

# For Your Information – Transportation Air Quality Conformity Analysis Approved

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Transportation Technical Advisory Committee

September 1, 2010

Agenda Item #10-A





U.S. Department  
of Transportation

Federal Transit Administration  
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August 30, 2010

In Reply Refer To:

Joint Federal Highway Administration  
and Federal Transit Administration  
Transportation Conformity Finding for  
the Hampton Roads 8-Hour Ozone  
Maintenance Area

Mr. Gregory A. Whirley  
Commissioner  
Virginia Department of Transportation  
1401 East Broad Street  
Richmond, Virginia 23219-2000

Dear Mr. Whirley:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are responsible for ensuring that transportation plans, programs and projects meet the requirements of the Clean Air Act (CAA). With passage of the 1990 Clean Air Act Amendments, transportation plans, programs and projects developed, funded or proposed under 23 U.S.C. or the Federal Transit Act must demonstrate conformity in accordance with Section 176(c) of the CAA as amended.

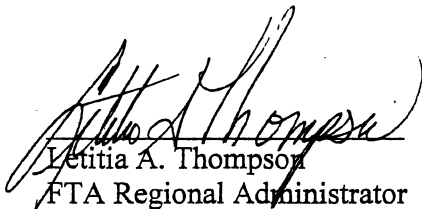
On June 30, 2010, FHWA transmitted a copy of the final report of the Transportation Conformity Analysis for the Amended FY 2009-2012 Transportation Improvement Programs (TIP) and FY 2030 Constrained Long Range Plan (CLRP) prepared by the Hampton Roads Area Metropolitan Planning Organizations (MPO) for the Hampton Roads 8-Hour Ozone Maintenance Area to the Environmental Protection Agency (EPA) for their formal review. The Transportation Conformity Analysis was prepared in accordance with the November 24, 1993, Final Rule of Criteria and Procedures for Determining Conformity promulgated by EPA and subsequent rulemakings related to ozone dated August 7 and November 14, 1995, August 15, 1997, July 1, 2004, and January 25, 2008. In addition, the Transportation Conformity Analysis is consistent with a variety of guidance issued by the EPA as well as guidance issued by FHWA and FTA developed to address many conformity-related topics. EPA has completed their formal review and by letter dated August 17, 2010, EPA informed FHWA and FTA that they concur that the Transportation Conformity Analysis demonstrates that the TIP and CLRP prepared for the Hampton Roads 8-Hour Ozone Maintenance Area satisfy the requirements of the transportation conformity rule. Namely, the analysis demonstrates that regional emissions in each milestone year will be below the budgets established for those years in the area's approved Maintenance Plan.

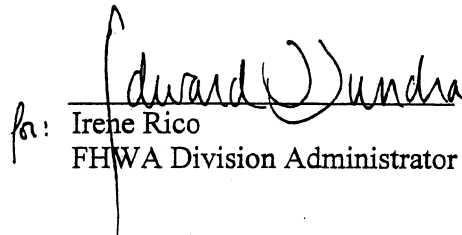
At least one non-regionally significant project was included in the amended CLRP using discretionary funding that has not been awarded yet. While the inclusion of this project does not affect the conformity analysis, this conformity finding does not constitute approval that this project has satisfied FHWA/FTA's fiscal constraint requirements and can be advanced. Should this project not receive the discretionary funding anticipated, FHWA's approval of this project will depend upon the submittal of documentation that it can be funded from revenue sources reasonably expected to be available.

Based on the foregoing, FHWA and FTA find that the Transportation Conformity Analysis final report of the Amended FY 2009-2012 TIP and FY 2030 CLRP for the Hampton Roads 8-Hour Ozone Maintenance Area demonstrates conformity as prescribed by EPA's Transportation Conformity Rule and subsequent amendments and guidance. This letter represents that transportation conformity finding. This conformity finding remains valid for a period of four years assuming that no regionally significant projects are amended to or removed from the TIP or CLRP and assuming that no metropolitan transportation planning deadlines come due before then.

If you have any questions or need additional information, please contact Marisel Lopez-Cruz of FHWA at (804) 775-3338 or Tony Cho of FTA at (215) 656-7001.

Sincerely,

  
Yvetitia A. Thompson  
FTA Regional Administrator

  
for: Irene Rico  
FHWA Division Administrator

CC: Mr. Jim Ponticello and Christopher Voigt, VDOT (via e-mail)  
Mr. Dwight Farmer (via e-mail)  
Martin Kotsch, EPA (via e-mail)