of Columbia, Baltimore or Richmond).

- The TPB sends three copies of the TIP and its air quality conformity report to the FTA regional office in Philadelphia for its use in determining project eligibility.
- The TPB sends copies of the TIP and its air quality conformity report to the three state air quality offices for their information.

- The TPB sends copies of the TIP and its air quality conformity report to the FHWA division office in the District of Columbia for their information.

State Transportation Agency Actions

- Each state transportation agency submits copies of the state-approved region's TIP and its air quality conformity report to the FTA regional office in Philadelphia and to the appropriate FHWA Division office (in the District of Columbia, Baltimore or Richmond).
- Each state transportation agency provides the TPB with copies of the governor/mayor or designee's approval of the region's TIP.
- Each state transportation agency submits copies of the state's TIP to the FTA regional office in Philadelphia and to the appropriate FHWA Division office (in the District of Columbia, Baltimore or Richmond).

FHWA/FTA and EPA Actions

- The District of Columbia FHWA Division office submits copies of the multi-state approved region's TIP and its air quality conformity report to the EPA regional office in Philadelphia and to the FHWA regional office for comment (30 days).
- FHWA/FTA and EPA review the air quality conformity report on TIP and jointly concur that the TIP meets CAAA requirements.
- FHWA/FTA send letters to states and TPB approving air quality conformity of TIP.
- FHWA/FTA send letters to states approving state TIPs.

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APPENDIX F

TPB public involvement process

NATIONAL CAPITAL REGION
TRANSPORTATION PLANNING BOARD (TPB)

PUBLIC INVOLVEMENT PROCESS

Adopted on September 21, 1994

A. Policy Statement

It is the policy of the TPB to provide public access and involvement consistent with the requirements and spirit of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) under a true collaborative planning process in which the interests of all of the stakeholders -- public and private -- are reflected and considered. Accordingly, it is the TPB's intent to make both its policy and technical process inclusive of and accessible to all of these stakeholders. The TPB notes in structuring this public involvement process that many additional opportunities for access and involvement exist at the state and local jurisdictional levels through local, subregional, and state sponsored activities associated with transportation planning in the Washington region.

B. General Requirements and Criteria

The TPB will fulfill all of the requirements and criteria provided for public involvement under § 450.316 of the metropolitan planning rule published in the *Federal Register* on Thursday, October 28, 1993, as follows:

"Include a proactive public involvement process that provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing plans and TIPs and meets the requirements and criteria specified as follows:

- (i) Require a minimum public comment period of 45 days before the public involvement process is initially adopted or revised;
- (ii) Provide timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs and projects (including but not limited to central city and other local jurisdiction concerns);
- (iii) Provide reasonable public access to technical and policy information used in the development of plans and TIPs and open public meetings where matters related to the Federal-aid highway and transit programs are being considered;
- (iv) Require adequate public notice of public involvement activities and time for public review and comment at key decision points, including, but not limited to, approval of plans and TIPs (in nonattainment areas, classified as serious and above, the comment period shall be at least 30 days for the plan, TIP and major amendment(s));

- (v) Demonstrate explicit consideration and response to public input received during the planning and program development processes;
- (vi) Seek out and consider the needs of those traditionally underserved by existing transportation systems, including but not limited to low-income and minority households;
- (vii) When significant written and oral comments are received on the draft transportation plan or TIP (including the financial plan) as a result of the public involvement process or the interagency consultation process required under the U.S. EPA's conformity regulations, a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP;
- (viii) If the final transportation plan or TIP differs significantly from the one which was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts, an additional opportunity for public comment on the revised plan or TIP shall be made available;
- (ix) Public involvement processes shall be periodically reviewed by the MPO in terms of their effectiveness in assuring that the process provides full and open access to all;
- (x) These procedures will be reviewed by the FHWA and the FTA during certification reviews for TMAs, and as otherwise necessary for all MPOs, to assure that full and open access is provided to MPO decisionmaking processes; and
- (xi) Metropolitan public involvement processes shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and costs."

C. Specific Activities

The TPB will carry out the following specific activities in support of the above policy statement and general requirements and criteria:

- (1) Dedicate a period of time (approximately twenty minutes) during each TPB meeting for public comment by interested citizens and groups on transportation issues under consideration by the Board.
- (2) Hold special public forums and workshops at convenient locations and times to inform and obtain comment from interested citizens and groups on key actions to be taken by the TPB, including the development and review of the six-year Transportation Improvement Program (TIP) and the Long Range Plan (LRP), and the analysis of the TIP and LRP conformity to State(s) or Federal Implementation Plans for attaining and maintaining federal air quality standards.
- (3) Continue to support a Citizen Advisory Committee (CAC) to provide independent, region-oriented citizen advice to the TPB on transportation plans, programs, and issues in the National Capital Region, including responding to requests from the TPB to assess or comment on specific issues and subject matter.

Specific operating procedures for the CAC shall be as follows:

- (i) Time (approximately five minutes) shall be reserved on each TPB meeting agenda for the CAC chairperson to report on CAC activities. This item shall follow the report made each month by the chairperson of the TPB Technical Committee.
 - (ii) Membership in the CAC shall be open to both groups and individuals. Voting rights shall be limited to those who have attended at least one of the previous six meetings.
 - (iii) CAC meetings shall be held the Thursday preceding the TPB meeting from 5 to 7 pm. TPB mailout materials shall be available for review in the meeting room one hour prior to the meeting. TPB staff shall be available at the meetings to brief the CAC on TPB procedures and activities as requested, and to answer questions. The CAC chairperson shall be responsible for preparing agendas for the CAC meeting, and for appointing a secretary to take minutes. TPB staff shall mail to CAC members upcoming CAC meeting materials, including copies of the agenda and minutes of the previous meeting.
- (4) Produce a monthly newsletter, *TPB News* (first issued in December 1992), to inform as wide a group as possible of the activities of the TPB and CAC. The newsletter shall be distributed to any person or group requesting it. The newsletter shall include a summary of the previous monthly TPB meeting, key agenda items for the next monthly TPB meeting, a calendar of all TPB Committee/Subcommittee meetings over the coming two months, a brief summary of the previous CAC meeting, an announcement of the time and place for the next CAC meeting, and other relevant news items.
 - (5) Seek opportunities to implement creative approaches for reaching citizens not currently on the mailing list for *TPB News*, including cable TV, special meetings and briefings, and transportation concept competitions.
 - (6) Provide access to the specialized technical and policy activities of the TPB through open attendance at meetings of the TPB Technical Committee and its Subcommittees. The chairs of TPB committees and subcommittees shall recognize members of the public who wish to ask questions or make comments at these meetings, to the maximum extent possible under the time constraints imposed by the agendas.
 - (7) Ensure further that reasonable public access is provided to technical and policy information used in the TPB process through the following activities:
 - (i) Provide comprehensive descriptions of the technical and policy procedures used in the TPB process in terms understandable to the public. These descriptions will be updated as new procedures are developed and adopted.
 - (ii) Invite members of the public to participate in the review of technical work programs and analysis results through attendance at the appropriate technical committee and subcommittee meetings, and the TPB meetings. In addition to participation in these meetings, concerns and issues on such technical work

- can be raised formally with the TPB either through the CAC or by raising the concern during the public comment period provided at each TPB meeting.
- (iii) Invite members of the public to request copies of reports and other technical information (other than proprietary software or legally confidential data). These requests will be handled as follows:
 - (a) Relevant reports and technical information will be distributed free of charge at meetings of the TPB, the TPB Technical Committee and its Subcommittees, and the TPB Citizen Advisory Committee. To the extent practical within budget limitations, relevant reports and technical information will also be made available free of charge for other meetings and outreach activities related to TPB activities.
 - (b) In circumstances other than (a), requests for reports and technical information will be fulfilled on an "at cost" basis, including duplication costs and staff time associated with responding to the requests. For state and local agencies, WMATA, and consultants under contract to these agencies, miscellaneous services budgets specified in the Unified Planning Work Program (UPWP) can be used to cover these costs, once written approval has been obtained from the appropriate state agency or WMATA. For other organizations, a direct charge will be made to the requesting organization.
 - (c) DTP staff will seek opportunities to make suitable reports and technical information available through electronic bulletin board services that can be accessed by public libraries, universities, other public agencies, and private organizations and individuals.
- (8) Maintain active communication and consultation with the Board of Directors and other interested committees at the Metropolitan Washington Council of Governments.